

PUBLIC

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UA 303/06 Prisoner of conscience / fear of torture or ill-treatment / harassment/ intimidation

BURUNDI Gabriel Rufyiri (m)

Gabriel Rufyiri, the President of the non-governmental anti-corruption organization, the Observatory for the Struggle against Corruption and Economic Embezzlement (*L'Observatoire de Lutte contre la Corruption et les Malversations Economiques*, OLUCOME) has been arbitrarily arrested and illegally detained for alleging that members of the Burundian government have been embezzling money. Amnesty International believes that Gabriel Rufyiri is a prisoner of conscience who has been imprisoned for exercising his right to freedom of expression.

Gabriel Rufyiri is currently detained in Mpimba Prison in the capital, Bujumbura, on a charge of "defamation" (*"imputations dommageables"*). Over the course of several months, other members of OLUCOME have reportedly received anonymous telephone calls, threatening that unless they give up their work for the organization, they and their families will be killed. According to reports, the office of OLUCOME was also taken over by a gang of around 30 men who held the staff members in the building and physically assaulted another member. The men then reportedly forced the OLUCOME staff out of the building, padlocking the doors so they could not get back in. On another occasion, a public event was broken up by a large group of men, reportedly led by a man who had been incriminated in other allegations voiced by OLUCOME.

OLUCOME appears to have been targeted because of the organization's public condemnation of government corruption in Burundi. OLUCOME has voiced concern over the alleged irregular selling of a presidential plane. Local rights groups criticized the speed at which the sale was made, and complained that the government did not accept the highest bid, losing \$2 million in the process.

In addition, OLUCOME recently criticised the alleged sale of 1,500 tonnes of beans in November 2005 and 1,800 barrels of palm oil in June 2006 to Burundi's national police. OLUCOME stated that the alleged sale had been riddled with irregularities, and that it had cost the state over 200 million Burundian francs (approximately US\$300,000). According to reports, a local businessman incriminated by OLUCOME's allegations made an official complaint to the Procurator's Office (*Parquet Général de la République*) two months after OLUCOME had condemned the irregular dealings.

Gabriel Rufyiri received his first court summons on 30 August 2006. Two days later, the Public Prosecutor directly intervened in the case by lodging an appeal. The hearing at the Appeals Court took place on 22 September 2006. Additional charges were then brought against Gabriel Rufyiri who was then explicitly charged with defamation.

On 22 September, the day of the court hearing, Gabriel Rufyiri had been held a full 21 days longer than the legal 48-hour detention period stipulated under Article 85 of the Criminal Procedure Code. A date for Gabriel Rufyiri's trial has not yet been set.

BACKGROUND INFORMATION

The Burundian authorities have recently become increasingly authoritarian in their response to criticism from human rights defenders or journalists. The detention of Gabriel Rufyiri is part of a wave of arbitrary arrests and illegal detentions of people who have simply exercised their right to freedom of expression. OLUCOME has regularly criticised the government over its failure to arrest those responsible of embezzlement of public funds. Their members have regularly argued that embezzlement has prevented the government from achieving higher standards of living for the impoverished Burundian population. The

organization has reported at least 1,500 instances of corruption amounting to approximately 100 billion Burundian francs (around 100 million US dollars) during the last 12 years of Burundi's civil war. The last armed opposition group in the conflict signed a ceasefire agreement on the 7 September 2006.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in French, English or your own language:

- expressing grave concern that anti-corruption activist Gabriel Rufyiri has been detained on charges of "defamation", apparently for revealing allegations of corruption and embezzlement by the Burundian authorities;
- 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;
- calling on the authorities to carry out a full and prompt independent investigation into the allegations of harassment and intimidation of OLUCOME staff members, and to bring those responsible to justice;
- calling on the authorities to issue clear instructions to all police and intelligence services that members of OLUCOME and their families must be granted their full protection.

APPEALS TO:

(Please note: The telephone connection between the International Secretariat (London) and Burundi has been poor recently. If you experience problems, please keep trying, or alternatively, use the postal addresses provided.)

President

Président Pierre Nkurunziza

Président de la République

Boulevard de l'Uprona

Rohero I

BP 1870, Bujumbura, Burundi

Fax: +257 22 74 90

Salutation: Monsieur le Président / Excellence

Procurator General

Procureur Générale de la République

Parquet Général

BP 105, Bujumbura, Burundi

Salutation: Monsieur le Procureur / Dear Procureur

Chairman of the CNDD-FDD

Monsieur Hussein Radjabu

Permanence du parti CNDD-FDD

Bujumbura, Burundi

Fax: + 257 25 01 91

Email: cndd-fdd@burundi-info.com

info@burundi-info.com

Salutation: Monsieur / Dear Sir

Government Spokesperson

Monsieur Karenga Ramadhani

Ministre de l'information, de la Communication, des Relations avec le Parlement et Porte-Parole du Gouvernement

2e Bdg de l'INSS

Chaussée Prince Rwagasore

BP 1080, Bujumbura, Burundi

Fax: + 257 22 17 66/ 21 63 18

Salutation: Monsieur le Ministre/Dear Minister

COPIES TO: diplomatic representatives of Burundi accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 27 December 2006.