

EXTERNAL

AI Index: AFR 16/33/97

15 August 1997

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

BURUNDI Firmat Niyonkenguruka

Stanislas Machini  
Ephraim Banka  
Edouard Sahokwsawama  
Pontien Bizumukama  
Damien Nsabimana

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At least 150 people under sentence of death in Burundi

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At least 150 people are now under sentence of death in Burundi and Amnesty International fears they could face imminent execution, if presidential clemency is not given. At least 20 death sentences were passed in Burundi during July 1997 in trials connected to the massacres which followed the assassination of former President Melchior Ndadaye in October 1993. At least seven people have been condemned to death in Gitega and 14 in Ngozi. More death sentences are also believed to have been passed in Bujumbura, the capital.

Fears of further executions are compounded by the Burundi government's response to criticism of the executions carried out on 31 July, in which it has clearly indicated its intention to continue executions. Although the six men named above were denied legal representation, at least one, Stanislas Machini, was tortured, and defence witnesses were not heard, the Burundi government has asserted the trials were fair.

The executions, the first to be carried out in Burundi since 1981, have been condemned internationally by governments including Uganda, Tanzania, Zimbabwe, currently holding the presidency of the Organisation of African Unity, and the United States as well as the by the Presidency of the European Union (EU) which issued a statement on 13 August 1997 which said "*...the execution of the six prisoners bears all the hallmarks of a deliberate political act. Furthermore the EU considers that the prisoners who were condemned to death did not receive a fair trial, conducted in accordance with the rules of a truly impartial and independent judicial system. While recognizing that the cycle of impunity in Burundi must be broken, the EU considers that legal certainty in Burundi can only be reestablished by means of trials which offer all the judicial safeguards of the rule of law*".

Amnesty International remains seriously concerned that flaws in pre-trial and trial procedures, such as torture, lack of substantiating evidence, lack of defence witnesses, and lack of legal representation mean that the trials cannot be considered to have been impartial. During 1996, virtually all defendants were denied legal representation. 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. There have been a number of acquittals. Under the Burundi legal system, defendants may only appeal on certain, limited grounds. There is no other option to challenge either the conviction or sentence. Defendants may then seek presidential clemency.

Amnesty International is urgently appealing for Major Buyoya to grant clemency to all others under sentence of death and to allow for their sentences and convictions to be reviewed by a truly impartial judicial body.

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

- expressing deep concern that up to 150 people currently under sentence of death, the majority of whom were probably convicted after unfair trials, may be at imminent risk of execution;
- appealing to the authorities not to carry out any further executions and for president Major Buyoya to grant presidential clemency when sentences come before him;
- 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 People' Rights.

**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.)**

**Telegram: 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: Monsieur le Président**

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**

**Telegrams: Ministre Ruhaza, Bujumbura, Burundi**  
**Salutation : Madame le Ministre**

**COPIES TO:**

Minister of Defence

Lieutenant-Col. Firmin SINZOYIHEBA  
Ministre de la Défense Nationale  
Ministère de la Défense

**Faxes: +257 22 56 86**

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 1997.