

# **Justice in Burundi: Situation Report, June 1999**

*Commissioned by the Nordic Africa Institute, Uppsala, Sweden*

Tony Jackson - International Alert, London

## **1. Introduction**

The aim of this report is to describe in broad outline the current situation regarding the justice system in Burundi, with special reference to prisoners awaiting criminal trials. These are people arrested in the main for crimes allegedly committed after the assassination of President Ndadaye in October 1993. More than 50,000 people are estimated to have been killed in the widespread violence that broke out in the days and weeks following. Over subsequent years many people have also been arrested for alleged involvement with the rebellion. Today over 7,500 people are awaiting trial in prisons in Burundi and many have been held for a number of years. The great majority are Hutus. Within Burundi's ethnically polarised society, progress on justice for these prisoners is regarded as a major challenge for the 'Internal Partnership' government. The report does not discuss how Burundi deals with lesser crimes, commune-level justice (such as the *bashingantahe*) or military justice. Nor does it look at the situation in police cells ("cachots"), where, it is reported, torture has been routinely practised<sup>1</sup>.

Our contacts with key people in the Justice Ministry have been built up over several years and a further visit to Burundi in May 1999 allowed the collection of the information provided in this report. I interviewed staff in the Ministry of Justice, including the Minister and some of his senior officials, as well as members of the prison service, including two prison directors and the head of Prison Services. Among others, I also interviewed UN personnel, local and international NGO staff, the head of the Burundian Bar Association and members of the National Assembly's Justice and Human Rights Commission. In all cases access was readily granted and there was a willingness to provide the information requested, including many documents. Despite the very grave material and political problems facing the Justice Ministry - which are described later in the report - this is a time of considerable efforts by the Ministry and the prison service to improve their functioning: improvements that require a similar support effort by donors.

## **2. Background**

Since independence in 1962, the Burundian justice system has been largely dominated by members of the minority ethnic group. A feature of the system has always been impunity for senior military and others allegedly involved in mass killings, such as occurred in 1972: these people do not generally face trial, or if they do, the trial process is considered to leave a lot to be desired. The recent putsch trial, widely seen as unsatisfactory, is an example and is discussed on page 5. There are three aspects of the current crisis in the justice system: first, the institutionalised impunity of the type noted above; secondly, the perceived lack of impartiality and independence of the system and thirdly its undercapacity to administer justice for those held in prison.

---

<sup>1</sup> For a comprehensive overview of justice on this and other issues, see Amnesty International: BURUNDI: Justice on trial, 30 July 1998 and BURUNDI: Update to Justice on Trial..., December 1998.

Although figures are not available, it is estimated that up to 1993 there were never more than 3-4,000 people held in prisons. The justice system was able to try prisoners and the prisons to accommodate them, albeit with difficulty. From 1994 onwards the numbers of those arrested rocketed. Today there are 9,744 people in prison, only 2,183 of whom have been tried and found guilty. The rest are being held in preventive detention, awaiting trial.

The chart on page 8 gives a breakdown by prison and gender of the numbers held. It shows that 9,744 people are held in prisons built for 3,650. So there are two related and serious problems: enormous and at times inhuman overcrowding and poor conditions in the prisons, plus the inability of the system to get people to court in sufficient numbers to prevent many of them spending years in jail before trial.

Since the initial killings in 1993 were largely blamed on the Hutu side (the repression by the mainly Tutsi army followed later), the arrests took on a political and ethnic nature, so that not only was the system overloaded but the political atmosphere was, and to a degree still is, highly charged.

### **3. The Burundian criminal justice system**

Burundian justice is based on the Belgian and French systems with two important differences: when people are formally arrested, they have no right of immediate access to a lawyer; in fact it is only at the trial stage (often years after arrest) that a defence lawyer is brought into proceedings; secondly there is no independent examining judge ("juge d'instruction") to question the decisions of the prosecutor regarding the quality of the dossier (case-file). It is the prosecutor who holds the power of decision regarding the prisoner's dossier and who decides when a case is ready for trial. In theory people arrested must appear before a judge within five days of the delivery of the provisional arrest warrant. People held in preventive detention should appear before a magistrate every 30 days to decide if the detention is still justified. In fact these appearances rarely if ever happen. One person interviewed commented that almost all those in preventive detention in Burundi are being held illegally.

