

EXTERNAL

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Fear of executions / Legal concern

15 August 1996

**BURUNDI**Firmat Niyonkenguruka, former secondary school director

**and about 88 others sentenced to death since February 1996**

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Amnesty International is concerned about reports that more than 80 members of the majority Hutu ethnic group, sentenced to death in early 1996 in connection with killings of members of the minority Tutsi ethnic group, could be executed.

Fears have been generated by a demand for the public hanging of people on death row made by mainly Tutsi government employees meeting recently in the Burundi capital, Bujumbura. A minister in the government which came to power in a *coup d'etat* on 25 July 1996 reportedly said he would consider their demand.

The people on death row were sentenced to death during unfair trials earlier this year. None of those convicted had legal representation in courts which are dominated by Tutsi prosecutors and judges. Burundi lawyers, virtually all of whom are Tutsi, refused to represent the defendants. Defendants had no opportunity to call witnesses in their defence or to cross-examine those for the prosecution.

The Supreme Court has reportedly not yet responded to appeals by the defendants against their convictions and sentences.

#### **BACKGROUND INFORMATION**

As many as 150,000 people, most of them civilians, have been killed since the coup attempt in October 1993. Hutu and Tutsi civilians and members of the security forces have been involved in the killings which continue unabated. More than 6,500 civilians, mostly Hutu, including at least 2,600 accused of involvement in massacres, are held in various prisons and detention centres around the country.

At least 150 people have been tried since February 1996 in connection with the massacres. Eighty-nine of these have been sentenced to death and at least 36 have been sentenced to life imprisonment. None of the Tutsi civilians and soldiers who have killed tens of thousands of Hutu have been brought to justice. Earlier this year, a military court ruled that soldiers charged with involvement in a coup attempt and assassination of former President Ndadaye in October 1993 had no case to answer.

In the country's 30-year history of massacres in which most of the victims before 1993 were Hutu, virtually no Tutsi have been brought to justice. The judiciary at all levels has remained Tutsi-dominated. Many Hutu consider the judiciary, just like many other Burundi institutions, as an extension of Tutsi domination. The Burundi authorities have refused recommendations to make the judiciary independent and impartial, including by accepting assistance by foreign judicial experts.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in French, Kiswahili or your own language:**

- expressing concern at reports of demands in Burundi for the execution of people sentenced to death in connection with massacres which have occurred in the country since October 1993;

- seeking assurances that the death sentences, which are ultimate cruel, inhuman or degrading punishment, will not be carried out and that the physical integrity of all prisoners will be safeguarded;
- adding that any executions, even those ordered by the courts, would only worsen the already intolerable violence which Burundi is experiencing;
- expressing concern that virtually all those sentenced to death were subjected to unfair trials in violation of international human rights standards, such as the International Covenant on Civil and Political Rights, to which Burundi is a party;
- urging the authorities to ensure that all those who have been convicted or are to be tried on serious criminal charges, have access to legal counsel and exercise their right to appeal to an independent and impartial higher appeal court.

**APPEALS TO:**

President

Major Pierre Buyoya  
Président de la République  
Présidence de la République  
BP 1870, Bujumbura, Burundi

**Faxes: +257 22 7490**

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

**Salutation: Monsieur le Président/Dear President**

Prime Minister

Monsieur Pascal-Firmin Ndimira  
Premier Ministre  
Présidence de la République  
BP 2800, Bujumbura, Burundi

**Faxes: +257 22 6424**

**Telegrams: Premier Ministre Ndimira, Bujumbura, Burundi**

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

Minister of Justice

Gervais Rubashamiheto  
Ministre de la Justice et Garde des sceaux  
Ministère de la Justice  
BP 1880, Bujumbura, Burundi

**Faxes: +257 22 2148**

**Telegrams: Ministre Rubashamiheto, Bujumbura, Burundi**

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

**COPIES TO:**

Madame Christine Ruhaza  
Ministre des Droits de la personne humaine  
de l'Action sociale et de la Promotion de la femme  
Ministère des Droits de la personne humaine  
BP 2690

Bujumbura, Burundi

**Fax: 257 21 51 79 or 257 23 31 39**

Eugène Nindorera

Ministre de la Réforme des institutions  
Ministère de la Réforme des institutions

Bujumbura, Burundi

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 30 September 1996.