BURUNDI

Memorandum to the Government and National Assembly of Burundi on the proposed reform of the Code of Criminal Procedure

I INTRODUCTION

Amnesty International welcomes the proposed reform of the Code of Criminal Procedure in Burundi and sees it as an opportunity, not only to acknowledge the current problems in administering justice in Burundi and to discuss their solutions, but also as an important occasion to ensure that basic rights may be further protected by law.

The reform process is an opportunity to ensure that criminal procedures in Burundi uphold the rights enshrined in international human rights treaties such as the *United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (UN Convention against Torture), the *International Covenant on Civil and Political Rights* (ICCPR) and the *UN Convention on the Rights of the Child*, to which Burundi is party. The Code should also conform to other instruments which form the broad framework of internationally recognized standards concerning the right to fair trial, including the *Universal Declaration of Human Rights*, the *UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment*, the *UN Standard Minimum Rules for the Treatment of Prisoners*, the *UN Basic Principles on the Role of the Judiciary*, the *UN Commission on the Role of Prosecutors* and the *UN Basic Principles on the Role of*

Lawyers. It is also essential to ensure that effective mechanisms for their implementation are incorporated into national legislation.

Reforming the Code of Criminal Procedure represents an important step for Burundi in dealing with the legacy of impunity, and in setting the foundations for a new respect of the rule of law. Amnesty International appreciates the Government of Burundi's wish to find practical solutions to some of the problems faced in the administration of justice, and recognizes that sometimes the most "practical" solutions are not necessarily the ones which maximize the respect for human rights. Amnesty International is concerned that this practicality could compromise or even negate the human rights that the Government of Burundi has agreed elsewhere to uphold. While some of the provisions of the draft Code might improve human rights protection, several provisions could, if implemented, legalise certain violations of suspects' or detainees' rights. Further changes which could provide greater protection of these rights should be included in the draft Code.

Although submitted late in the process, Amnesty International hopes that its comments and suggestions, which are able to address only some of the organization's concerns about the draft Code, will bring the draft into better compliance with Burundi's human rights obligations. Amnesty International's role that in commenting on legal texts is one the organization views as particularly important, and one which it has played in the past by commenting on other proposed legal reforms or judicial issues[1].

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[1] *Memorandum au Gouvernement de la République du Burundi, Recommendations relatives à la Protection constitutionelle des droits de l'homme* (June 1991), *Memorandum to the Government of Burundi on the draft law on genocide and crimes against humanity* (March 1998) and A *Memorandum to the Government of Burundi on Appellate Reforms* (November 1998).

This document is based on the March 1999 draft version of the Code, and does not include any later changes which may have been introduced following consultation with human rights groups, the police and other relevant bodies.

II COMMENTS ON ELEMENTS OF THE NEW DRAFT CODE OF CRIMINAL PROCEDURE

As a party to the ICCPR and to the UN Convention against Torture, Burundi must take effective steps to prevent torture and ill-treatment. The Human Rights Committee, a body of experts established under the ICCPR to monitor implementation of that treaty, has explained the scope of these obligations in General Comment 20, para. 11:

> ...."It should be noted that keeping under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment is an effective means of preventing cases of torture and ill-treatment. To guarantee the effective protection of detained persons, provisions should be made for detainees to be held in places officially recognized as places of detention and for their names and places of detention, as well as for the names of persons responsible for their detention, to be kept in registers readily available and accessible to those concerned, including relatives and friends. To the same effect, the time and place of

all interrogations should be recorded, together with the names of all those present and this information should also be available for purposes of judicial or administrative proceedings. Provisions should also be made against incommunicado detention. In that connection, States parties should ensure that any places of detention be free from any equipment liable to be used for inflicting torture or ill-treatment. The protection of the detainee also requires that prompt and regular access be given to doctors and lawyers and, under appropriate supervision when the investigation so requires, to family members.''

Although Amnesty International welcomes some of the proposed reforms to the Code, it believes that the draft Code does not go far enough in ensuring that the essential safeguards against torture and ill-treatment and of the right to a fair trial, referred to above are guaranteed. Particularly, Amnesty International is concerned that the draft Code fails to provide any safeguards against incommunicado detention, and recommends that, to fulfil Burundi's legal obligations under the UN Convention against Torture and Article 7 of the ICCPR, such safeguards be incorporated.

i) Introduction of the *garde à vue*

Under Article 61 of the draft Code, the police may detain a suspect for investigation for up to seven days by the police, without having to formally charge the person or without having to inform the Public Prosecutor's office.