There are three criminal courts ("Chambres Criminelles des Cours d'Appel"), in Bujumbura, Gitega and Ngozi which hold trials for four monthly sessions a year and for several days a week during the rest of the year. They judge cases which may lead to sentences of death or life imprisonment. The local public prosecutor prepares and prosecutes the case; those on trial have access to a lawyer at this stage and are able to call witnesses in their defence. Two trained judges and 3-4 "assessors" - notable figures from the local communities, named by the authorities - listen to cases and together come to a verdict and where appropriate decide the penalty. There is no right of full appeal, but it is possible to appeal on the grounds of technical irregularities. The death sentence is still imposed in Burundi. The last official executions took place in 1997.

#### **Independence of the judiciary**

The "Conseil Superieur de la Magistrature", created under legislation in 1987, is the body charged with overseeing the proper administration of justice and guaranteeing the independence of magistrates. It also advises on promotion for magistrates and where judges are assigned to work, and on clemency. It is headed by the President of the Republic, with the Justice Minister as Vice-President of the Council. Eight of the other eleven members work for the Justice

Ministry. The executive therefore controls the judiciary. This has led to calls from some in the judiciary for changes to the Council's mandate and membership but no changes have been made so far.

### **The Justice Ministry's budget**

In the budget for 1999, the Justice Ministry is allocated 2.7% of total government expenditure, 2,500 million Burundian francs, about US\$5 million at current official rates. Almost half this money goes to the prison service. Pay for magistrates and other officials of similar rank is low, reportedly ranging from Fbu45,000/month (US\$90) for a newly appointed magistrate to Fbu140,000 (US\$280) for a senior judge with some years of experience. The very small budget allocated to the Justice Ministry is a major reason for the slow process of the system. Simply put, there are not enough staff or materials at any level to allow work to proceed apace. Here are three examples which illustrate the problem:

- In May 1999, only 2,183 of the prison population of 9,744 had been tried and sentenced (22.4%). The rest, almost 77.6% are being held in preventive detention, awaiting trial.
- Except for Bujumbura, there are only 2-5 prosecutors per province, and only 88 in total for the whole country. In Ngozi in May this year the 4 prosecutors had 665 dossiers, involving an estimated 2,000 prisoners, so each has over 160 cases and around 500 prisoners to deal with. It is the prosecutor's job to interrogate the prisoner, interview witnesses (who may live many miles away), prepare the case and present it in court. The chief prosecutor in Ngozi has the use of a vehicle but is only allocated 100 litres of fuel a month. (When I spoke with him in May, he stated that he had received no fuel since March). In Kayanza Province the prosecutor shares his vehicle with the police and local court officials. His phone works intermittently. His secretaries use manual typewriters and his office has no filing cabinets, just rudimentary open shelving, as the photos on page 4 show. In provincial offices photocopiers are usually non-existent, making copying of dossiers for example very difficult. One provincial prosecutor's office has only one old typewriter
- There are only 150 members of the "Police Judiciaire des Parquets" (PJP). The PJP is responsible for criminal investigations, maintenance of judicial records and statistics. They work with the prosecutors to prepare dossiers but are understaffed and under-trained for the job.

Typist at work and filing system, Prosecutors' Office, Kayanza, May 1999



Lack of vehicles and fuel was often mentioned as a major constraint on people's ability to do their work. Given the fact that many crimes relating to 1993 have been committed in rural areas, the problems caused by lack of transport is understandable. Furthermore, visits by the prosecutors to check dossiers and interview prisoners held in prison, which the Ministry is now trying to encourage, are severely hampered by lack of transport. With only 11 prisons in the whole country, many prisoners are held miles away from the prosecutor's office. The National Assembly's Justice Commission faces a similar transport problem.

### **Justice Ministry staff**

A large number of senior Justice Ministry staff have long-serving experience. Many have worked in the Ministry at various legal and administrative levels for many years, including those assigned to the prison service. Their professionalism is not in question. It is true however that a majority of senior positions are held by Tutsis, who over the years have had more access to higher education than Hutus. There is therefore a widespread belief among Hutus in Burundi that justice is meted out on ethnic grounds, rather than on the objective merits of the case, with the putsch trial noted below, being given as an example. This perception of ethnic bias in the system can only be changed if more Hutus are trained as judges, prosecutors, lawyers etc. but that will take a number of years.

