

19 May 1998

Further information on UA 77/95 (AFR 16/04/95, 27 March 1995) and follow-up (AFR 16/12/95, 9 June 1995) - Torture, new concern : Legal concern

BURUNDI Jean MINANI, peasant farmer
Tharcisse NZIMPORA, bike taximan
and ten others

Jean Minani, accused of killing Lieutenant Colonel Lucien Sakubu, a former mayor of Bujumbura, in March 1995, is currently awaiting trial before the criminal chamber of the *cour d'appel* (appeal court) in Bujumbura. The case is scheduled to be heard on 26 June 1998. Amnesty International is concerned that he may be convicted and sentenced to death on the basis of a confession made under torture.

Amnesty International is also concerned that should Jean Minani be convicted, he would not have a full right of appeal, in contravention of the International Covenant on Civil and Political Rights to which Burundi is party.

Amnesty International first took action on the case of Jean Minani in March 1995 after AI representatives met and interviewed him at the *Brigade spéciale de recherche* (BSR), special investigation unit, shortly after his arrest. He had been severely beaten and told the Amnesty International representatives that he had confessed to killing Lieutenant Colonel Lucien Sakubu under torture although he denied that this was true. In August 1995, when Jean Minani appeared before the Procureur Général (Attorney General), he reportedly stated that he had been tortured to extract a confession and denied the killing.

Torture and ill-treatment are systematic in Burundi, particularly in the early stages of detention in police custody. Many detainees claim in court to have been tortured to force a confession of guilt. The vast majority of such allegations are not investigated and in many cases dismissed without investigation.

Jean Minani was one of twelve people detained after being accused of involvement in the murder of Lt-Col Sakubu. The other 11 people detained in connection with this affair were also severely beaten. Jean Minani is the only one of the 12 who under torture made a statement admitting to the killing, and is the only one to be tried in connection with the murder by the criminal chamber. Four other detainees have since been released without charge, and one detainee has died. The six other detainees, including Tharcisse Nzimpora, will reportedly be tried before a different court, of a lower jurisdiction, in Bujumbura.

BACKGROUND INFORMATION

Lt-Col Sakubu, a former mayor of Bujumbura, was killed on 15 March 1995. Following the discovery of the body, about 80 people from the suburb in which the body had been found, were arrested and transferred to the BSR for interrogation. Women and children amongst those arrested were asked to reveal the identities of those thought to be involved in the killings. All but 12 were subsequently released. Following intervention by AI in March 1995, the Burundi Minister of Justice formally requested that there be an investigation and report on the cases. Amnesty International does not know if such an investigation took place.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes in French or in your own language (Please note: Post to Burundi may be operating from some countries. Please check with your national post office):

- stating that Amnesty International is concerned that Jean Minani may be convicted of a capital offence on the basis of a confession extracted under torture;
- reminding the authorities that they are obliged by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and by the International Covenant on Civil and Political Rights not to accept as evidence statements made as a result of torture;
- seeking clarification on whether the original allegations of torture were investigated, and whether those responsible were brought to justice;
- seeking guarantees that the charges against Jean Minani will be fully and impartially investigated;
- welcoming attempts by the Burundi government to bring to justice those responsible for human rights abuses, but 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:

Please note: Fax numbers may only work intermittently. If you are unable to obtain a tone, please try again later.

Public Prosecutor

Maître Jean Bosco BUTASI
Procureur Général,
Bujumbura, Burundi

Telegram: Procureur General, Bujumbura, Burundi

Fax: + 257 22 21 48

Salutation : Monsieur le Procureur Général

Minister of Justice

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

Fax: + 257 22 21 48

Telegram: Ministre Justice, Bujumbura, Burundi

Salutation : Monsieur le Ministre

Minister for Human Rights

Monsieur Eugène NINDORERA
Ministre des Droits de la Personne humaine, des Réformes institutionnelles et des Relations avec l'Assemblée nationale
BP 6802
Bujumbura, Burundi

Fax: + 257 21 38 47

Salutation: Monsieur le Ministre

Telegram: Ministre Droits de la Personne, Bujumbura, Burundi

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 June 1998.