

EXTERNAL

AI Index: AFR 16/42/97

17 December 1997

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, AFR 16/39/97, 20 November 1997) - Execution / Fear of further executions / Legal concern

BURUNDI At least 220 prisoners under sentence of death including :

Corneille KARIKURUBU, teacher
Libérat NTANDIKIYE, farmer
Jean Berchmans NGENDAKIMANA, farmer
Joseph NTEZIRIBA, teacher
Jackson HATUNGIMANA, house painter

New names:

Avite MINANI
Alphonse NSABIMANA, farmer, Shombo, Karuzi Province
Placide UWIMANA, Primary School Head, Gitega, Province

Jean Bosco NDIKUMANA, Conseilleur de secteur, Shombo, Karuzi Province

Anaclet MUKANARA

All of whom have lost their appeals

Gaëtan Bwampaye, Head of Medical School, Ngozi Province

The death sentences imposed on the 10 people named above, with the exception of Gaëtan Bwanpaye, have been confirmed at the *cour de cassation*, Supreme Court, in Bujumbura, Burundi. The president, Major Pierre Buyoya may now grant clemency or order their execution. Amnesty International is concerned that they, and other prisoners awaiting presidential clemency, may face imminent execution.

The men were sentenced to death after being convicted of participating in the massacres of Tutsi civilians following the assassination of the first democratically elected president of Burundi, Melchior Ndadaye. At least five of the men, Corneille Karikurubu, Libérat Ntandikiye, Jean Berchmans Ngendakimana, Jackson Hatungimana and Avite Minani did not have legal representation at their trials.

Other grave irregularities continue to occur in trials of defendants accused of participation in the massacres, and many trials are grossly unfair including that of Gaëtan Bwampaye who was sentenced to death on 25 September 1997. His trial, in Ngozi, northern Burundi, continued despite the absence of his lawyer and despite requests for the hearing to be deferred. Defence witnesses in this case are also reported to have been beaten after giving evidence in November 1996. Other acts of intimidation reportedly carried out include the destruction and pillaging of his house in Ngozi.

Over 220 people have now been sentenced to death in connection with these trials which have taken place in the *chambres criminelles*, criminal chambers, of courts in the capital Bujumbura, and Ngozi and Gitega towns in northern and central Burundi. Under the Burundi judicial system, there are limited grounds for appeal, even in capital offences, and for many defendants there is no legal opportunity to have the conviction and sentence reviewed by a higher independent jurisdiction. Defendants may then seek presidential clemency only. 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.

Amnesty International opposes the death penalty in all countries and all circumstances, because it is a state-sanctioned violation of the right to life and the right not to be subjected to cruel, inhuman or degrading punishment. The situation is of special concern when people may be sentenced to death after unfair trials.

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

- expressing concern that the men named above, all whom were convicted after unfair trials, may be at imminent risk of execution;
- appealing to the authorities not to carry out any further executions and for Major Buyoya to grant presidential clemency to all prisoners under sentence of death;
- urging Major Buyoya to take into consideration the unfairness of the trials when reviewing the cases;
- expressing concern at the sentencing to death of Gaëtan Bwampaye after an unfair trial in which he was denied legal representation and in which defence witnesses were intimidated;
- urging that irregularities in his trial be impartially investigated and for the findings of the investigation to be taken into consideration when the sentence is reviewed;
- appealing to the authorities to uphold the right of Gaëtan Bwampaye, and of all other prisoners under sentence of death, to have their sentences reviewed by an independent higher jurisdiction;

Additionally if you have the capacity:

- 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:

President

Major Pierre Buyoya, Président de la République
Présidence de la République

Telegrams: Major Buyoya, Bujumbura, Burundi

Faxes: + 257 22 74 90

Salutation: Monsieur le Président / Dear President

Minister of Justice

Monsieur Terence SINUNGURUZA

Ministre de la Justice et Garde des sceaux, Ministère de la Justice

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, 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 NDIRIMIRA, Premier Ministre, 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 31 January 1997.