

# BURUNDI

## Update to *Justice on trial* Appeal Cases

### and new Appeal Cases on *Insurgency and counter-insurgency perpetuate human rights abuses*

#### Introduction

One of the tragedies of the ongoing human rights crisis in Burundi is that, in many cases, individual victims have become anonymous statistics. Virtually every day, people are brutally killed, forced to flee their homes, arbitrarily arrested or are subjected to other abuses at the hands of government forces or armed opposition groups. In many cases, victims are never named or even counted.

Between December 1997 and September 1998 hundreds of people - many of them unarmed civilians - were killed in Burundi. Thousands more have been forced to leave their homes and are internally displaced or have fled to neighbouring countries, joining the hundreds of thousands of others who are already in exile or are displaced inside Burundi. Soldiers of the Burundian army have deliberately and arbitrarily killed hundreds of civilians - virtually all of them Hutu. Scores of other killings of unarmed civilians have been committed by members of the various armed opposition groups and other militia active in Burundi. Few of those responsible have been arrested and brought to justice.

During 1998, Amnesty International has published two major reports documenting the organization's concerns about the human rights situation in Burundi<sup>1</sup>. In order to illustrate and individualise some of these concerns, Amnesty International has produced a number of cases for appeal in connection with both reports. This document contains new information on the Appeal Cases published in August 1998, in connection with the report *Burundi: Justice on trial*, and a new series of Appeal Cases which are being published in connection with the report *Burundi: Insurgency and counter-insurgency perpetuate human rights abuses*, published on 19 November 1998.

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<sup>1</sup>*Burundi: Justice on trial* (AI Index: AFR 16/13/98, 30 July 1998) and *Burundi: Insurgency and counter-insurgency perpetuate human rights abuses* (AI Index: AFR 16/34/98, 19 November 1998). These and other reports by Amnesty International on the human rights situation in Burundi are available in French and English from Amnesty International, International Secretariat, 1 Easton Street, London, WC1X 8DJ.

The cases have been chosen to highlight to the international community the varied patterns of abuses being perpetrated on the civilian population in Burundi and in order to help members of Amnesty International and others to campaign against the abuses. All these cases are representative of hundreds of others. Please refer to both reports for further information on the human rights abuses in these Appeal Cases and on other areas of concern to Amnesty International.

Amnesty International would like to thank all those who sent appeals on behalf of the individuals featured in the *Justice on trial* Appeal Cases. Appeals should continue to be sent in some cases; please see below for details.

Amnesty International members and others - organizations and individuals - should use these cases to lobby their own governments and the government of Burundi to take action on these particular individual cases and on the protection of human rights in general. Please see the section "What you can do" in each case for recommended actions.

# BURUNDI

## Update N°1

### Appeal Cases: Justice on Trial

This document updates information given in the document, *Burundi: Justice on trial, Appeal Cases* (AFR 16/16/98) published in August 1998. Anyone seeking further information on these, or other cases, should refer to the original document or to the report *Burundi: Justice on Trial* (AFR 16/13/98)<sup>2</sup> published on 30 July 1998.

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## JEAN MINANI

In August 1998, Amnesty International expressed concern that **Jean Minani** appeared to be being tried mainly on the basis of information extracted under torture. If convicted, he would have faced the death penalty. In October 1998, Jean Minani was acquitted of all charges and released from detention. Although the State Prosecution (*Ministère public*) announced that there would be an appeal against the acquittal, no appeal was lodged within the eight day period allowed by law.

Jean Minani was arrested in March 1995 on suspicion of killing Lieutenant Colonel Lucien Sakubu, a former Mayor of Bujumbura. Following his arrest, he was severely beaten, and confessed under torture to the killing. He later retracted the statement on the grounds that it was made under duress. Shortly after his arrest, Amnesty International representatives met and interviewed Jean Minani in detention. He had visible scars and open wounds from the torture.

Jean Minani spent over three years in prison awaiting trial. He appeared briefly in court in May and July 1998. Photographs of his injuries resulting from torture, taken by Amnesty International representatives, were submitted as evidence during his trial. At a final hearing in October 1998, the witness for the prosecution retracted her previous statement, made in 1995, incriminating Jean Minani, claiming she had been threatened

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<sup>2</sup>Both *Burundi: Justice on Trial* (AFR 16/13/98) and *Burundi: Justice on Trial, Appeal Cases* (AFR 16/16/98) are available in French and English from Amnesty International, International Secretariat, 1 Easton Street, London, WC1X 8DJ, United Kingdom.

and forced to make the statement against him. Two witnesses for the defence were also heard. The lawyer for the defence argued that statements made under torture or duress could not be accepted in court as evidence. Jean Minani was then acquitted.