The Government has made one of its aims under the Internal Partnership the opening up of positions in the Justice Ministry to all Burundians whatever their background. The naming of the new Chief Public Prosecutor late last year, a former Minister of Justice and Frodebu party member, is one example. This is the key operational position in the ministry and already the new prosecutor has ordered some important changes, to be described later. It must be emphasised though that the general political and economic atmosphere in Burundi, with its historical background of ethnic sensitivities, now exacerbated by the civil war, make the Ministry's room for manoeuvre narrow. The more important reforms needed will only take place over time.

There is a related lack of lawyers: the Burundian Bar has only 43 lawyers of whom two are Hutus.

### **The "Putsch Trial"**

In May the so-called Putsch Trial, of those allegedly involved in the assassination of President Ndadaye and his colleagues ended in the Supreme Court. 81 people were accused of very serious offences of whom 13 were held in detention in May 1999. (Some of the others remained at liberty in Burundi; others were in exile; five died before the trial ended.) During the trial the government appointed some defendants to senior posts in the army and elsewhere and some key witnesses were not called. Several members of the armed forces believed to be able to provide evidence died in mysterious circumstances. Five low ranking soldiers were sentenced to death and 38 people were acquitted, including all high ranking military and political figures. Predictably this verdict has been denounced by exiled groups including the external wing of Frodebu. But within Burundi there is wide unease too: a letter from the National Assembly requesting the Justice Minister to answer questions on the affair called it "a parody of justice" and in the Assembly the Minister was repeatedly asked, during his questioning in May, how two lieutenants could have decided on their own to kill the President, in such a disciplined army as

Burundi's. So the internal Frodebu party is extremely concerned. The verdict is seen as unconvincing and will not be accepted by the majority. And still the key question of who led the putsch and planned the killings has not convincingly been addressed.

### **Trials in the criminal courts, 1999**

Two monthly sessions in the Criminal Courts have taken place this year. Provisional UN/NGO figures give the following main results:

<b>Dossiers tabled:</b>	<b>579</b>
<b>Dossiers deferred:</b>	<b>473</b>
<b>Dossiers closed:</b>	<b>106</b>
Death sentences:	30
Life:	32
20 years:	20
10+ years:	11
Acquittals:	34

The above list makes sobering reading and illustrates some of the difficulties facing the Justice Ministry in practical terms at the point of trial. Only 18% of cases were actually closed during the sessions, 82% (473 dossiers) were deferred. This means people stay in prison until the case can be brought back to court. The main reason trials are deferred is because witness do not turn up, either to support the prosecution case or to testify on behalf of the prisoner. The non-appearance of witnesses accounts for about 50% of the cases deferred according to information from Gitega, though a judge in Ngozi estimated that the figure was 75%. Lawyers for the defence also ask for deferrals for legal reasons and these are often granted and illness of judges or others is also a cause of deferral.

Ensuring that witnesses turn up for the trials is a major problem as the trials rely mainly on witness testimony. Since there are only three criminal courts in the whole country, people often live many miles away from them. Some may not be informed that they are expected to appear. Others do not wish to attend court or do not have the money to travel. A major problem reported is fear felt by or threats made on witnesses. Since many dossiers involve more than one person charged, if just one key witness fails to arrive, the whole trial may be postponed. Thus a very great number of cases have to be adjourned, adding even more pressure on an already overloaded system. Some NGOs, notably ITEKA, have started programmes to transport witnesses to trials and there are signs that this is having an impact. ITEKA reports that the number of dossiers closed in Gitega, for example, has gone from single to double figures since they started transporting witnesses. Nevertheless a huge percentage of deferrals remains.

Last year a UN paper put the whole matter succinctly:

"The prisons are overpopulated with people awaiting trial... In 1997, 223 judgements were made, with 71 people sentenced to death, 40 to life imprisonment, 40 sentenced to 20 years and 62 were acquitted. At this rate it will take 40 years to get through the cases."  
(my translation)

### **The quality of justice**

The perception of bias in the justice system has already been noted. There is also a problem caused by the reliance on witnesses regarding events that happened some years ago - there is generally little other evidence. Time allocated per trial is short: in April this year, 19 cases involving 29 accused were scheduled to be heard in Gitega in a week. Some judges are reported to impose the most severe sentences allowed by the law rather than looking at mitigating circumstances. The presumption of innocence until proven guilty cannot necessarily be taken for granted. One report, contrasting the courtroom with the pre-trial experience, states:

“It is true that lawyers are present and help the accused. It is true that the accused can have defence witnesses appear, just as the plaintiffs are helped by lawyers and can have their witnesses appear. But it is a reality that the pre-trial investigation (“l’instruction”) is very generally favourable to the plaintiffs. The statements of the plaintiffs are taken as gospel; nothing is done to call them into doubt; the depositions of their witnesses (prosecution witnesses) are equally taken as gospel. Sometimes the questioning of the accused is transformed into an already established guilt. The accused is never believed or almost never in his depositions.... It is the accused who is asked to justify his innocence. When he cannot do it, he is considered guilty”. (my translation)

The report notes that judges are more lenient dealing with cases not linked to the 1993 crisis.