The decision to introduce the *garde à vue* is not altogether negative, in the sense that it recognizes and seeks to address the fact that judicial police officers have illegally been holding suspects in custody for prolonged periods of time. Detainees as a result have been illegally detained, often after arbitrary arrest or without substantiating evidence. Virtually all detainees have been unable to challenge the legality of their detention, and many of them have been subjected to torture or other forms of cruel, inhuman or degrading treatment.

By requiring that all detention be regulated by law, the draft Code provides for control of the practice, which if implemented, will end prolonged detention outside any legal framework. However, Amnesty International has a number of serious concerns in relation to the proposed period of *garde à vue*, in particular that as currently drafted, it will further expose detainees to torture and ill-treatment.

i.i) Failure to safeguard against torture during *garde à vue*

Suspects and detainees are systematically tortured or ill-treated in police and military custody in Burundi, often to force them to confess or to make incriminating statements against themselves or others[2].

[2] For further information on the use of torture in Burundi, please see Amnesty International reports, *Burundi: Insurgency and Counter-insurgency perpetuate human rights abuses* (AFR 16/34/98, November 1998), *Burundi: Justice on Trial* (AFR 16/13/98, 30 July 1998), *Burundi: Struggle for survival* (AFR 16/07/95, June 1995).

These statements have often been used in court as the basis for conviction. Scores of detainees have also died in custody as a result of torture.

The introduction of the *garde à vue* without specific provisions to counter torture – such as sanctions against those responsible for torture, access to medical examination by an independent doctor, access to legal counsel, and the prohibition of the use of statements which are the result of torture, leaves the detainee unacceptably vulnerable to torture.

i.ii) Incommunicado detention during *garde à vue*

Article 63 of the draft Code states that it is up to the discretion of the judicial police officer to decide whether or not the detainee can communicate with anyone. This provision means that detainees may be held incommunicado during the *garde à vue*. They could be refused access to a lawyer or medical treatment. Family members might not even be told where the detainee is being held.

The UN Special Rapporteur on Torture has stated that incommunicado detention should be illegal:

> "Torture is most frequently practised during incommunicado detention. Incommunicado detention should be made illegal and persons held incommunicado should be released without delay."[3]

International standards require the authorities to give prompt access to a lawyer, to the family and to independent medical attention. Access to a lawyer, for example, may only be restricted "in exceptional circumstances, to be specified by law or lawful regulations, when it is considered indispensable by a judicial or other authority, in order to maintain security and good order"[4]. The draft Code, by giving the police the unfettered discretion to restrict or suspend entirely access to a lawyer, fails to satisfy even these extremely limited safeguards. Incommunicado detention should be prohibited not only because it will facilitate the commission of other violations, specifically torture, "disappearance" or even extrajudicial execution, but also because it violates the right to a fair trial, guaranteed by Article 14 of the ICCPR.

i.iii) Duration of the *garde à vue*

3 Report of the Special Rapporteur on Torture, UN Doc. E/CN.4/1995/34, para. 926(d).

4 UN Body of Principles, Principle 18(3).

Amnesty International is particularly concerned about the proposed length of the *garde à vue* period, which can be for a maximum of seven days. It is concerned that during this period, the detainee will be vulnerable to torture and ill-treatment, particularly if held incommunicado.

International human rights standards provide that, even in those exceptional circumstances when access to a lawyer may be restricted, access may be denied for only a short time. The UN Special Rapporteur on Torture has declared that, *"[l]egal provisions should ensure that detainees be given access to legal counsel within 24 hours of detention*".[5]

i.iv) Other concerns in relation to the *garde à vue*

Additionally Amnesty International is concerned that the draft Code contains no provision which outlines the minimum acceptable conditions of detention in the *garde à vue*, and therefore detainees may be held in unrecognized places of detention or in conditions which amount to cruel, inhuman or degrading treatment. International standards require that all detainees be held in recognized places of

5 Report of the Special Rapporteur on Torture, UN Doc. E/CN.4/1995/34, para. 926(d). Similarly, Principle 7 of the UN Basic Principles on the Role of Lawyers provides that governments shall, *"ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty eight hours from the time of arrest or detention*".

detention. For example, Principle 10(1) of the UN Declaration on the Protection of All Persons from Enforced Disappearance states: "*Any person deprived of liberty shall be held in an officially recognized place of detention*".

