

UA 257/98

Legal concern / Death penalty

25 September 1998

**BURUNDI**      **Jean Minani, peasant farmer**

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Jean Minani, accused of killing Lieutenant Colonel Lucien Sakubu, a former mayor of Bujumbura, in March 1995, is currently on trial by the criminal chamber of the Court of Appeal, in Bujumbura the capital. His next hearing is scheduled for 30 September 1998. If convicted he could face the death penalty. Amnesty International is concerned that any conviction could rest primarily on the basis of a statement of confession extracted from Jean Minani under torture in 1995. If convicted he would have no right to a full appeal.

The only evidence against Jean Minani concerning the murder of Lieutenant Colonel Lucien Sakubu appears to be his statement of confession. At the first hearing on 15 September, his defence lawyer argued that this should not be accepted. Photographs showing the injuries caused by the torture were shown in court. A second hearing has now been scheduled to allow witnesses for the defence and prosecution to be heard.

Torture and ill-treatment are systematic in Burundi, particularly in the early stages of detention in police custody, in many cases to force "confessions". The vast majority of torture allegations are not investigated - and many such confessions are accepted as evidence by the courts.

Amnesty International first took action on the case of Jean Minani in March 1995 after representatives from the organization met and interviewed him at the *Brigade spéciale de recherche* (BSR), special investigation unit, shortly after his arrest (see UA 77/95, AFR 16/04/95, 27 March 1995). He had been severely beaten and said that he had been tortured to extract a confession. He denied the charges. In August 1995, when he appeared before the Procureur Général (Attorney General) he repeated these allegations and again denied that he had committed the murder. Amnesty International delegates again met and interviewed Jean Minani in May 1998 in Mpimba Central Prison, Bujumbura, days after his first court appearance. He had been held without trial for over three years.

Jean Minani was one of 12 people detained on accusations of involvement in the murder of Lt-Col Sakubu. All were severely beaten. Four detainees have since been released without charge and one has died in prison. Six others will reportedly be tried on charges of lesser offences in connection with the case, before a different court of a lower jurisdiction which cannot impose the death penalty, in Bujumbura. The exact charges against them are not known. Jean Minani, the only one who, under torture, made a statement admitting to the killing, is the only one to be tried in connection with the murder by the criminal chamber.

**BACKGROUND INFORMATION**

Following the murder of Lt-Col Sakubu in 1995, around 80 people from the local area in which the body was discovered were arrested and taken to the BSR for interrogation. Women and children among the 80 were asked to reveal the identities of those thought to be involved in the killing. All but 12 were subsequently released. Following intervention by Amnesty International in March 1995, the Burundi Minister of Justice formally requested that there be an investigation and report on the cases. It is not known if this ever took place.

**RECOMMENDED ACTION:** Please check with your post office whether postal services from your country are functioning to Burundi. Please send telegrams/telexes/faxes - and if you are able, airmail letters - in French or your own language:

- reminding the authorities that they are obliged by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and by the International Covenant on Civil and Political Rights not to accept as evidence statements made as a result of torture;
- seeking clarification on whether the original allegations of torture by Jean Minani were investigated and, if so, what was the result of the investigation and whether those responsible were brought to justice;
- seeking guarantees that the charges against Jean Minani will be fully and impartially investigated and if found to be substantiated, he will be brought to justice in accordance with international standards for fair trial and without recourse to the death penalty;
- reminding the government of Burundi of its commitment to the Universal Declaration of Human Rights, in particular Article 10: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

**APPEALS TO (please note that fax tones are difficult to obtain at times):**

Procureur General

Maître Jean Bosco BUTASI

Procureur Général, Bujumbura, Burundi

**Telegrams: Procureur General**

**Faxes: + 257 22 21 48**

**Salutation: Monsieur le Procureur Général / Dear Attorney General**

Minister of Justice

Monsieur Terence SINUNGURUZA

Ministre de la Justice et Garde des sceaux

Ministère de la Justice, Bujumbura, Burundi

**Telegrams: Ministre Justice, Bujumbura, Burundi**

**Faxes: + 257 22 21 48**

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

Minister for Human Rights

Monsieur Eugène NINDORERA

Ministre des Droits de la Personne humaine, des Réformes institutionnelles et des Relations avec l'Assemblée nationale

BP 6802, Bujumbura, Burundi

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

**Faxes: + 257 21 38 47**

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

**COPIES 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 4 November 1998.

**"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."**

*Article*

*10, Universal Declaration of Human Rights*

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