

15 September 1998

**Further information on UA 51/98 (AFR 16/05/98, 16 February 1998) - Death Penalty/  
Legal concern and new concern: Fear of imminent execution/**

**BURUNDI** At least 260 prisoners under sentence of death, including: new names: Nephtali HABIMANA, Daniel KABURA, Eustache SEREMBE, Rénovat RUTOZI, Pierre BANBONEYEHO, Tharcisse BARYIMARE, Grégoire NIKOBITUNGWA, Barnabé NTARUNDENGA, Evariste NTUYAHAGA

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The above prisoners, who were convicted after unfair trials, may face imminent execution. At least 25 prisoners have had their death sentences confirmed by the cassation court, and all are now awaiting presidential clemency.

None of the people listed above received legal representation at their trials or on appeal. Out of all those who lost their appeals, only two prisoners had legal representation. Most complained that defence witnesses were not heard, and that they had no opportunity to defend themselves. The men had eight days in which to lodge appeals after their convictions. They were not provided with the documentation relating to the verdict and were therefore forced to submit their appeal without knowledge of the grounds on which they had been convicted. The procedure for lodging an appeal to the cassation court is technical, and without proper documentation and legal assistance, these appeals were easily rejected.

The men are currently detained in Mpimba Central Prison, in Bujumbura, the capital city. Approximately 200 of the prisoners who have been sentenced to death are held in three cells of the prison, where conditions amount to cruel, inhuman and degrading treatment. The cells are extremely overcrowded, and prisoners are obliged to take turns lying down and sleeping. Unlike other prisoners and detainees who receive regular family visits, prisoners who have been condemned to death receive only one family visit per week. They are allowed outside their cells for half an hour per day.

At least 260 people have now been sentenced to death after their conviction of participation in the massacres which followed the 1993 assassination of President Ndadaye. Trials are taking place in the criminal chambers, *chambres criminelles*, of courts in the capital Bujumbura, and Ngozi and Gitega towns in northern and central Burundi, the majority of which have been grossly unfair. Under the Burundi judicial system, there are only limited grounds for appeal, and even in capital offences, there is no opportunity for many defendants to have the conviction and sentence reviewed by a higher independent jurisdiction. Defendants may then seek presidential clemency.

Senior officials in the Burundi government have stated on several occasions their intention to proceed with executions despite national and international concern at the failure of trials to reach internationally recognized standards of fairness and at the execution of six men on 31 July 1997 after grossly unfair trials. Amnesty International opposes the death penalty in all countries and all circumstances, because it is a state-sanctioned violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. The situation is of special concern when people may be sentenced to death after unfair trials.

Names of 16 people who have lost their appeals are known to Amnesty International and have been given in previous Urgent Actions. Appeals should continue on their behalf.

**FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in or in your own language:  
(Please check with your post office whether there is post to Burundi from your country.)**

- expressing concern that the men named above, all of whom were convicted after unfair trials, may be at imminent risk of execution;
- appealing to the authorities not to carry out any further executions and for president Major Buyoya to grant presidential clemency when sentences come before him;
- urging Major Buyoya to take into consideration the unfairness of the trials when reviewing the cases;
- appealing to the authorities to take all measures necessary to ensure that all trials taking place in Burundi conform to international standards of fairness as required by international human rights treaties to which Burundi is party, including the International Covenant on Civil and Political Rights and the African Charter on Human and People' Rights.

**APPEALS TO:**

President

Major Pierre Buyoya  
Président de la République  
Présidence de la République

**Fax: 257 22 7490**

**Telegrams: Major Buyoya, Bujumbura, Burundi**

**Salutation: Dear President**

Minister of Justice

Monsieur Terence SINUNGURUZA  
Ministre de la Justice et Garde des sceaux  
Ministère de la Justice

**Fax: 257 22 21 48**

**Telegram: Ministre Justice, Bujumbura, Burundi**

**Salutation : Monsieur le Ministre**

Minister for Human Rights, Insitutional Reform and Relations with the National Assembly

Eugène NINDORERA  
Ministre des droits de la Personne humaine, des réformes institutionnelles,  
et des relations avec l'Assemblée nationale  
Bujumbura, Burundi

**Fax: + 257 21 38 47**

**Telegrams: Ministre Droits de la Personne, Bujumbura, Burundi**

**Salutation : Monsieur le Ministre / Dear Minister**

**COPIES TO:**

Procurator General: Maître Jean Bosco BUTASI, Procureur Général, Bujumbura, Burundi

Fax: + 257 22 21 48

and to diplomatic representatives of Burundi accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 27 October 1998.

**"Everyone has the right to life, liberty and security of person"  
Article 3, The Universal Declaration of Human Rights**