

EXTERNAL

AI Index: AFR 16/38/97

31 October 1997

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

BURUNDI **At least 215 prisoners under sentence of death**
 Including: Corneille KARIKURUBU
 Libérat NTANDIKIYE

Corneille Karikurubu and Libérat Ntandikiye may be facing imminent execution after their appeal to the *cour de cassation* of the Supreme Court was rejected. They may now seek presidential clemency.

Corneille Karikurubu and Libérat Ntandikiye were sentenced to death in early 1996 after their conviction of participation in the massacres of Tutsi civilians which followed the assassination of President Melchior Ndadaye on 21 October 1993. Despite the gravity of the charges against the men, they, like the majority of defendants during 1996, did not have access to legal representation.

Corneille Karikurubu and Libérat Ntandikiye appealed to the *cour de cassation* at the Supreme Court. Their appeals were rejected in October 1997.

According to information received by Amnesty International, at least 215 prisoners are currently under sentence of death in Burundi, the majority in connection with their alleged participation in the 1993 massacres. At least 50 other prisoners have submitted appeals to the *cour de cassation* in October.

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 the use of torture, lack of substantiating evidence, and 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.

Despite international condemnation of the execution, after grossly unfair trials, of six men on 31 July 1997 (see original UA), the Burundi government has expressed its intention to continue executions. They were the first executions to be carried out in Burundi since the early 1980s.

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

- acknowledging the duty of the government to bring to justice those responsible for criminal acts, but expressing opposition to the death penalty in all cases as a cruel, inhuman and degrading punishment which has no unique deterrent effect and is brutalizing to all involved in its application;

- urging the President to grant clemency to Corneille Karikurubu and Libérat Ntandikiye and all other death sentences that come before him;
- asking the other authorities listed to urge this of the President;
- expressing concern that the trials of the majority of those currently under sentence of death probably did not meet international standards of fairness;
- calling on the authorities to ensure that all trials conform to international human rights treaties to which Burundi is a state party, including the International Covenant on Civil and Political Rights and the African Charter on Human and People' Rights;

if possible, also:

- ask that allegations by defendants of torture to extract confessions be investigated State that if the inquiry finds evidence of torture, the trial cannot be considered to be fair, nor the verdict safe.

APPEALS TO:

Minister of Justice

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

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

Telegrams: Ministre Justice, Bujumbura, Burundi

Salutation: Monsieur le Ministre

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 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 NDIRIMIRA
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 15 December 1997.