Amnesty International welcomes the fact that Jean Minani's statement extracted under torture was not admitted in court and hopes that this case will set a positive precedent for future trials in Burundi. Amnesty International has appealed to the government of Burundi to remove those responsible for the torture of Jean Minani from positions of authority and to bring them to justice in accordance with international standards for fair trial.

Many thanks to those who sent appeals on behalf of Jean Minani. No further appeals are necessary.

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## **ABBÉ PATRICE VYINGOMA**

In August 1998, Amnesty International expressed concern that **Abbé Patrice Vyingoma** had been arrested because of his humanitarian work in the community. He was arrested in 1996 and accused of distributing food and clothes to members of an armed opposition group. Abbé Vyingoma claimed he was merely distributing aid to the local population in need. Church workers who came forward as defence witnesses and who supported his statement were arrested. They were accused of giving false statements, tried and sentenced to two months' imprisonment.

On 6 October 1998, he was convicted of complicity with armed groups, although he still denies the charge. Abbé Patrice Vyingoma was sentenced to two years and three months in prison, which was the exact length of time he had already spent in prison; he was therefore immediately released.

Many thanks to those who sent appeals on behalf of Abbé Patrice Vyingoma. No further appeals are necessary.

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## **PLACIDE WIMANA AND CORNEILLE KARIKURUBU**

Both **Placide Wimana** and **Corneille Karikurubu** were among a group of 51 prisoners who were transferred from Mpimba central prison, Bujumbura to Rumonge prison in

Bururi province in late October 1998. According to official sources the reason for the transfer is to reduce overcrowding in Mpimba. Of those transferred, 39 are prisoners under sentence of death, who have had their sentence confirmed by the Cassation Chamber of the Supreme Court. They include Placide Wimana and Corneille Karikurubu.

Human rights groups monitoring this and other transfers had been told that prisoners would be transferred to prisons nearer their homes - thus making it easier for their families to visit, potentially bringing much needed additional food and other basic necessities. (At present, prisoners who submit appeals to the Cassation Chamber of the Supreme Court are transferred to Bujumbura for the duration of the cassation process.) However, most of the transfers out of Mpimba have been to Rumonge prison, which suffers from less overcrowding than other prisons. Conditions though are very harsh in the prison and the prison is particularly difficult to access because of conflict in the surrounding area.

In August 1998, Amnesty International expressed concern that Placide Wimana and Corneille Karikurubu had been sentenced to death after unfair trials. Please continue to appeal for clemency for Placide Wimana and Corneille Karikurubu. Please appeal to the Burundian authorities to address life threatening conditions of detention, and to ensure that prisoners under sentence of death are not subjected to harsher conditions than other prisoners or detainees. Appeals should be sent to:

- Major Pierre BUYOYA, President Fax: 257 22 74 90, Tlx: 5036 PRESIBU
- Mr Terence SINUNGURUZA, Minister of Justice Fax: 257 21 86 10
- Mr Eugène NINDORERA, Minister for Human Rights, Institutional Reform and Relations with the National Assembly Fax: 257 21 38 47

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## **GAËTAN BWAMPAYE**

**Gaëtan Bwampaye's** death sentence was confirmed by the Cassation chamber of the Supreme Court in October 1998. His Cassation appeal had been heard in September. He may now appeal for presidential clemency.

Gaëtan Bwampaye was sentenced to death after a grossly unfair trial in August 1997. He was convicted of participation in the massacres which followed the assassination of President Melchior Ndadaye in October 1993. During his trial, his family was harassed and his house burnt down. Some defence witnesses were arrested and beaten after giving evidence in court. Although he was assisted by a lawyer for most of

his trial, at the final hearing and at the summing up of evidence, he was not assisted by a lawyer.

He is still held at Mpimba central prison.

Please continue to raise Gaëtan Bwampaye's case with the Burundian authorities. Please appeal for President Buyoya to grant clemency when the case comes before him, and ask him to take the unfairness of the trial into consideration when reviewing the appeal for clemency. Appeals should be sent to:

- Major Pierre BUYOYA, President Fax: 257 22 74 90, Tlx: 5036 PRESIBU
- Mr Terence SINUNGURUZA, Minister of Justice Fax: 257 21 86 10
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## ONGOING APPEAL CASES

Amnesty International's concerns about the cases of **Laurent Bimenyumurenyi**, **Stanilas Machini**, and **Marie Rose Umahora**, featured in the original Appeal Cases, are unchanged. Many thanks to all those who have already sent appeals on their behalf; please continue to do so.

Please continue to send appeals to the Burundi government as originally recommended. Please note that faxes to the Minister of Justice should now be sent to the following number: +257 21 86 10.