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Burundi: Fear of executions - another step backwards

Amnesty International is very concerned at the prospect of renewed judicial executions in Burundi.

Four men, all Rwandese nationals, appear to be at imminent risk of execution in Bujumbura. The men were tried on 23 February 2004 on charges relating to a bank robbery that took place in Bujumbura on 29 January 2004, in which one person was killed and a large amount of money stolen.

Arrested on 31 January, the men were initially detained incommunicado at the *Brigade spéciale de recherche* (BSR), a gendarmerie special investigation unit, where they were reportedly badly beaten. Following the men's arrest, a Bujumbura gendarmerie commander called for an example to be made of the men to deter others.

On 26 February, the President of Burundi reportedly told journalists that an example should be made, and that the men in question were not the only ones who would be subjected to this punishment, raising fears that the verdict and outcome of any subsequent appeals is a foregone conclusion, and that further executions may follow.

"Burundi may well be closer to peace now than at any time in the last 10 years. To begin a new era with executions after unfair trials sends a very negative - and violent - message that undermines government claims to be committed to human rights. Furthermore, executions fly in the face of the worldwide trend towards abolition," the organization said.

112 of the world's 190 countries have now *de facto* or *de jure* abolished the death penalty, including 22 in Africa. In recent years Angola, Mauritius, Mozambique, Namibia, Seychelles, Côte d'Ivoire and South Africa have all abolished the death penalty. President Levy Mwanawasa of Zambia last week commuted the death sentences of 44 alleged coup plotters, and promised not to carry out any executions while in office.

The State Public Prosecutor has requested the death penalty. It is highly unusual for a trial to take place so soon after arrest in Burundi. The verdict is expected imminently.

"The President should uphold respect for human rights in Burundi, where no executions have been carried out since the year 2000. He should also honour his party's historic commitment to abolition of the death penalty," Amnesty International urged.

While Amnesty International recognizes the right of states to bring to justice all those suspected of involvement in criminal acts, the organization believes that executions are a state-sanctioned violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment.

Always an abuse of human rights, the death penalty is of particular concern when it is imposed after an unfair trial. In the current case of the four Rwandese, the court denied their request for legal assistance. The defendants were told to defend themselves, although they were given no time to prepare a defence. The trial lasted three hours.

"The judicial authorities in Burundi must ensure that all prisoners are guaranteed every opportunity to defend themselves, and the right of appeal to a higher tribunal," the organization added.

Under international human rights standards, people charged with crimes punishable by death are entitled to the strictest observance of fair trial guarantees and to certain additional guarantees. These guarantees are not met in Burundi.

The Burundi government is undeniably faced with a serious problem of rising violent crime, facilitated by the proliferation of small arms. However, government response has been at best weak and at worst a contributing factor. During 2003, in response to repeated attacks by armed groups and criminal gangs, including members of the security forces, the government authorised the distribution of arms to the civilian population. Amnesty International remains deeply concerned that providing more arms to a civilian population in a context of insecurity and poverty will lead inevitably to further human rights abuses.

"The premise that executions will be an effective deterrent is false. Too often, executions in high profile cases are used to provide an illusion of a strong response, while underlying issues such as having a credible functioning justice system and controlling the flow of arms are not addressed," Amnesty International said.

Background

Over 450 people are currently under sentence of death in Burundi. Many were convicted after grossly unfair trials and without the possibility to appeal. Until September 2003, capital cases were tried at the level of the Court of Appeal, denying defendants the right to a full appeal against conviction and sentence. No measure has been introduced which would enable a review of cases of people sentenced to death by the Courts of Appeal.

In October 2000, two members of the Burundian armed forces were executed after a summary trial in which they were denied legal assistance. The two executed men were not allowed to appeal against their sentence. Both had been convicted of high-profile murders.

In July 1999, an army corporal was executed one day after he was sentenced to death by a Bujumbura military court despite the fact that he had lodged an appeal. The last executions of people sentenced to death by civilian courts were carried out in 1997, when six people were executed after grossly unfair trials.

The evidence in support of abolition of the death penalty becomes more compelling with each passing year. Everywhere experience shows that executions brutalize those involved in the process. Nowhere has it been shown that the death penalty has resulted in a reduction in crime or protected people from violent crimes.

The use of the death penalty legitimises violence. Executing an offender cannot restore lives lost or diminish the loss to victims or their families; its only function is institutionalised revenge. In particular, public executions perpetuate the dangerous idea that violent retribution is the best way to prevent wrongdoing. Not only is public execution a further degradation of the prisoner, it also dehumanises and brutalizes those who watch and those who perform the execution

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