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Burundi: Government carries out political executions after grossly unfair trials

Amnesty International today strongly condemned the execution of six men on 31 July who had been sentenced to death after grossly unfair trials.

“These are the first executions in Burundi since 1981, and are all the more outrageous as they took place after blatantly unfair trials,” Amnesty International said today. “And now, by denying Paulo Sergio Pinheiro, the UN Special Rapporteur on Burundi, access to the country, the government is trying to avoid international scrutiny of the very serious human rights situation which exists there.”

The sentences of the men -- Stanislas Machini, Firmat Niyonkenguruka, Ephraim Banka, Edouard Sahokwsawama, Pontien Bizumukama and Damien Nsabimana -- were confirmed by President Major Pierre Buyoya on 30 July. They had all been convicted of participation in massacres or other killings following the assassination of the first democratically elected president of Burundi, Melchior Ndadaye, on 21 October 1993. At least one of the detainees, Stanislas Machini, was seriously tortured in detention apparently to force a confession of guilt. None had legal representation.

Under Burundi law, appeals may only be submitted on the grounds of blatant errors of law. Stanislas Machini, Firmat Niyonkenguruka and Ephren Banka submitted appeals which were not upheld. The other defendants are believed not to have submitted appeals.

The executions took place shortly after a meeting of the council of magistrates in the capital, Bujumbura on 29 July, which reportedly recommended that presidential clemency should not be granted and the death sentences should be carried out.

"Executions after trials such as these serve only to perpetuate impunity and negate the concept of justice -- they are yet another example of violations of the right to life which occur daily in Burundi," Amnesty International said. "It is time Major Buyoya took action to publicly uphold human rights."

According to information received by Amnesty International, up to 130 other people, also convicted after unfair trials, may face imminent execution, if presidential clemency is not granted. The organization is appealing to 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.

Firmat Niyonkenguruaka was convicted in June 1996 of killing 70 Tutsi school children; at his trial he was denied the right to legal representation. Defence witnesses requested by Firmat Niyonkenguruka were excluded from the trial. Neither he nor his lawyer were present at his appeal hearing at the *cour de cassation* in March 1997.

Stanislas Machini, a member of the Twa ethnic group and one of the few educated Twa, was a former executive member of the political opposition party, the *Rassemblement du peuple burundais*, Rally for the Burundi People. He was arrested in August 1995 and was sentenced to death in February 1997. In 1995 he wrote to the *Procureur General* alleging he had confessed to participation in the massacres after torture. The allegation of torture is not known to have been investigated by the authorities.

Background

During 1996, more than 100 people were sentenced to death after their conviction of participation in massacres of civilians which took place in October and November 1993. The trials were grossly unfair; none of those convicted had legal representation in courts which are dominated by Tutsi investigators, prosecutors and judges. Many trials lasted only a few hours. Burundi lawyers, virtually all of whom are Tutsi refused to represent the defendants, or were prevented by threats from doing so.

During 1997 trials have continued, and at least 13 more death sentences have been passed. More than 6,000 people, the majority of them Hutu, are now in detention, accused of participation in massacres of Tutsi civilians following the assassination of former President Melchior Ndadaye. A minority of death sentences relate to criminal offences committed prior to October 1993.

Many detainees claim to have been tortured and ill-treated at the time of arrest and also by the investigating officers; many statements are therefore made under duress. Defendants have shown evidence of torture in court although this has not been taken into consideration. Frequently the trials proceeded in the absence of defence witnesses and defendants have been denied the opportunity to question prosecution witnesses.

Under the Burundi penal code, execution is by hanging. According to Burundi state radio, the defendants were hanged in Mpimba central prison on 31 July 1997. Other, unconfirmed reports state that they were taken from the prison and taken to Rukoko, an area infamous for extrajudicial executions, and shot.

Amnesty International published a report in July 1997 on serious human rights violations in Burundi resulting from the policy of the government of forcibly relocating Hutus to camps. In fulfilling the obligation of the international community to monitor the human rights situation in Burundi, the UN Human Rights Commission renewed the mandate of Paulo Sergio Pinheiro as Special Rapporteur on Burundi. The Burundi government has to allow the Special Rapporteur unhindered access to the country to investigate the human rights situation so that he may present an accurate report to the international community.

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