

# BURUNDI

## Justice on trial - Appeal Cases

*"They told me they'd kill me if I didn't agree [to the accusation]. I believed them. I agreed to everything, but it wasn't true."*

*"I was questioned in Ngozi police station. I denied everything. They threatened me and made me sign the statement. I wasn't even allowed to see what was written."*

Statements by two prisoners in Mpimba Central Prison Bujumbura when interviewed by Amnesty International in May 1998. They could have been made by thousands of other prisoners and detainees.

The purpose of this document is to highlight some individual cases. The cases chosen are representative of many others. They focus on cases of unfair trial, torture, the death penalty and long term detention without trial. In publicising them we hope to raise awareness of the plights of thousands of others. These Appeal Cases are issued in connection with a 50-page report entitled *Burundi: Justice on trial* which was published by Amnesty International on 30 July 1998. Please consult the full report for further information on the trials and events referred to in these cases<sup>1</sup>.

Amnesty International members and others - organizations and individuals - should use these cases to lobby their own governments and the Government of Burundi to ensure the rights of these people and others are respected.

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi. Over 8,000 people, mainly Hutu, are awaiting trial. The majority of trials have been of civilian members of the Hutu ethnic group accused of participating in the massacres of primarily civilian members of the Tutsi ethnic group which followed the assassination of President Melchior Ndadaye in October 1993. Other political trials - of opponents of the government, of people accused often arbitrarily of collaboration with or belonging to Hutu-dominated armed opposition groups, and of those accused of the assassination of President Ndadaye - are continuing.

Virtually all the trials and detention proceedings have failed to comply with international fair trial standards. In expressing concern at the unfairness of trials, Amnesty International is not saying that all those who have been tried, or who await trial are innocent. It is however, seeking to uphold everyone's right to a fair trial, whatever the

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<sup>1</sup>Burundi: Justice on Trial (AFR 16/13/98) is available from Amnesty International, International Secretariat, 1 Easton Street, London WC1X 8DJ.

crime of which they may be accused. Ultimately it is only by improving the quality of trials that the Government can be sure that the guilty have been brought to justice. Amnesty International is particularly concerned that over 260 people have been sentenced to death in Burundi since February 1996. The majority have been sentenced to death after grossly unfair trials.

Amnesty International is unconditionally opposed to the death penalty, in all countries and in all circumstances. This position is based on its firm conviction that the punishment is a state-sanctioned violation of the right to life. Whatever the crime committed by an individual, even for the worst cases of violence and murder, it should not be punished by a human rights violation. The death penalty is also the most extreme form of cruel, inhuman and degrading punishment.

# BURUNDI: TRIAL

**WHAT YOU CAN DO**  
Please publicize and distribute the case of **Corneille Karikurubu** widely amongst academics, teachers and students, lawyers, abolitionists and human rights organizations. Ask them to publicise the case and to write appeals:

- expressing concern at the sentencing to death of Corneille Karikurubu after an unfair trial in which he was denied legal representation and which lasted only 30 minutes;
- urging President Buyoya to grant clemency to him and to all others whose death sentences come before him;

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## Corneille Karikurubu

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**Corneille Karikurubu**, a primary province, Burundi and father of death on 24 June 1996. He was massacres of Tutsi civilians which President Melchior Ndadaye on 21

His trial lasted around 30 minutes. pleaded not guilty, no defence possibility of a full appeal.

Corneille Karikurubu appealed available. He was not successful.

While in police custody in Karuzi head and his joints during for long periods.

- urging President Buyoya to take into consideration the unfairness of the trial when considering the appeal for clemency;
- 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 the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights, to which Burundi is party.

**Please write, preferably in French, to:**

Major Pierre BUYOYA, President

Fax: 257 22 74 90, Tlx: 5036 PRESIBU

Mr Terence SINUNGURUZA, Minister of Justice

Fax: 257 22 21 48

Mr Eugène NINDORERA, Minister for Human Rights, Institutional Reform and Relations with the National Assembly, Fax: 257 21 38 47

**Send a copy of your letter to the Burundian authorities to your own government and urge them to be vigilant in monitoring Burundi's human rights record and in calling on the Burundian authorities to adhere to the international treaties they have ratified. Explain that this case is illustrative of many more.**

# JUSTICE ON

school teacher in Gihogazi, Karuzi seven children, was sentenced to convicted of participation in the followed the assassination of October 1993.

He had no lawyer. Although he witnesses were heard. There is no

through the limited procedure

he was reportedly beaten on his interrogation. He was handcuffed

Under international law, whatever the crime of which a person is accused they have the right to a fair trial, and, if convicted, the right to appeal against their sentence and conviction.

Corneille Karikurubu has been denied all these rights.

He has now appealed for clemency to the Head of State.

Corneille Karikurubu is held in conditions amounting to cruel, inhuman or degrading treatment.