### **4. The situation in Burundi's prisons**

As already noted, Burundi has 11 prisons. The chart on page 8 shows the numbers of convicted and remand prisoners held in them in May 1999. One problem is made evident in the chart: the prisons were built to hold 3,650 people but have 9,744 prisoners. There is very severe overcrowding in at least three of the prisons, Gitega, Mpimba (Bujumbura's prison), and Ngozi. From January to April 1998, over 200 people died in Ngozi prison alone. In Mpimba a section formerly used as a clinic now houses prisoners and an area used for storage is being prepared to hold minors. Prisoners have even made makeshift beds above the walkways leading to the cells.

Conditions in the prisons are tough: the meagre state budget allocated allows only 300 grams a day of beans and 300g of flour to be provided per person. Oil and salt are reported to be provided by a French agency, Terre des Hommes while prisoners' families

**Chart 1: PRISON STATISTICS - MAY 1999**

Prison	Normal capacity	Actual population	Charged		Sentenced		Minors	Infants
			men	women	men	women		
Bubanza	100	118	79	2	35	1	2	1
Bururi	100	337	294	11	31		13	1

Gitega	400	1737	1301	44	361	16	17	15
Mpimba	800	2810	1947	77	752	18	36	16
Rumonge	800	911	452	26	415	9	6	9
Ngozi I (men)	400	2519	2397		122		11	
Muramvya	100	313	184	3	122	2	10	2
Ngozi II (Women)	250	78		46		23	3	9
Muyinga	300	346	301	5	37	1	4	2
Ruyigi	300	288	205	7	73	2	6	1
Rutana	100	287	115	7	160	3	4	2
<b>TOTAL</b>	<b>3650</b>	<b>9744</b>	<b>7275</b>	<b>228</b>	<b>2108</b>	<b>75</b>	<b>112</b>	<b>58</b>

*Source: Prison Service, Burundi*

\* \* \*

are expected to provide food as well. Some other items including vegetables are available for sale. Prisoners are allowed to receive money from their families for these items. The International Committee of the Red Cross is opening up in Burundi again after some years of absence following the killing of some of its staff in 1996. Their presence too should ease the situation to some degree. There are signs that conditions have improved over the last months: only 16 deaths in all prisons were reported by the prison service for the first two weeks of May 1999.

There is no system for photographing prisoners or taking their fingerprints. This leaves the system open to abuse, prisoners swaps and confusion of identities.

In Ngozi all male prisoners, convicted and on remand, are held together, with a separate prison for women. Elsewhere there are separate women's wings. In Mpimba, prisoners condemned to death are held in small airless locked rooms for 23 hours a day. When the National Assembly's Justice and Human Rights Commission visited them in May 1999 they were so shocked at the conditions they found that in their report they concluded: "The parliamentarians found that those condemned to death live in such deplorable conditions that they run the risk of dying before their executions" (my translation).

Although there are far fewer women than men in prison (303 women/9,383 men), there is a particular problem relating to women prisoners: they are generally ostracised by their families and so are ignored by them while in prison. They also find it difficult to settle back in society after their release, given the breaking of family ties.

In general the same problems of material supplies and training for staff that plague the efforts of the Ministry to hold trials also affect its ability to care adequately for prisoners. Prison directors and guards number only 481 for the eleven prisons, about one guard per 20 prisoners. There are also 292 civilian staff, most of whom have only sixth grade formal education, with up to 50 who have gone through secondary school and only three with university education.

According to a top prison official, many prisoners do not know how to find their dossiers. They cannot then encourage the system to deal with their cases. There are examples of people who stay longer than their sentences imposed: the system forgets they are there and they do not know what steps to take to remedy the situation. One prisoner told me how he helped get five people released who had already stayed from 3-12 months longer than the sentence imposed. He put them in touch with a prison administrator who took their dossier numbers to the Prosecutors' office. Their files were checked and they were eventually released. Others are reported to spend more time in prison awaiting trial than the maximum sentence allowed for the alleged crime.