In the draft Code there is no specific deadline for a judicial police officer to inform the Public Prosecutor's Office of the detention. This should take place immediately, and at the latest, within 24 hours from the time of the detention. There can be no reason for any delay in notifying the Prosecutor.

Recommendations:

The Code should be amend to include the following provisions to satisfy international law and standards:

- torture or other ill-treatment during the period of detention in police custody (*garde à vue*) makes it an illegal detention, bringing into effect Article 27 of the draft Code (provision for disciplinary or criminal proceedings).

- the Code should specify that coerced confessions or statements made under duress are inadmissible in court proceedings, except as evidence against a person accused of torture as evidence that the statement was made;

- the judicial police officer should be required to inform the Public Prosecutor's Office and a judge without delay of the arrest of a suspect. The officer should be obliged to disclose the suspect's identity, reasons for the arrest and place of detention;

- anyone detained in *garde à vue* should be held in recognized places of detention;

- the Code should provide that detainees may not be held incommunicado under any circumstances;

- the right of detainees of access to lawyers, families and independent medical attention should be expressly guaranteed during the *garde à vue* period;

- the *garde à vue* period should be restricted to 24 hours;

- the Code should specify that detainees are to be treated with dignity and respect and in humanitarian conditions, in accordance with Burundian and international human rights standards and that the failure to comply will be punished according to law;

- failure by police to comply with time limits for *garde à vue* should also constitute a disciplinary offence. Mechanisms should be put in place and implemented to monitor both whether the time limits are being adhered to, and whether disciplinary action is in fact taken.

Amnesty International is concerned that if the above recommendations are not included in the Code of Criminal Procedure, it will be difficult for judicial and other authorities to monitor and prevent torture. Police officers and other members of the security forces with powers of arrest should have no authority to guard the person, and must bring the person to the jurisdiction of the Public Prosecutor's office immediately and at the latest, within 24 hours.

ii) Procedural time limits

Amnesty International recognizes that under the new draft, the procedural time limits from the initial retention to the confirmation of pre-trial detention is clearer than in the existing Code which is imprecise, difficult to implement, and prone to abuse.

Under the current proposal there is a maximum of seven days *garde à vue*, after which the detainee, if he is not released, must be transferred to the jurisdiction of the public prosecutor's office who may issue a provisional arrest warrant. The detainee must appear

before a judge within a period of 15 days from the issuance of the provisional arrest warrant. The court has 48 hours from the time when it was seized of the matter to hear the prosecutor's application for the issuance of a pre-trial detention order; and the decision is to be given at the latest, one day after the hearing. Consequently, the draft law provides that the detainee can be made to wait for up to 25 days before having the opportunity to appear before a judge who could rule on his or her pre-trial detention.[6]

In its General Comment 8, the Human Rights Committee has said that delays in bringing a detainee before a judge should not exceed a few days.

Amnesty International welcomes the fact that Article 73 of the draft Code gives detainees the specific opportunity to challenge their pre-trial detention. However, the draft Code fails to provide that every person detained on a criminal charge be brought promptly before a judge, as required by Article 9(3) of the ICCPR. Amnesty International recognizes that in practice there may be difficulties in ensuring that all steps are adhered to within even this relaxed time limit.

[6] As Article 188 of the current draft specifies that state holidays are not included in the days counted, the 25-day period could actually represent a much longer period. Article 188 does not specify whether all other non-working days such as weekends are included.

Amnesty International therefore recommends that the draft Code provide that every person detained on a criminal charge be brought promptly before a judge so that the detention is subject to judicial supervision, from the earliest possible moment, and that hopes that further thought may be given to what resources are needed to ensure that this is a reality.

Under Article 84 of the draft Code, the time limit for an appeal against a pre-trial detention order is also increased from 24 to 48 hours. Amnesty International welcomes this measure but recommends that the Code provide that detainees be informed of the right.