## **Background information**

The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the deaths of hundreds of thousands of people, most of them civilians. Repeated Hutu challenges to Tutsi domination have each time been followed by reprisals against Hutu civilians by the security forces. Multi-party elections were held in Burundi for the first time in June 1993. Contrary to the expectations of many observers, the Hutu-dominated opposition Front for Democracy in Burundi (FRODEBU), won a landslide victory over the government of Major Pierre Buyoya who had taken power in a military coup in 1987. Less than four months later, on 21 October 1993, President Melchior Ndadaye, a Hutu, and other key members of the government were assassinated by army officers in a coup attempt.

As news of the assassination of President Ndadaye spread, thousands of Tutsi civilians as well as Hutu supporters of the Union for National Progress, (UPRONA), the former ruling party, were killed in reprisal by Hutu civilians. Within four days of the coup attempt, mass and indiscriminate reprisals for these killings were being carried out by the Tutsi-dominated security forces and Tutsi civilians against the Hutu population. Hundreds of thousands of Hutu, as well as some Tutsi, fled the violence into neighbouring countries and hundreds of thousands of others, mainly Tutsi, were internally displaced. Most have yet to return to their homes. It is estimated that as many as 50,000 Hutu and Tutsi civilians were killed by the end of 1993. Since then hundreds of thousands of Hutu civilians have been killed by the security forces.

## **Unfair trials**

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi. Over 8,000 people are awaiting trial on similar charges. Thousands of people have been held for more than three years without charge or trial. Many people are

arrested without substantiating evidence and may be innocent. Some have been denounced to settle scores. Virtually no members of the security forces or Tutsi civilians who took part in subsequent killings have been arrested or brought to justice.

The majority of detainees have been tortured or ill-treated in police custody. Some of those arrested have “disappeared”. In court, defendants have been denied access to lawyers, and lawyers have been given insufficient time or access to documents to prepare the defence. Confessions allegedly extracted under torture have been accepted in court without investigation. Defence witnesses have been intimidated and arrested. Trials have proceeded without defence witnesses being heard. Some trials have lasted only 15 minutes. Detainees are held in harsh and sometimes life-threatening conditions.

More than 260 people have now been sentenced to death - the majority after unfair trials, since trials started in February 1996. Six people were executed on 31 July 1997 after unfair trials. There is no full right to appeal and the majority of trials continue to fall far short of internationally recognized standards for fair trial. Amnesty International is unconditionally opposed to the death penalty. The death penalty is the state sanctioned violation of the right to life and the most extreme form of cruel, inhuman or degrading treatment. Whatever the crime committed it should not be punished by a human rights violation. Rather than being a deterrent, violent punishment can further entrench violence in society.

***Article 10, Universal Declaration of Human Rights: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal...”***

*For further information on this case and others please consult Amnesty International’s report **Burundi: Justice on trial** (AFR 16/13/98).*

## BURUNDI: TRIAL

### WHAT YOU CAN DO

Please publicise the case of **Gaëtan Bwampaye** and distribute it widely among the medical profession, academics and students, human rights activists, journalists, abolitionists and lawyers, asking them to publicise the case and to write appeals:

- expressing concern at the sentencing to death of Gaëtan Bwampaye after an unfair trial;

### Gaëtan Bwampaye

- urging that irregularities in his trial be impartially investigated and to be taken into consideration when the sentence is reviewed;

- ~~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 the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights to which Burundi is party;~~

**Gaëtan Bwampaye**, a former Ngozi province, northern by Ngozi Appeal Court in trial.

- appealing to the Government of Burundi not to carry out any more executions.

He was arrested in August 1994 the massacres of Tutsi civilians province in October 1993. drawn up which he was forced was not informed of the specific

**Please write, preferably in French, to:**

Mr Terence SINUNGURUZA, Minister of Justice

Fax: 257 22 21 48

Major Pierre BUYOYA, President

Fax: 257 22 74 90, Tlx: 5036 PRESIBU

During his trial, which started in harassed and his house burnt reportedly prevented neighbours defence witnesses were arrested in court in December 1996. witnesses were able to testify in

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

Fax: 257 21 38 47

**Send a copy of your letter to the Burundian authorities to your own government and urge them to be vigilant in monitoring Burundi's human rights record and in calling on the Burundian authorities to adhere to the international treaties they have ratified. Explain that this case is illustrative of many more.**

*Amnesty International August 1998*

## JUSTICE ON

head of a medical school in Burundi, was sentenced to death August 1997 after an unfair

and accused of involvement in in Ruhororo commune, Ngozi After his arrest. a statement was to sign without reading. He charges against him.