## **5. Recent Government and Ministry efforts to improve the administration of justice**

Despite the harsh realities described above, since the signing last year of the Internal Partnership between the Government and National Assembly, serious efforts at various levels have been made to improve the administration of the justice system:

1. In its General Programme published in November 1998, the Government states its aim of reducing the proportion of prisoners held in preventive detention. At that time only approximately 20% of all prisoners had been convicted. The aim by 2000 is to reach a 50/50 ratio of convicted prisoners to preventive detainees. One way to achieve this aim is by granting conditional release to detainees fulfilling the conditions set down by law. Although widely regarded as too optimistic, it is significant that the government has stated this aim, and some progress to releasing prisoners has already been made.
2. In March 1999 the Justice Ministry published its "plan for reform and modernisation of the judicial and penitentiary system in Burundi". This 63 page document looks at a huge range of changes needed to improve matters, focusing both on material and training needs as well as reforms of the law. It is a valuable review of many crucial issues.
3. A new Code of Criminal Procedure was approved by the National Assembly in May 1999, the first time since 1959 that it has been revised. It now awaits the President's signature for approval. The final draft version of the document appeared to allow lawyers for the defence to

see prisoners from the time they are charged - a major change from past practice. At the time of writing it is not known whether this change has been finally approved.

4. The key role of the Prosecutor has already been noted. Since the appointment of the new Prosecutor, orders have gone out from his office asking local prosecutors to make more visits to prisons to check prison lists and look into cases of those held for years without appearing before a judge. Already this year about 275 people have been released from prison for lack of proper documentation for their cases. They are believed mainly to be people arrested for more minor infractions, rather than for alleged offences related to 1993 or alleged involvement with the rebels. In general, the political sensitivity of these cases appears to be too great for prosecutors to take action on them at present.

5. The Prosecutor has also requested the police to inform the local prosecutor before putting people in prison. He has also asked prison directors only to accept into prison people whose arrest papers are in order. In previous years the police could put people in prison without adequate paperwork and would often fail to provide it later. This encouraged arbitrary arrests - a major complaint against the system - and led to prisoners simply being forgotten. The new procedure has pleased prison governors who told me they were putting it into practice.

6. The Ministry is making efforts to provide documents for those officials authorised to make arrests and intends to provide them with special identification. This too is part of the effort to prevent arbitrary arrests.

7. On June 10th 1999, President Buyoya announced details of new regulations governing the country's security institutions. A communal police force is planned and a new single body would be created to protect the security of all ethnic groups and oversee the gendarmerie and army department dealing with border security. There has already been considerable effort by the UN in Burundi and various donor governments, notably the Swedish, to support institutional reform of the armed services and police. Some of the documents produced on this topic are to be found in the annex on page 14.

8. The Prosecutor's office has also asked directors of the "cachots" (local police cells), to provide monthly lists of all people held in them, with dates of entry, reasons for arrest etc. Again this is a way of tightening up formerly loose and arbitrary arrest procedures.

9. In May this year, the Justice and Human Rights Commission of the National Assembly visited the condemned cells in Mpimba prison and formally reported on this to the Assembly.

10. The Assembly publicly questioned the Minister of Justice in May on the putsch trial and prison conditions.

11. Some members of the Assembly have also begun to look into the question of repealing the death penalty. This was proposed by President Ndadaye in his electoral campaign. In May this year an MP sent a proposed law on this issue to the President of the Assembly: there is a possibility it will be discussed in the Assembly in October. Members of the Justice and Human

Rights Commission have requested more information on how other countries have abolished the death penalty.

In short, the Ministry of Justice, the Government and the National Assembly are all making serious efforts to address some of the very difficult practical problems facing the justice system.

## **6. NGO programmes and Donors**

The Justice Ministry was significantly affected by the suspension of development aid imposed on the Burundian Government in 1996. Today only the Belgian Government, the UNDP and the Agence de la Francophonie give, or plan to give, direct aid to the Ministry; other donors will only support local or international NGOs or the UN system. Below are brief details on some groups and agencies working on justice in Burundi. (This is not a comprehensive list nor is it in any special order.)

