

URGENT ACTION

FREE ACTIVIST WHO SPOKE OUT

Anti-corruption activist Faustin Ndikumana was arrested on 7 February and charged with making "false declarations". He had alleged that some magistrates had got their posts by bribing officials in the Ministry of Justice.

Faustin Ndikumana is President of Words and Action for the Awakening of Conscience and the Evolution of Mindsets (PARCEM). He wrote to the Minister of Justice asking him to investigate and halt corruption in the recruitment of judges. He held a press conference and gave radio interviews on 3 February denouncing alleged corruption within the Ministry.

He was arrested on 7 February, questioned by a magistrate at the Anti-Corruption Court and charged with making "false declarations" under Article 14 of the Anti-Corruption Law. He could face five to 10 years in prison and a fine of up to 1,000,000 Burundian francs (US\$ 775). It appears that he was arrested on the basis of a judicial complaint filed by the Minister of Justice. Societies and associations can also be prosecuted under the law and fined up to 10,000,000 Burundian francs (US\$7,750).

Faustin Ndikumana is detained in Mpimba Central Prison, in the capital Bujumbura, and held in overcrowded and insanitary conditions. He is detained in violation of Burundian law. Under Article 71 of the criminal code, pre-trial detention must only be used where it is necessary to preserve evidence, protect public order, protect the suspect, prevent the crime from continuing or to ensure that the suspect appears in court.

Amnesty International considers Faustin Ndikumana a prisoner of conscience detained solely for exercising his right to freedom of expression. His detention may have a chilling effect on other civil society activists and journalists in Burundi. It could increase self-censorship, as they seek to protect themselves from arbitrary arrest.

Please write immediately in French, English or your own language:

- expressing concern that Faustin Ndikumana has been detained on defamation charges for denouncing reports of corruption within the Ministry of Justice;
- urging the authorities to release him immediately and unconditionally, as he is a prisoner of conscience detained solely for exercising his right to freedom of expression;
- reminding the authorities that, as a state party to the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights, Burundi is obliged to uphold the right to freedom of expression.

PLEASE SEND APPEALS BEFORE 22 MARCH 2012 TO:

President

His Excellency Pierre Nkurunziza
Président de la République du Burundi
Bureau du Président
Boulevard de l'Uprona
Rohero I, BP 1870
Bujumbura, Burundi
Fax: +257 22 22 74 90
Salutation: Votre Excellence / Your Excellency

First Vice-President

His Excellency Thérèse Sinunguruzza
Bureau du Président
Boulevard de l'Uprona
Rohero I, BP 1870
Bujumbura, Burundi
Fax: +257 22 22 74 90
Salutation: Votre Excellence / Your Excellency

And copies to:

Minister of Foreign Affairs
Monsieur Laurent Kavakure
Ministère des Relations Extérieures et de
la Coopération Internationale
Bdg Grand Bureau, Bvd de la Liberté
BP 1840, Bujumbura, Burundi
Fax: +257 22 22 39 70
Salutation : Monsieur le Ministre /
Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

AMNESTY
INTERNATIONAL



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ADDITIONAL INFORMATION

Burundi has a vibrant civil society which continues to speak out despite government attempts to silence it. The authorities have used harassment by judicial authorities, arbitrary arrests, prolonged pre-trial detention, and procedural violations of Burundian law to unduly restrict freedom of speech.

Burundi is a party to the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights which protect freedom of expression. It is well established under international law that public officials must tolerate more, rather than less, criticism than private individuals.

Defamation or false declaration charges are regularly brought against civil society activists, human rights defenders and journalists. They often result in prolonged pre-trial detention seemingly in attempts to silence government critics. Juvenal Rududura, vice-president of the trade union of non-judicial staff of the Ministry of Justice, was detained on charges of making false statements in September 2008. He had also alleged corruption in recruitment at the Ministry of Justice. He was detained for 10 months without trial, and the charges against him were never formally dropped.

The independence of the judiciary in Burundi is regularly compromised through political interference. The United Nations Independent Expert on the human rights situation in Burundi, Fatsah Ouguergouz, cited problems with judicial independence as a key weakness of Burundi's justice system in his May 2011 report.

Name: Faustin Ndikumana

Gender m/f: m

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