March 1996, his family was down. The local police from putting out the fire. His and beaten after giving evidence Despite this many defence his favour. At a hearing in

*AI Index: AFR 16/16/98*

August 1997, the defence lawyer was told to summarise his arguments as “there was not enough time” to hear all the arguments. The lawyer refused and the hearing was deferred until September 1997.

On 27 September 1997, an adjournment was requested as the defence lawyer was unable to attend. The request was denied. Gaëtan Bwampaye was convicted and sentenced to death. He has appealed for his case to be reviewed by the cassation chamber of the Supreme Court. He has not yet seen the written judgement. No date has yet been set.

Gaëtan Bwampaye is currently held in conditions amounting to cruel, inhuman or degrading treatment in Mpimba central prison, Bujumbura.

***Article 10, Universal Declaration of Human Rights: “Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal...”***

## **Background information**

The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the deaths of hundreds of thousands of people, most of them civilians. Repeated Hutu challenges to Tutsi domination have each time been followed by reprisals against Hutu civilians by the security forces. Multi-party elections were held in Burundi for the first time in June 1993. Contrary to the expectations of many observers, the Hutu-dominated opposition Front for Democracy in Burundi (FRODEBU), won a landslide victory over the government of Major Pierre Buyoya who had taken power in a military coup in 1987. Less than four months later, on 21 October 1993, President Melchior Ndadaye, a Hutu, and other key members of the government were assassinated by army officers in a coup attempt.

As news of the assassination of President Ndadaye spread, thousands of Tutsi civilians as well as Hutu supporters of the Union for National Progress, (UPRONA), the former ruling party, were killed in reprisal by Hutu civilians. Within four days of the coup, mass and indiscriminate reprisals for these killings were being carried out by the Tutsi-dominated security forces and Tutsi civilians against the Hutu population. Hundreds of thousands of Hutu, as well as some Tutsi, fled the violence into neighbouring countries and hundreds of thousands of others, mainly Tutsi, were internally displaced. Most have yet to return to their homes. It is estimated that as many as 50,000 were killed by the end of 1993. Since then hundreds of thousands of Hutu civilians have been killed by the security forces.

## Current trials

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi. Over 8,000 people are awaiting trial on similar charges. Thousands of people have been held for more than three years without charge or trial. Many people are arrested without substantiating evidence and may be innocent. Some have been denounced to settle scores. Virtually no members of the security forces or Tutsi civilians who took part in subsequent killings have been arrested or brought to justice.

The majority of detainees have been tortured or ill-treated in police custody. Some have “disappeared”. In court, defendants have been denied access to lawyers. Lawyers have been given insufficient time or access to documents to prepare the defence. Confessions allegedly extracted under torture have been accepted in court. Defence witnesses have been intimidated and arrested. Trials have proceeded without defence witnesses being heard. Trials are often summary, some lasting only 15 minutes.

More than 260 people have now been sentenced to death - the majority after unfair trials, since trials started in February 1996. Six people were executed on 31 July 1997 after unfair trials. There is no full right to appeal and the majority of trials continue to fall far short of internationally recognized standards for fair trial. Amnesty International is unconditionally opposed to the death penalty.

*For further information on this case and others please consult Amnesty International's report **Burundi: Justice on trial** (AI Index: AFR 16/13/98).*



## BURUNDI: TRIAL

### Jean Minani

**Jean Minani**, who was arrested awaiting trial by the Appeal capital. Following his arrest, he confessed under duress to the Lucien Sakubu, a former Mayor. He later retracted the made under duress.

**WHAT YOU CAN DO**  
Please publicise the case of Jean Minani and distribute it widely among human rights organisations, academics and students, journalists, and lawyers, asking them to publicise the case and to write appeals on his behalf:

- expressing concern that Jean Minani appears to be being tried mainly on the basis of a confession extracted under torture;
- reminding the authorities that they are obliged by international human rights treaties ratified by Burundi not to accept as evidence statements made as a result of torture;
- seeking guarantees that the charges against Jean Minani will be fully and impartially investigated;

- asking whether the original allegations of torture were investigated, and whether those responsible were brought to justice;
- appealing to the authorities to take all measures necessary to ensure that all trials taking place in Burundi conform to international standards of fairness.

**Please write, preferably in French, to:**

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Major BUYOYA, President

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

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## JUSTICE ON

in March 1995, is currently Court in Bujumbura, the was severely beaten, and killing of Lieutenant Colonel of Bujumbura in March 1995. statement on the grounds it was

AI is concerned that Jean Minani appears to be being tried mainly on the basis of information extracted under torture. If convicted he may face the death penalty.

Lt-Col Sakubu was killed on 15 March 1995. Following the discovery of his body about 80 people from the suburb in which the body had been found, were arrested and transferred to the *Brigade spéciale de recherche* (BSR), special investigation unit, 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, including Jean Minani were subsequently released.

