

# AMNESTY INTERNATIONAL PRESS RELEASE

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## **Burundi: Government must now act to stamp out torture and impunity**

*"Burundi's new transitional government must not waste an historic opportunity to end the blight of torture and impunity," Amnesty International said today as it made public a Memorandum addressed to Burundi's transitional authorities and the international community.*

*The Memorandum, *An opportunity to confront torture and impunity*, was submitted to the new authorities in late December. Despite the ongoing human rights crisis, the transitional government has yet to give any clear sign that it will make tackling these and other human rights issues a priority.*

*Torture and ill-treatment in security force custody continue to devastate the lives of hundreds of ordinary Burundian people. Despite the recent political changes, Amnesty International continues to receive reports of torture at an alarming rate. The problem is underpinned by a culture of impunity, encouraged by decades of government refusal to meaningfully investigate and prosecute those responsible for gross human rights violations.*

*Amnesty International has attached to its Memorandum five illustrative cases exemplifying the excesses of the Burundian security forces, and of a political and judicial establishment that is failing in its duty to provide justice or to apply it even-handedly.*

*Salvator Ndagijimana, 15 years old, was stabbed with a bayonet on his arm and ankle while held in incommunicado military detention in Bujumbura, Burundi's capital, in June 2001, following his arrest on*

suspicion of collaboration with an armed opposition group and the murder of a local government official. No investigation into the allegation of torture has been carried out.

Gabriel Gisabwamana, a Hutu member of parliament was forced to kneel and then shot dead at point blank range after refusing to accompany soldiers to a military post (translators : position militaire) in Bujumbura in December 1999. In September 2001, a soldier was convicted of his killing, sentenced to 18 months' imprisonment and, as he had already spent 18 months in detention, he was immediately released. He was also fined the equivalent of one US dollar.

In February 1999, the military Court of Appeal found three soldiers including one officer guilty of involvement in the killing of at least 54 people in December 1996. The majority of those killed were civilian women and children, some of whom were only a few months old. Although the court ruled that some of those killed were combatants, it also found that unarmed civilians, including young children, had been stabbed or bayoneted to death, and that therefore the argument of legitimate defence, raised by the defence, was not valid. The court then sentenced the soldiers to prison terms ranging from one to two years.

These cases are exceptional -- soldiers accused of involvement in human rights violations are rarely arrested, and even more rarely tried. Paradoxically, the few trials which have taken place confirm the impunity of the security forces through the levity of sentencing and demonstrate clearly the contempt of the security forces for the lives of civilians.

The impunity of the security forces is further demonstrated by the case of Déogratias Bakundukize, who continued to work as a police officer despite his alleged involvement in and subsequent conviction of the death in custody of two detainees on separate occasions.

"These cases, and many more, demonstrate why urgent steps need to be taken to prevent torture, end impunity and provide a justice system that works in the interests of all citizens," Amnesty International said." The organization does not underestimate the difficulties of restoring respect for human rights in a context of bitterness, mistrust and lack of accountability, let alone in the context of on-going armed conflict. Yet failure to do so will not only jeopardize the peace process and transitional institutions but also the future of the human rights of the Burundian people."

Amnesty International's Memorandum underlines the importance of investigating human rights abuses carried out during the transitional period, bringing the perpetrators to justice and providing victims with redress.

The Transitional Government should end incommunicado detention; introduce a full right to appeal, and reform of the legal system so as to ensure that members of the security forces accused of human rights violations are tried before civilian rather than military courts.

Amnesty International is also calling on the international community to:

urgently assist in the reconstruction of an effective criminal justice system;

promote and provide human rights training within the security forces;

support UN initiatives such as the program of judicial assistance and human rights monitoring to ensure greater effectiveness and increased political support;

*support independent human rights organizations including by providing financial and other material resources;*

*carefully monitor the human rights situation in Burundi and human rights record of the Transitional Government of Burundi.*

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