

25 February 1998

Further information on UA 254/97 (AFR 16/29/97, 1 August 1997) and follow-ups (AFR 16/33/97, 15 August 1997; AFR 16/38/97, 31 October 1997; AFR 16/39/97, 20 November 1997; AFR 16/42/97, 17 December 1997) - Execution / fear of further executions / legal concern and new concern: Prison conditions

BURUNDI At least 220 prisoners under sentence of death including :

New names :Lazar BANTIRIMINSI
Gaspard BUTOYI

Augustin KABONEYE, teacher, Giheta commune, Gitega Province

Abraham NIBIZI, commune administrator, Giheta, commune, Gitega Province

Luc-Jérôme NDAYIZIGIYE, chef de zone (administrative unit), Giheta commune, Gitega Province

Juvénal NTIRUJINAMA, teacher, Gitega Province

The death sentences imposed on the six people named above were confirmed at the *chambre de cassation* (cassation court) at the Supreme Court in Bujumbura, the capital, on 23 February 1998. The head of state, Major Pierre Buyoya, may now grant clemency or order their execution. Amnesty International is concerned that they and other prisoners awaiting clemency may face imminent execution.

All six were sentenced to death by the *chambre criminelle* (criminal chamber) of Gitega Court of Appeal, Lazare Bantiriminsi and Gaspard Butoyi on 7 June 1996 and the other four in December 1996. They were convicted of murder and participation in the massacres of civilians which followed the assassination of President Melchior Ndadaye. All six had their requests for legal representation denied, and were sentenced without having had legal representation. All the prisoners reportedly complained that no defence witnesses were heard and that they had no opportunity to defend themselves.

After their conviction, the men had eight days in which to lodge appeals. As they were not provided with the documentation relating to their verdicts they were forced to submit their appeals without knowledge of the grounds on which they had been convicted.

The men are currently detained in Mpimba Central prison in Bujumbura. Conditions amount to cruel, inhuman and degrading treatment. At least 120 prisoners who have been sentenced to death are held in three cells in the prison. The cells are extremely small and overcrowded; for instance, one cell, in which over 40 prisoners are held, measures approximately six by four metres. The prisoners are obliged to take turns lying down and sleeping. They are allowed outside for only half an hour per day. Unlike other prisoners and detainees, who receive regular family visits, prisoners who have been condemned to death are permitted only one family visit per week.

Over 220 people have now been sentenced to death after being convicted of participation in the massacres. Trials are taking place in the *chambres criminelles*, criminal chambers of courts in the capital Bujumbura, and Ngozi and Gitega towns situated in northern and central Burundi. Under the Burundi judicial system there are only limited grounds for appeal, even in capital offences, with no opportunity for many defendants to have their conviction and sentence reviewed by a higher independent jurisdiction. Defendants may then seek presidential clemency. Senior officials in the Burundi government have stated on several occasions their intention to proceed with executions

despite national and international concern at the failure of trials to reach internationally recognized standards of fairness and at the execution of six men on 31 July 1997 after grossly unfair trials.

Appeals should continue on behalf of the other 16 people mentioned in previous follow-ups who have lost their appeals.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes in French or in your own language: (Please check with your post office regarding postal services to Burundi from your country).

- expressing concern that the men named above, all of whom were convicted after unfair trials in which they were denied legal representation, may be at imminent risk of execution;
- appealing to the authorities not to carry out any further executions and for the head of state, Major Buyoya, to grant presidential clemency when sentences come before him;
- urging Major Buyoya to take into consideration the unfairness of the trials when reviewing the cases;
- expressing concern that the conditions in which the prisoners are held amount to cruel, inhuman and degrading treatment and calling for immediate steps to be taken to improve conditions;
- appealing to the authorities 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 Peoples' Rights.

APPEALS TO:

Fax numbers may work intermittently. If unable to obtain a tone, please try again later.

President

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

Telegrams: Major Buyoya, Bujumbura, Burundi

Faxes: + 257 22 7490

Salutation: Monsieur le Président / Dear President

Minister of Justice

Monsieur Terence SINUNGURUZA
Ministre de la Justice et Garde des sceaux
Ministère de la Justice, BP 1880, Bujumbura, Burundi

Telegrams: Ministre Justice, Bujumbura, Burundi

Faxes: + 257 22 21 48

Salutation: Monsieur le Ministre / Dear Minister

Minister for Human Rights, Institutional Reform and Relations with the National Assembly

Eugène NINDORERA
Ministre des droits de la Personne humaine, des réformes institutionnelles, et des relations avec l'Assemblée nationale

Ministère des droits de la Personne humaine, des réformes institutionnelles, et des relations avec l'Assemblée nationale, Bujumbura, Burundi

Telegrams: Ministre Droits de la Personne, Bujumbura, Burundi

Faxes: + 257 21 38 47

Salutation: Monsieur le Ministre / Dear Minister

COPIES TO:

Prime Minister: Pascal Firmin NDIMIRA, Premier Ministre, BP 2800, Bujumbura, Burundi

Faxes: + 257 22 64 24

Procurator General: Maître Jean Bosco BUTASI, Procureur Général, Bujumbura, Burundi

Faxes: + 257 22 21 48

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 7 April 1998.