

BURUNDIFirnat Niyonkenguruka
Stanislas Machini
Ephraim Banka
Edouard Sahokwsawama
Pontien Bizumukama
Damien Nsabimana

Six men, Stanislas Machini, Firnat Niyonkenguruka, Ephraim Banka, Edouard Sahokwsawama, Pontien Bizumukama and Damien Nsabimana were executed on 31 July 1997. They were convicted of participation in massacres or killings following the assassination of the first democratically elected president of Bujumbura, Melchior Ndadaye on 21 October 1993,

The men were sentenced to death after grossly unfair trials. Their sentences were confirmed by President Major Pierre Buyoya on 30 July 1997.

The executions came shortly after a meeting of the council of magistrates in Bujumbura on 29 July which is reported to have recommended that presidential clemency should not be granted and death sentences should be carried out.

According to information received by Amnesty International up to 130 other people, also convicted after unfair trials, may face imminent execution if presidential clemency is not granted.

Amnesty International is appealing for Major Buyoya to grant clemency to all others under sentence of death and to allow for their sentences and convictions to be reviewed by a truly impartial judicial body.

Firnat Niyonkenguruaka was convicted in June 1996 of killing 70 Tutsi school children. At his trial he was denied the right to legal representation. Defence witnesses requested by Firnat Niyonkenguruka were excluded from the trial. Neither he nor his lawyer was present at his appeal hearing at the *cour de cassation* in March 1997. Stanislas Machini was a former executive member of the political opposition party, the *Rassemblement du peuple burundais*, Rally for the Burundi People, arrested in August 1995. In 1995 he wrote to the *Procureur General* alleging he had confessed under torture to participation in the massacres after torture. The allegation of torture is not known to have been investigated. He was sentenced to death in February 1997. Stanislas Machini also submitted an appeal to the *cour de cassation*, although the date of his appeal hearing is not known.

BACKGROUND INFORMATION

The last judicial executions in Burundi were carried out in 1981. During 1996, over 80 people were sentenced to death after their conviction of participation in massacres of civilians which took place in October and November 1993. None were represented by lawyers. During 1997 trials have continued, and at least 13 death sentences have been passed. Amnesty International continues to be concerned at serious irregularities in pre-trial and trial proceedings and is concerned that the majority of the trials are seriously flawed.

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.

Over 6,000 people are now in detention in Burundi, the majority of them members of the Hutu ethnic group, accused of participation in massacres of Tutsi civilians following the assassination of former President Melchior Ndadaye. Many arrests have been apparently arbitrary and a significant proportion of those in detention awaiting trial and possibly the death penalty may be innocent.

Please note: there is no post currently getting through to Burundi.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes in French or your own language:

- condemning the execution of the six men named above after blatantly unfair trials;
- expressing concern that up to 130 other defendants, also convicted after unfair trials, may be at imminent risk of execution if presidential clemency is not granted;
- 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;
- 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 Peoples' Rights;

APPEALS TO:

Minister of Justice

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

Fax: 257 21 61 02 (Via the Minister for Human Rights. Please ask for your fax to be forwarded to the Minister of Justice.)

Telegram: Ministre Justice, Bujumbura, Burundi

Salutation : Monsieur le Ministre

President

Major Pierre Buyoya
Président de la République
Présidence de la République

Fax: 257 22 7490

Telegrams: Major Buyoya, Bujumbura, Burundi

Salutation: Monsieur le Président/Dear President

Minister for Human Rights, Social and Women's Affairs

Madame Christine RUHAZA
Ministre des Droits de la Personne humaine, de l'Action sociale et de la
Promotion de la femme

Fax: 257 21 61 02

Telegrams: Madame Ruhaza, Bujumbura, Burundi

Salutation : Madame le Ministre/Dear Minister

COPIES TO:

Minister of Defence

Lieutenant-Col. Firmin SINZOYIHEBA

Ministre de la Défense Nationale

Ministère de la Défense

Fax: 257 22 56 86

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 12 September 1997.