Habeas corpus or *amparo* safeguard

The Code should guarantee the right, recognized in Article 9(4) of the ICCPR of every person who is detained to challenge the lawfulness of his or her detention before a judge, and to be released if that detention is determined to be unlawful.

A *habeas corpus* or *amparo* procedure, enabling detainees or someone on their behalf to challenge the legality of their detention should be included in the draft Code. The Code should also make clear that this remedy may never be suspended.

This safeguard would allow for relatives to force members of the security forces or police to provide information to the courts on the

whereabouts of a detained person. It is an important safeguard against arbitrary arrest and detention, torture and "disappearance" and means that at any moment, the security forces may be obliged to produce a detainee in court. It also enables a detainee to challenge their detention at any moment.

In Amnesty International's 1991 Memorandum to the Government of Burundi on constitutional reform, it made this specific recommendation, calling on the Government of Burundi to:

> "Offrir la possibilité aux détenus ou à leurs familles de porter plainte contre les autorités responsbles des détentions illégales serait une sauvegarde importante contre les violations des droits des détenus....partout dans le monde, des pays aux systémes judiciaires très différents ont des mécanismes qui autorisent les familles des détenus, ou leurs représentants en justice, à exiger la comparution du détenu devant un magistrat et à solliciter des autorités chargées de la détention de préciser le fondement en droit de l'arrestation et de la détention. L'autorité judiciaire devant laquelle est traduit le détenu doit bénéficier du pouvoir de libérer quiconque don't la détention semble illégale ou sans objet".

If implemented it would be an important step towards introducing real accountability in the security forces and towards preventing hundreds - or thousands - of abuses.

The current draft Code enables the detainee (or the person in charge of his place of detention on his behalf) to seize the jurisdiction of the Court when there has been a failure on the part of the responsible authorities to ensure that the detainee is brought before a judge within the specified deadlines [7]. While this offers some protection to the detainee, it fails to protect the detainee when he or she is most prone to torture and/or "disappearance" – immediately following detention.

Recommendations :

- the deadlines should be shortened;

- the Government should give appropriate priority (in terms of training of personnel, realignment of human and material resources to the public prosecutor's office) to ensure that deadlines are adhered to. Specific regulations detailing the

7 Article 73(3) "*Passé ce délai, l'inculpé ansi que le responsable de l'établissement pénitentiaire sont admis saisir la juridiction compétente pour statuer sur la détention préventive, le tout sans préjudice de sanctions disciplinaires l'encontre du Magistrat Instructeur défaillant.*"

functioning of the council chamber (*chambre de conseil*) should be instituted;

- further safeguards should be introduced to enable detainee and their representatives to challenge the legality of detention before a judge at any stage so that the court may decide without delay on the lawfulness of the detention and or the detainee's release if that detention is unlawful, and to further protect the detainee from torture.

- A specific unit, under the direction of the Public Prosecutor's Office, should ensure that arrest and detention procedures comply with the law, and that any failure to comply is resolved without delay.

Amnesty International also welcomes the introduction of Article 136 -- which ensures that those who have been in preventive detention for the maximum length of time for which they could be sentenced, if convicted, are released. This provision recognizes a serious problem which continues to plague the pre-trial detention system -- the lack of effective controls to monitor the length of time individuals spend in detention. A similar problem has been noted in relation to persons who have served out their full sentences, but are not released, and Amnesty International encourages the drafters to include this

particular situation in a new formulation of Article 136. While Amnesty International agrees that the first measure that must be taken in these cases is to release the detainees/prisoners, the organization also suggests that the relevant authorities give greater priority to tracking the time persons subject to their jurisdiction spend in detention, so as to eliminate the violation of the rights of detainees. Amnesty International further encourages the drafters to specify that detainees or prisoners held beyond the time proposed by the courts can sue the responsible authorities for compensation.

iii) Deadline for issuing of judgments

The current draft extends the deadline for pronouncing the judgment from eight days to two months.

Currently, in many cases, convicted defendants are obliged to appeal, or make a submission to the Cassation Chamber of the Supreme Court, without having a copy of the judgment, and therefore without knowing the legal basis for the conviction. This means that in many cases the appeals submissions will automatically be rejected or are invalid.

Recently, following a ministerial decree, more written judgments have been provided within the deadlines. While this should have helped appellants in the formulation of the arguments for

appeal, according to Amnesty International's information, these judgments rarely include the legal basis for the decision, and therefore are of insufficient detail to be useful.