The Belgian Government has recently approved funding to refurbish the legal libraries attached to the three Appeal Courts and provide law books for them. (A 1995 official report to the Belgian Government described the Bujumbura justice library as a "catastrophe".) The Government also has a programme to translate legal documents into Kirundi.

In 1998 the Agence de la Francophonie made a grant of 81,817 French francs to provide training materials for the Ministry, to which it also donated 17 cartons of legal documents. It made a grant of 350,000FF in 1997 for training ministry officials.

The UNDP began a programme this year to promote good governance, with an initial budget of US\$200,000, half to provide materials and half for training for Justice Ministry officials and others on legal issues.

In 1996 the UN Centre for Human Rights in Burundi started a ground-breaking programme, the Legal Assistance Programme (LAP) to provide lawyers, local and foreign, for criminal trials, both for the defence and plaintiffs. Almost US\$1.2 million was budgeted for the 1998 work. The LAP currently has 8 Burundian lawyers and during trial sessions 6 foreign lawyers working for it, as well as translators. Despite the many problems associated with the trials, some of which have been mentioned, certain important principals have been reinforced by this UN and similar work noted below, among them: the right of the defendant to a lawyer has slowly become more accepted in Burundi and more cases are deferred for legal reasons. Before the LAP began and in the absence of lawyers, there was a tendency simply to find people guilty. In addition lawyers are now more generally perceived as being a part of the justice system when defending "genocidaires" whereas at the start there was a tendency to consider them almost as accomplices of their clients! These cultural and attitudinal changes are not to be underestimated.

In 1999, the Belgian NGO, Avocats sans Frontieres (AsF), began a major legal assistance programme, including providing trial lawyers, local and foreign. Their foreign lawyers spend longer in-country than the UN ones who come for the monthly sessions only. AsF is a professional and highly regarded group, with experience of similar work in Rwanda.

ITEKA, a widely respected Burundian human rights organisation, has a variety of programmes, including an imaginative one, funded by NOVIB, to transport witnesses to the trials, either by picking them up in minibuses or by reimbursing their bus fares. They have persuaded the court in Gitega to plan trials by geographical area so the collection of witnesses can be made more efficient. They will also provide lawyers for 100 cases this year. ITEKA put out appeals for assistance last year when people began to die in large numbers, due to deteriorating prison conditions. The NGO's magazine "ITEKA" is required reading for all those interested in justice and human rights in Burundi.

The Association Burundaise pour la Defence des Prisonniers (ABDP) is a small group of dedicated people which has several prisoner-related programmes, one of which consists of checking dossiers and in bringing glaring cases to the attention of the authorities. Several hundred prisoners have been released due to its work.

AGIR-Dufatanye, a Burundian Association, has a project, Convergences, which includes a component, funded by the office of the UN Special Representative to Burundi, for transport of witnesses. I was not able to meet this group.

Terre des Hommes, a French NGO, has for many years supported a programme for women prisoners with young children, called Enfants et Meres Incarceres - EMI. I briefly visited their staff in the women's prison in Ngozi and in the women's section of Mpimba and they appear to do very valuable work.

The Women's Centre (WC) in Bujumbura, run by Search for Common Ground, has a "Women and Children's Legal Rights Project" to inform Burundians of the Code of Law for Individuals and Families. The issue of property rights and widowhood is one of the themes. This project is funded by the Swiss Government. It has just published a simplified guide to the legal family code in French, with a Kirundi version to come.

ICRC is, as mentioned, restarting its prison work but I have no more information.

Studio Ijambo, funded by Search, is planning a series of 26 programmes on the law and the family, especially women, based on the above WC project. ITEKA has also commissioned Ijambo to produce 52 programmes on justice and human rights. All these programmes would be broadcast in Kirundi. The importance of the radio in improving justice in Burundi could be crucial.

Two other groups, both experienced in similar work in Rwanda, are planning to support the justice system in Burundi. Penal Reform International (PRI) has requested funding from the European Commission for improving prison conditions in part by training personnel and working with minors and young children. Last year PRI published a handbook on good prison practice in English, French and Kinyarwanda. The Reseau des Citoyens, Brussels, has developed a programme for training magistrates and court clerks, providing them with some basic materials, for supporting prosecutors and transport of witnesses. It hopes to obtain funding from the Belgian Government.