Jean Minani is the only one of the 12 - all of whom were severely beaten - who, under torture, made a statement admitting to the killing and is now the only one to be tried in connection with the murder by the criminal chamber of the Appeal Court - the other detainees will be tried by the High Court. Under Burundian law, Appeal Courts try offences with penalties of 20 years or more, including the death penalty. For these offences there is no full right to appeal. Offences with lesser penalties are tried by High Courts and there is the right to a full appeal at the Appeal Court. Jean Minani has already spent over three years in prison awaiting trial. He appeared briefly in court in May and July 1998. The next hearing is set for September 1998.

***Article 5, Universal Declaration of Human Rights: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”***

## **Amnesty International’s work on the case of Jean Minani**

In March 1995, Amnesty International representatives met and interviewed Jean Minani at the BSR shortly after his arrest. He had been severely beaten and told the Amnesty International representatives that he had confessed to killing Lt-Col Sakubu under torture although he denied that this was true. He had visible scars and open wounds from the beatings. The commander of the BSR, told Amnesty International that he had been advised by the Public Prosecutor to use “more or less violent means” for the interrogations, because of the “highly political nature and priority of the case”. In

August 1995, when Jean Minani appeared before the Public Prosecutor he reportedly stated that he had been tortured to extract a confession and

denied the killing.

## **Background information**

More than 8,000 civilians, mostly Hutu, including at least 2,600 accused of involvement in massacres in Burundi, are held in various prisons and detention centres around the country. The majority are held without charge or trial. Torture and ill-treatment of detainees is routine in Burundi particularly in the early stages of detention in police custody, and Amnesty International has documented numerous cases of “disappearance”. Courts fail to investigate allegations of torture; this failure and their willingness to accept confessions obtained under torture is encouraging the practice of torture.

*For further information on this case and others please consult Amnesty International's report **Burundi: Justice on trial** (AI Index: AFR 16/13/98).*



## WHAT YOU CAN DO

Please publicise the case of **Natondé Bimenyumurenyi** and distribute it amongst human rights organisations, lawyers and others asking them to publicise the case and to write appeals:

- expressing concern that Laurent Bimenyumurenyi and his co-defendants have been held without trial since March 1997;
- seeking assurances that they will receive a trial which conforms to international standards for fair trial, including the right to a full appeal;
- urging that reports that he was tortured during the early stages of his detention be investigated and, if confirmed, those responsible be removed from positions of authority and brought to justice;
- 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 the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights to which Burundi is party.

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# **BURUNDI: JUSTICE ON TRIAL**

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## Laurent Bimenyumurenyi

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**Laurent Bimenyumurenyi** has been held without trial since his arrest in March 1997. He is currently detained in Mpimba central prison, Bujumbura.

He, and other senior members of *Parti pour le redressement national* (PARENA), National Recovery Party and other supporters of former president Jean-Baptiste Bagaza, and two military officers, are accused of involvement in a plot to assassinate President Buyoya. If convicted they could face the death penalty.

Laurent Bimenyumurenyi was reportedly threatened and beaten during interrogation sessions at the *Documentation nationale*, national security service. According to his testimony he was hit on his head and legs, kicked in his stomach and beaten on the soles of his feet, and threatened with electric shocks or being stabbed with needles. Under torture he agreed to accept the accusations against him, although he has since denied the accusations.

### **Torture, fear of “disappearance” and other irregularities**

Many of the detainees were ill-treated and tortured after their arrest in the early stages of detention in the *Documentation nationale* in Bujumbura. The detainees were subsequently transferred to prisons throughout the country and far from their home areas. In some cases they were transferred without warning and without being told where they were going. They assumed that they were being taken away to be killed.

Laurent Bimenyumurenyi was arrested in Gitega, central Burundi and held for one week in Gitega before being transferred to Bujumbura. He was subsequently transferred to Muramvya prison, northwest of Bujumbura. His whereabouts were unconfirmed for weeks after his arrest and it was feared he may have "disappeared".

Conditions in Burundi's prisons are extremely harsh, often amounting to cruel, inhuman or degrading treatment. One of the detainees, **Isidore Rufyikiri**, required hospitalization as a result of poor medical conditions in Rumonge prison, Bururi province. Another, **Lt-Col Pascal Ntako**, died in Muyinga prison in May 1997 after being denied essential medical care. Another, **Emmanuel Manzi**, is still held at the *Documentation nationale*, more than 16 months after his arrest. In court, he claimed that he had been promised large sums of money by the *Documentation nationale* in return for incriminating Laurent Bimenyumurenyi and others.

Under Burundian law, cases involving both civilian and military defendants are tried by military jurisdictions, and the case was submitted to the court martial in Bujumbura in November 1997. The competency of the court to try the defendants was questioned by defence lawyers. The arguments were upheld by the court, which ruled that it was not competent to try the cases and released Jean-Baptiste Bagaza from house arrest. However, in June 1998 the *Procureur Général de la République* (State Public Prosecutor) appealed to the Supreme Court to return the case to the court martial. The Supreme Court has yet to rule on the case.