In theory, lengthening the deadline for the pronouncement of the judgment will ensure that there is adequate time to produce sufficiently detailed written judgements, and as such Amnesty International welcomes the extension of this deadline. However, given the extraordinary burden placed upon the courts - which is likely to increase rather than decrease - Amnesty International is concerned that unless sufficient attention is given to ensuring that more resources are found to ensure that judgments are produced, courts may still be overwhelmed.

Amnesty International's biggest concern however is to ensure that the written judgments are sufficiently detailed and include the grounds for conviction and sentencing. Amnesty International believes that the Government of Burundi should take advantage of this reform to write in explicitly the obligation that the judgment must include an adequate explanation for the grounds for a magistrate's of judge's decision, and that the convicted person must receive a copy of the written judgment at the time the judgement is given.

Recommendations :

- the written judgment must include all the grounds for conviction and sentencing;

- training must be provided to ensure that judgments are of an appropriate quality;

- the quality of judgments must be monitored;

- the convicted person must receive a copy of the written judgment when the decision is pronounced;

- the judiciary must be provided with sufficient human and material resources, as well as political support to dispense justice competently, independently and impartially, and to enable courts to provide promptly written judgments.

iv) Deadline for appeal

The current draft changes the deadline for submitting an appeal either to the court of appeal or to the cassation chamber from eight to 30 days from the issuance of the verdict.

As the eight days deadline had proved to be unworkable, Amnesty International welcomes this extension.

Recommendation:

- the wording of Article 149 should make clear that the 30-day period of appeal starts from the date when the written judgment has been made available to the convicted (or acquitted) person, rather than from the date on which the verdict was issued, if those days are different.

v) The right to legal counsel

Amnesty International welcomes the fact that the new draft allows for the right to legal counsel during the investigation stage, but is concerned that the draft makes it easy for this right to be restricted. In particular, Article 95 of the current draft totally undermines the right to have a lawyer.

> "*Lorsque la manifestation de la verité ou une bonne administration de la justice l'exige...la juridiction compétente pour connaître de l'infraction peut décider par ordonnance, à la requête du Ministère Public, de la victime ou d'un témoin, de suspendre tout ou partie des droits prévus à l'article précédent* (right to legal counsel during the investigation stage) *pendant toute l'instruction ou pour une durée qu'elle détermine.*"

International standards provide the right to assistance at all stages of criminal proceedings including during interrogations. Article 55 of the Rome Statute of the International Criminal Court, signed by Burundi, requires the authority to inform suspects of the right to have their lawyer present during an interrogation. The presence of a lawyer plays an important preventive role. The presence of legal counsel may prevent torture, prevent undue pressure being placed on the accused during interrogation, ensure that statements by the accused or defence witnesses are not made under duress. Additionally, lawyers can ensure that the accused is fully aware of his/her rights and that the legal procedures are adhered to.

The UN Basic Principles on the Role of Lawyers[8] restate the basic guarantees for lawyer-client consultations, for example, full confidentiality, with no qualifications. The Principles are contravened by Article 96 which states:

> "Le Magistrat Instructeur peut restreindre les communications de l'inculpé avec les tiers et sa décision n'est susceptible d'aucun recours.

[8] Adopted by Consensus by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders on 7 September 1990. The Congress recommended that the principles be incorporated into national legislation.

Il peut également suspendre le droit de l'inculpé de communiquer avec son conseil dans les conditions définies à l'article précédent.''

The Principles also provide that everyone should have access to a lawyer promptly, but in no case later than 48 hours after arrest or detention. The UN Special Rapporteur on Torture has stated that such access should be granted within 24 hours - as it plays such an important role in the prevention of torture.

Recommendations:

- the Code should require the investigating magistrate to make sure that the accused is made aware of the right to a lawyer and how to take advantage of this right.

- Article 95, which totally undermines the right of a detainee to have access to a lawyer, should be removed from the Code.

- Article 96 should be amended. No restrictions should be placed on lawyer-client communications.

- The Code should additionally include a provision which guarantees the confidentiality of lawyer - detainee communications, and which guarantees the lawyer's ability to assist the client.

