

EXTERNAL

AI Index: AFR 16/39/97

20 November 1997

Further information on UA 254/97 (AFR 16/29/97, 1 August 1997) and follow-ups (AFR 16/33/97, 15 August, AFR 16/38/97, 31 October) - Execution / Fear of further executions / Legal concern

BURUNDIA At least 220 prisoners under sentence of death including :

Corneille KARIKURUBU, teacher

Libérat NTANDIKIYE, farmer

new names: Jean Berchmans NGENDAKIMANA, farmer

Joseph NTEZIRIBA, teacher

Jackson HATUNGIMANA

At least three more prisoners have lost their appeals at the *cour de cassation* at the Supreme court in Bujumbura. Amnesty International is concerned that they, and other prisoners awaiting presidential clemency, may face imminent execution. Since 31 July 1997, when six men were executed, senior government officials have indicated their intention to continue executions, despite persistent grave concerns about the unfairness of the on-going trials.

Jean Berchmans Ngendakimana and Joseph Nteziriba were sentenced to death in Gitega in March 1996. They were convicted after unfair trials, in which they reportedly did not have legal representation. Jackson Hatungimana was sentenced to death in March 1996 in Bujumbura. He did not have legal representation. All were convicted of participation in the massacres which followed the assassination of President Ndadaye in October 1993. All three men are believed to be seeking presidential clemency.

According to information received by Amnesty International, at least 220 prisoners are currently under sentence of death in Burundi, the majority in connection with their alleged participation in the 1993 massacres. Many prisoners sentenced to death in 1996 reportedly did not submit appeals - some through lack of knowledge of the correct procedures compounded by lack of legal representation. At least six people were sentenced to death in November 1997 after their conviction for their alleged participation in the massacres of 1993.

During 1996, virtually all defendants were denied legal representation. Despite some improvements in the trials such as increased legal representation, Amnesty International remains seriously concerned that flaws in pre-trial and trial procedures, such as torture, lack of substantiating evidence, lack of legal representation in some cases, mean that the trials cannot be considered to have been fair. Despite the gravity of the alleged offences and potential severity of the sentences the majority of the trials are reported to last only a couple of hours. Under the Burundi judicial system, there are limited grounds for appeal, and even on capital offences for many defendants there is no legal opportunity to have the conviction and sentence reviewed by a higher independent jurisdiction. This is in contravention of international treaties such as the International Covenant on Civil and Political Rights which Burundi has ratified.

There is no other option to challenge either the conviction or sentence. Defendants may then seek presidential clemency.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes (no mail to Burundi) in French or in your own language:

- acknowledging the role of the government in bringing to justice those responsible for criminal acts, but expressing opposition to the death penalty in call cases;
 - appealing to President Buyoya to grant presidential clemency when death sentences come before him, naming the three new names if possible;
 - urging the other authorities listed to urge this of the President;
 - expressing concern that the majority of the 220 people currently under sentence of death were probably convicted after unfair trials, and urging that their sentences and convictions be reviewed by a truly impartial judicial body;
- if possible, also:**
- appealing to the authorities not to carry out any further executions and 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:

Note: the fax numbers work intermittently, and may require repeated attempts.

President

Major Pierre Buyoya
Président de la République
Présidence de la République
Faxes: +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
Faxes: +257 22 21 48
Telegram: Ministre Justice, Bujumbura, Burundi
Salutation : Monsieur le Ministre

Minister of Defence

Lieutenant-Col. Firmin SINZOYIHEBA
Ministre de la Défense Nationale
Ministère de la Défense
Faxes: +257 22 56 86
Telegrams: Ministre Defense, Bujumbura, Burundi
Salutation: Monsieur le Ministre

COPIES TO:

Minister for Human Rights, Social and Womens Affairs

Madame Christine RUHAZA
Ministre des Droits de la Personne humaine, de l'Action sociale et de la
Promotion de la femme
Faxes: +257 21 61 02

Prime Minister

Pascal Firmin NDIMIRA
Premier Ministre

Bujumbura, Burundi
Faxes: +257 22 64 24

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 22 December 1997.