Laurent Bimenyumurenyi and his co-defendants remain in detention awaiting trial.

*Article 10, Universal Declaration of Human Rights: "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal..."*

## **Background information**

Since President Pierre Buyoya returned to power in a coup in July 1996, political opponents from all parties have been harassed, arrested and detained, placed under house arrest or forbidden to travel abroad, after being accused of participation or involvement in criminal offences. The pattern of abuses against them suggests a strategy to remove or limit the activities of political opponents. Many of the arrests took place in early 1997 as President Buyoya attempted to consolidate his position. The arrests of Laurent Bimenyumurenyi and his co-defendants appear to have been related to their membership or association with PARENA and its opposition to the current government. Its president, former president **Jean-Baptiste Bagaza**, who was placed under house arrest in January 1997, had been outspoken in his criticism of both the July 1996 coup, stating that it would not resolve Burundi's problems, and the military's choice of Major Buyoya as leader.



*For further information on this case and others please consult Amnesty International's report **Burundi: Justice on trial** (AI Index: AFR 16/13/98).*

# BURUNDI: TRIAL

## Marie Rose Umahoro

Marie Rose Umahoro was arrested at her home in Buhiga commune, Karuzi Province on 1 September 1994 and accused of participation in the massacres of Tutsi civilians in 1993. Thirty four months later, in July 1997, she was sentenced to death by Gitega Court of Appeal.

There were no defence witnesses. Marie Rose Umahoro was asked in court to name defence witnesses but was shouted down and intimidated by spectators in the court room. Her request to have a lawyer represent her in court was eventually accepted but the lawyer arrived for the last hearing but was too late to plead.

There is no full right to appeal. She has appealed to the cassation chamber of the Supreme Court. The appeal has yet to be heard.

After her arrest, she was held for three weeks at Karuzi police station where she was reportedly tortured during interrogation including by

*Amnesty International August 1998*

**WHAT YOU CAN DO**  
Please publicize the case of Marie Rose Umahoro, distribute her case among women's organizations, lawyers, abolitionists and human rights organizations and ask them to write appeals:

- expressing concern that Marie Rose Umahoro was sentenced to death after an unfair trial;
- urging the courts to take into consideration the irregularities in the trial when reviewing the case;
- calling for the allegation of torture at Karuzi police station to be investigated and, if substantiated, for those responsible to be brought to justice;
- appealing to the President to grant clemency to all prisoners under sentence of death;
- 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 the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights to which Burundi is party.

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# JUSTICE ON

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three weeks at Karuzi police station during interrogation including by

*AI Index: AFR 16/16/98*

being made to kneel on bottle tops. She still bears scars on her knees. She was seven months pregnant at the time.

Marie Rose Umahoro is currently detained in Mpimba central prison together with her son who was born in prison. Conditions are extremely harsh.

## **Background information**

The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the deaths of hundreds of thousands of people, most of them civilians. Repeated Hutu challenges to Tutsi domination have each time been followed by reprisals against Hutu civilians by the security forces.

Multi-party elections were held in Burundi for the first time in June 1993. Contrary to the expectations of many observers, the Hutu-dominated opposition Front for Democracy in Burundi (FRODEBU), won a landslide victory over the government of Major Pierre Buyoya who had taken power in a military coup in 1987. Less than four months later, on 21 October 1993, President Melchior Ndadaye, a Hutu, and other key members of the government were assassinated by army officers in a coup attempt.

As news of the assassination of President Ndadaye spread, thousands of Tutsi civilians as well as Hutu supporters of the Union for National Progress, (UPRONA), the former ruling party, were killed in reprisal by Hutu civilians. Within four days of the coup, mass and indiscriminate reprisals for these killings were being carried out by the Tutsi-dominated security forces and Tutsi civilians against the Hutu population. Hundreds of thousands of Hutu, as well as some Tutsi, fled the violence into neighbouring countries and hundreds of thousands of others, mainly Tutsi, were internally displaced. Most have yet to return to their homes. It is estimated that as many as 50,000 were killed by the end of 1993. Since then hundreds of thousands of Hutu civilians have been killed by the security forces.

***Article 10, Universal Declaration of Human Rights: “Everyone is entitled to a fair and public hearing by an independent and impartial tribunal...”***

## Current trials

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi, the majority accused of participation in the massacres of Tutsi civilians in October 1993. Over 8,000 people are awaiting trial on similar charges. Thousands of people have been held for more than three years without charge or trial. Many people are arrested without substantiating evidence and may be innocent. Some have been denounced to settle scores. Virtually no members of the security forces or Tutsi civilians who took part in subsequent killings have been arrested or brought to justice.