- The Code should also be amended so that family visits can not be restricted altogether but may, in exceptional and strictly defined circumstances, be restricted to visiting hours.

vi) Introducing more accountability for officials

Amnesty International welcomes Article 27 of the new draft as an important and positive provision. This Article introduces greater accountability for officials, so that an officer responsible for arbitrary or illegal detention may be subjected to penal or disciplinary measures.

Recommendations:

- to ensure that the provision works and is implemented, it is essential that its application is monitored systematically and that transgressions are indeed penalised.

- a provision making it a requirement that the arresting officer must identify him or herself to the suspect and relatives should be informed as a further measure for introducing accountability.

- as a further measure towards eradicating torture, the practice of torture should also be included under Article 27 so that the commission of torture during detention makes the detention illegal.

- it should also be made clear that any law enforcement official believed to be responsible for ordering, carrying out or condoning acts of torture will be criminally investigated, and, if there is sufficient evidence for a prosecution, prosecuted and if found guilty, punished according to law.

Amnesty International also welcomes the draft Article 51, which provides that officers of the Public Prosecutor are no longer able to fine or detain for up to one month in prison, someone who fails to testify when required. Under the existing Code the Public Prosecutor's office was effectively the judge and prosecutor. Under the new draft, the officer of the Public Prosecutor's Office submits a report to the judge who then makes a legal determination and decides on the penalty.

ii Juvenile justice - an opportunity to provide for greater protection for the rights of minors

Burundi ratified the UN Convention on the Rights of the Child in 1990 and therefore has certain legal obligations. In the Government of Burundi's first report on the application of the Convention in December 1997[9], the Government acknowledged that minors in detention are particularly vulnerable to abuses of their rights. These minors have been subjected to prolonged detention without trial, ill-treatment and torture. There are no special juvenile courts and in the majority of cases minors are held with adults, leaving them particularly vulnerable to other abuses including sexual assaults.

The African Charter on the Rights and Welfare of the Child, states in Article 1, "*Every child accused or found guilty of having infringed penal law shall have the right to special treatment in a manner consistent with the child's sense of dignity and worth and which reinforces the child's respect for human rights and fundamental freedoms of others*". Article 2 sets out a number of rights, including the right of the child not to be subjected to torture, and to have *"the matter determined as speedily as possible by an impartial tribunal*".

Amnesty International sees the reform of the Code of Criminal Procedure as a good opportunity to take some steps towards greater protection of the rights of the child.

Recommendations:

- Amnesty International is particularly concerned that the *garde à vue* is not appropriate for minors, and strongly suggests that minors be explicitly excluded from this aspect of the text. The

[9] Rapport initial de mise en application, CRC Additif Burundi 1997, 17 décembre 1997

Code should guarantee that parents are kept informed of the place of detention, have access and that minors must have access to counsel and medical care.

-Training should be provided to ensure that all law enforcement officers and detention guards are aware of the special needs of children, and the provisions of the UN Convention on the Rights of the Child.

-Provisions in the Code which deal with juvenile issues should also specify that failure to adhere to the correct procedures will be disciplined as an administrative or criminal offence, depending on the gravity.

viii) Other concerns

As soon as the Code comes into force, there will immediately be thousands of pre-dated cases which do not comply with the new rules and which need to be regularized. At the same time, new cases will be occurring which place a further burden on implementing reforms. Amnesty International has not been privy to discussions in Burundi indicating what thought has been given to addressing this difficult situation and to ensuring that it will be effectively addressed.

However, it is clear that it can only be achieved through sufficient resourcing in terms of personnel, money, supplies and training. Amnesty International hopes that the Government of Burundi as a matter of urgency will discuss with foreign governments, intergovernmental and non-governmental organizations, to ensure that sufficient resources are obtained. Discussions should include obtaining foreign judicial exports to be seconded to the Burundian judiciary at all levels, until Burundi has been able to build more capacity.

III CONCLUSION

Amnesty International welcomes the reform of the Code of Criminal Procedure as an opportunity for the Government of Burundi to increase the protection of human rights by legislating in their favour and by, more importantly, introducing mechanisms which ensure the implementation of the law and by sanctioning those who fail to adhere to mechanisms.

Amnesty International hopes that those considering the draft Code will consider the comments and suggestions which appear in this document in the constructive spirit with which it has been prepared.