### **Agency co-ordination**

In April this year UNDP took an important initiative and begun co-ordinating monthly meetings with AsF, ABDP, Convergences, ITEKA and the UN LAP. One aim is to avoid overlap in programming (for example in the allocation of lawyers to cases). The group is considering a study of all legal and justice aid to Burundi to look into problems encountered and improvements needed. From 1994-6 Belgium took the lead for donor co-ordination in justice matters. Perhaps this new initiative will take up that role and serve as a forum to focus attention on justice and its needs.

### **Donor aid to Rwanda and Burundi**

There is only minimal donor aid to support the justice system in Burundi. The contrast with Rwanda could not be starker. Here are just two examples: the European Community is currently funding the refurbishment of the Justice Ministry and the building of a new court in Kigali and on June 15<sup>th</sup> this year the US announced that it is to provide US\$10 million to support the Rwandan judiciary. While such support for Rwanda is clearly needed, it does seem counter-productive to leave Burundi with such meagre resources, given the importance of peace and justice in Burundi to stability in the whole region.

### **Final comments**

From what has been said above it should be clear that Burundian justice suffers not simply from problems related to ethnicity and power, great though these are, but also from serious problems caused by lack of supply of even the most mundane items. On my last day in Bujumbura I was given a photocopy of a report by an official in the Justice Ministry but there was no stapler available to staple it together! I would defy anyone reading this report to carry out their own jobs efficiently with such support and just 100 litres of fuel a month. Training too at many levels is urgently needed to upgrade staff and increase the numbers of magistrates and prosecutors. There is much practical work to be done to support the Ministry and other groups to improve justice in Burundi.

### **ANNEX: SOME DOCUMENTS RELATING TO JUSTICE IN BURUNDI**

**Burundi: Memorandum to the Government and National Assembly of Burundi on the Reform of the Code of Criminal Procedure** (Amnesty International, April 1999)

**Burundi: Justice on Trial** (Amnesty International, July 1998)

**Burundi: Update to 'Justice on Trial', Appeal Cases and new Appeal Cases** (Amnesty International, December 1998)

**Compte-Rendu Synthetique de la Descente de la Commission de la Justice et des Droits de la Personne Humaine a la Prison Centrale de Mpimba** (May 1999)

**Document Final Elabore a l'Issue de la Table Ronde de Concertation et d'Echange sur le Plan d'Action de l'Agence de Cooperation Culturelle et Technique en faveur de la Justice et des Droits de l'Homme au Burundi** (Ministry of Justice 1996)

**Guide Simplifie du Code des Personnes et de la Famille** (Centre pour les Femmes/SCG, Bujumbura, 1999)

**Human Rights Training Programme for Police and Security Forces in Burundi - Final Report** (Raoul Wallenberg Institute, December 1995)

**Imicungire Ya Gereza/Pratique de la Prison/Making Standards Work: an international handbook on good prison practice** (Penal Reform International, 1998)

**Keepers of the Peace: Reviving the Tradition of Bashingantahe in Burundi** (Article by Louis-Marie Nindorera in 'Voices from Africa', issue 8, December 1998)

**Le Programme General du Gouvernement de Transition: Engagements ou Voeux?** (Article in 'Iteka', issue 34, January 1999)

**Plan de Reforme et de Modernisation du Systeme Judiciaire et Penitenciaire Burundais**, (Ministry of Justice, Burundi, March 1999)

**PNUD - Reunion des Amis du Burundi - Theme: Justice** (Rapport Final, July 1995)

**Prison Conditions in Africa - Report of a Pan-African Seminar, Kampala, Uganda, 19-21 September 1996** (Penal Reform International, 1997)

**Projets d'Assistance Technique et Financiere pour la Direction Generale des Affaires Penitentiaires** (Burundi, 1998)

**Projet d'Amenagement d'une Infirmerie/Mini-Hopital au sein des Prisons du Pays** (Direction Generale des Affaires Penitentiaires, January 1998)

**Rapport de la commission chargee de l'examen de l'etat et des besoins de l'appareil judiciaire du Burundi** (Belgium, June 1995)

**Republique du Burundi: Programme General du Gouvernement de Transition: Objectifs, Strategies et Actions** (November 1998)

**Strategies for the Improvement of Law Enforcement and Security in Burundi** (LtCol Cees de Rover, Office of the UNSRSG, Burundi, June 1995)

**Technical Assistance for the Strengthening of Law Enforcement in Burundi: Report of an Assessment Mission, 11-19 September 1994** (UN Centre for Human Rights, Burundi 1994)