The majority of detainees have been tortured or ill-treated in police custody. Some of those arrested have “disappeared”. In court, defendants have been denied access to lawyers, and lawyers have been given insufficient time or access to documents to prepare the defence. Confessions allegedly extracted under torture have been accepted in court without investigation. Defence witnesses have been intimidated and arrested. Trials have proceeded without defence witnesses. Some trials have lasted only 15 minutes. They are held in harsh and sometimes life-threatening conditions amounting to cruel, inhuman or degrading treatment.

More than 260 people have now been sentenced to death - the majority after unfair trials, since trials started in February 1996. Six people were executed on 31 July 1997 after unfair trials. There is no full right to appeal and the majority of trials continue to fall far short of internationally recognized standards for fair trial. Amnesty International is unconditionally opposed to the death penalty.

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## BURUNDI: TRIAL

### Abbé Patrice

Abbé Patrice Vyiingoma, a Muyinga province was arrested in Muyinga prison, Muyinga He was subsequently transferred to province of Ngozi. He is accused members of an armed opposition

Abbé Vyiingoma claims to have clothing, with the help of other church's community work to leave their homes because of the

Church workers who came who supported his statement were giving false statements, tried and imprisonment.

*Amnesty International August 1998*

**WHAT YOU CAN DO**  
Please distribute the case of Abbé Patrice Vyiingoma among religious organisations and human rights organisations and ask them to write appeals:

- expressing concern that Abbé Patrice Vyiingoma appears to have been arrested because of his humanitarian work in the community;
- expressing concern that defence witnesses were prevented from giving evidence by being arrested;
- seeking assurances that Abbé Patrice Vyiingoma will be given a trial which conforms to international standards for fair trial;
- 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 the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights to which Burundi is party .

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## JUSTICE ON

### Vyiingoma

priest in Muramba parish, February 1996 and detained in province north eastern Burundi. Ngozi prison in the neighbouring of providing food and clothes to group.

been distributing food and church workers, as part of his people who had been forced to conflict.

forward as defence witnesses and arrested. They were accused of sentenced to two months'

*AI Index: AFR 16/16/98*

Abbé Vyiyngoma, who has a lawyer, is still awaiting for his trial at Ngozi Court of Appeal to conclude.

Conditions in Ngozi prison are particularly harsh and amount to cruel, inhuman or degrading treatment. They are life-threatening. In the first four months of this year over 200 people died from infectious diseases in the prison. The prison, which has a capacity of 400, holds over 2,400 people.

## **Background information**

Since late 1994, the *Forces pour la défense de la démocratie* (FDD), Forces for the Defence of Democracy, the armed wing of the Hutu-dominated *Conseil National pour la défense de la démocratie* (CNDD) National Council for the Defence of Democracy, has been fighting government forces in open war. The armed wings of other Hutu opposition parties, the *Parti pour la libération du peuple hutu* (PALIPEHUTU), Party for the Liberation of the Hutu People, and the *Front pour la libération nationale* (FROLINA), Front for National Liberation, are also engaged in conflict with government forces. All these armed groups have been responsible for serious human rights abuses, including the killings of unarmed civilians. Attacks were carried out against camps of internally displaced people, the majority of whom were Tutsi.

Serious and large scale human rights abuses continue to be reported, particularly from areas of conflict. In a well established pattern of abuse, the security forces carry out large scale reprisal killings of the local Hutu population following military activity by the armed groups or reports of their presence. Killings by Hutu-dominated armed groups have also continued and increasingly, Hutu civilians have also been targeted.

Some people, including medical staff and religious officials working in the community, appear to have been accused of providing aid to armed opposition groups purely because they have helped the local population - which is often regarded as suspect by local civilian and military officials. Two members of the Union of Baptist Churches in Burundi were arrested in March 1997. One of the two, Reverend Elizer Ntunzwenimana, was detained for nearly two months at the *Brigade spéciale de recherche* (BSR), Special Investigation Unit, in Bujumbura, after being accused of providing food and blankets to combatants. He was apparently arrested after refusing to buy blankets from the wife of an army officer. During his detention he was severely beaten. Both were subsequently released uncharged.

## Current trials

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi. Over 8,000 people, mainly Hutu, are awaiting trial. The majority of trials have been of civilian members of the Hutu ethnic group accused of participating in the massacres of primarily civilian members of the Tutsi ethnic group which followed the assassination of President Melchior Ndadaye in October 1993. Other political trials - of opponents of the government, of people accused often arbitrarily of collaboration with or belonging to Hutu-dominated armed opposition groups, and of those accused of the assassination of President Ndadaye - are continuing.

Hundreds of civilians, mainly Hutu, have been arrested and accused of participating in or collaborating with Hutu-dominated armed opposition groups. In many cases there is no substantiating evidence to support the accusation and many of the arrests appear to be arbitrary. The majority are held without charge or trial. Many were tortured and ill-treated to extract statements or information. There are numerous reports of "disappearances" of detainees, particularly in military camps. Children as young as 12 years old have been arbitrarily accused of collaboration with armed groups and unlawfully detained. Although Tutsi-dominated armed groups have also carried out human rights abuses and criminal activities, often in collaboration with members of the armed forces, few if any members have been arrested.

*For further information on this case and others please consult Amnesty International's report **Burundi: Justice on trial** (AI Index: AFR 16/13/98).*

**WHAT YOU CAN DO**  
Please distribute the case of Placide Wimana widely amongst academics, teachers and students, lawyers, abolitionists and human rights organizations and ask them to publicise the case and to write appeals:

- expressing concern at the sentencing to death of Placide

Wimana after an unfair trial;

- urging President Buyoya to grant clemency to Placide

Wimana and all other death sentences that come before him;

- urging President Buyoya to take into consideration the

unfairness of the trial when considering the appeal for clemency;

- asking that he be given all necessary medical care and that the allegations of torture are investigated and those responsible are brought to justice;

- 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 the International Covenant on Civil and Political Rights and the African Charter on Human and People's Rights.

**Please write, preferably in French, to:**

Mr Terence SINUNGURUZA, Minister of Justice

Fax: 257 22 21 48

Major Pierre BUYOYA, President

Fax: 257 22 74 90, Tlx: 5036 PRESIBU

Mr Eugène NINDORERA, Minister for Human Rights,

Institutional Reform and Relations with the National Assembly

Fax: 257 21 38 47

**Send a copy of your letter to the Burundian authorities to your own government and urge them to be vigilant in monitoring Burundi's human rights record and in calling on the Burundi authorities to adhere to the international treaties they have ratified. Explain that this case is illustrative of many more.**



# BURUNDI: JUSTICE ON TRIAL

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## Placide Wimana

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**Placide Wimana**, a teacher, was sentenced to death in mid-1997 after a trial by the criminal chamber of Gitega Appeal Court which lasted less than 30 minutes. He was convicted of participation in the massacres of Tutsi civilians in October 1993.

He had not been informed that he was to appear in court until he was summoned. In court, he requested an adjournment to allow for a lawyer to be present. The request was denied. He did not speak except to deny the facts. No defence witnesses were heard.

Placide Wimana submitted an appeal to the cassation chamber of the Supreme Court without the assistance of a lawyer and without the written judgment. Although he was represented at the cassation hearing by a lawyer, who raised the irregularities of the case, the cassation was not upheld. He is currently held in Mpimba central prison, Bujumbura in conditions amounting to cruel, inhuman or degrading treatment. He has appealed for clemency to the Head of State.

Following his arrest in August 1994, Placide Wimana was reportedly tortured and ill-treated over a six month period in police custody in Karusi, Karusi province. He was reportedly beaten on his head, back and legs with metal rods and wooden sticks. The index fingers on both of his hands were broken. He has never received medical treatment. There has been no investigation into the allegations of torture.

*Whatever the crime of which a person is accused they have the right to a fair trial, and, if convicted, the right to appeal against their sentence and conviction.*

## Background information

The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the deaths of hundreds of thousands of people, most of them civilians. Repeated Hutu challenges to Tutsi domination have each time been followed by reprisals against Hutu civilians by the security forces. Multi-party elections were held in Burundi for the first time in June 1993. Contrary to the expectations of many observers, the Hutu-dominated opposition Front for Democracy in Burundi (FRODEBU), won a landslide victory over the government of Major Pierre Buyoya who had taken power in a military coup in 1987. Less than four months later, on 21 October 1993, President Melchior Ndadaye, a Hutu, and other key members of the government were assassinated by army officers in a coup attempt.

As news of the assassination of President Ndadaye spread, thousands of Tutsi civilians as well as Hutu supporters of the Union for National Progress, (UPRONA), the former ruling party, were killed in reprisal by Hutu civilians. Within four days of the coup, mass and indiscriminate reprisals for these killings were being carried out by the Tutsi-dominated security forces and Tutsi civilians against the Hutu population. Hundreds of thousands of Hutu, as well as some Tutsi, fled the violence into neighbouring countries and hundreds of thousands of others, mainly Tutsi, were internally displaced. Most have yet to return to their homes. It is estimated that as many as 50,000 were killed by the end of 1993. Since then hundreds of thousands of Hutu civilians have been killed by the security forces.

*Article 3, Universal Declaration of Human Rights: "Everyone has the right to life, liberty and security of person."*

## **Current trials**

Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi, the majority accused of participation in the massacres of Tutsi civilians. Over 8,000 people are awaiting trial on similar charges. Thousands of people have been held for more than three years without charge or trial. Many people are arrested without substantiating evidence and may be innocent. Some have been denounced to settle scores. Virtually no members of the security forces or Tutsi civilians who took part in subsequent killings have been arrested or brought to justice.

The majority of detainees have been tortured or ill-treated in police custody. Some of those arrested have "disappeared". In court, defendants have been denied access to lawyers, and lawyers have been given insufficient time or access to documents to prepare the defence. Confessions allegedly extracted under torture have been accepted in court without investigation. Defence witnesses have been intimidated and arrested. Trials have proceeded without defence witnesses. Trials are often summary, some lasting only 15 minutes.

More than 260 people have now been sentenced to death - the majority after unfair trials - since trials started in February 1996. Six people were executed on 31 July 1997 after unfair trials. There is no full right to appeal and the majority of trials continue to fall far short of internationally recognized standards for fair trial.

Amnesty International is unconditionally opposed to the death penalty.

*For further information on this case and others please consult Amnesty International's report **Burundi: Justice on trial** ( AFR 16/13/98).*

**WHAT YOU CAN DO**  
Please publicize the case of Stanislas Machini and distribute it widely amongst human rights groups, minor lawyers and other organizations asking them to publicise the case and write letters:

- expressing concern at the execution of Stanislas Machini and six others on 31 July 1997 after grossly unfair
- appealing to the Government of Burundi not to carry out any more executions;
- appealing to the authorities to take all measures necessary to ensure that all trials taking place in Burundi c fairness as required the International Covenant on Civil and Political Rights and the African Charter on Hun

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**Send a copy of your letter to the Burundian authorities to your own government and urge them to be vigilant human rights record and in calling on the Burundian authorities to adhere to the international treaties the case is illustrative of many more.**

# BURUNDI: JUSTICE ON TRIAL

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## Stanislas Machini

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**Stanislas Machini** was executed with five others on 31 July 1997. All had been convicted after unfair trials of participation in the massacre of Tutsi civilians which followed the assassination of Burundi's first democratically elected President, Melchior Ndadaye, on 31 October 1993.

Stanislas Machini, who was arrested in August 1995, was sentenced to death in June 1996 by Gitega Appeal Court. He claimed in a letter to the Public Prosecutor in 1995 that he had confessed under torture to the allegations. The claim was not investigated. He did not have a lawyer and denied the charges. There is no full right of appeal. However, he appealed to the Cassation Chamber of the Supreme Court. The conviction was not overturned. His appeal for presidential clemency was turned down on 29 July 1997.

Stanislas Machini, former Primary School Head in Makebuko, Gitega Province, was one of the few educated Twa in Burundi. He was also a representative of an organization for the defence of the rights of the Twa who make up approximately 1% of Burundi's population.

*Whatever the crime of which someone is accused, they have the right to a fair trial. Ultimately it is only by trying people fairly that one can be sure that the guilty have been brought to justice.*

## Background information

The decades-long struggle for power between Tutsi and Hutu elites in Burundi has led to the deaths of hundreds of thousands of people, most of them civilians. Repeated Hutu challenges to Tutsi domination have each time been followed by reprisals against Hutu civilians by the security forces.

Multi-party elections were held in Burundi for the first time in June 1993. Contrary to the expectations of many observers, the Hutu-dominated opposition Front for Democracy in Burundi (FRODEBU), won a landslide victory over the government of Major Pierre Buyoya who had taken power in a military coup in 1987. Less than four months later, on 21 October 1993, President Melchior Ndadaye, a Hutu, and other key members of the government were assassinated by army officers in a coup attempt.

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Since February 1996, hundreds of people charged with politically-motivated violence have been tried in Burundi, the majority accused of participation in the massacres of Tutsi civilians. Over 8,000 people are awaiting trial on similar charges. Thousands of people have been held for more than three years without charge or trial. Many people are arrested without substantiating evidence and may be innocent. Some have been denounced to settle scores. Virtually no members of the security forces or Tutsi civilians, who took part in subsequent killings have been arrested or brought to justice. The majority of detainees have been tortured or ill-treated in police custody. In court, defendants have been denied access to lawyers. Trials have proceeded without defence witnesses. Some trials have lasted only 15 minutes. There is no full right to appeal.

More than 260 people have now been sentenced to death - the majority after unfair trials, since trials started in February 1996. Six people were executed on 31 July 1997 after unfair trials. There is no full right to appeal and the majority of trials continue to fall far short of internationally recognized standards for fair trial. Amnesty International is unconditionally opposed to the death penalty, in all countries and in all circumstances. Rather than being a deterrent, violent punishment can further entrench violence in society.

*Article 3, Universal Declaration of Human Rights: "Everyone has the right to life, liberty and security of person."*

*For further information on this case and others please consult Amnesty International's report **Burundi: Justice on trial** (AFR 16/13/98).*