



Impacting the justice system to provide greater protection to individuals

New Criminal Code IBJ Pushed to be Enacted Comes into Force

The motto, “Freedom is the rule, detention is the exception ” is now codified in Article 110 of the new Criminal Procedure Code

When IBJ first came to Burundi, there were approximately 100 lawyers working in the entire country, and no form of criminal legal aid available to its approximately 9 million people. This is not surprising given that Burundi, measured by per capita GDP, ranks among the three poorest countries in the world. With the agenda for development straining to meet a myriad of urgent needs, few resources are directed towards fostering the rule of law. It was in this context that IBJ opened its first Defender Resource Centre in Bujumbura in 2008.

IBJ’s lawyers and local defense attorneys operate on the front lines of the battle to end torture. In 2014, IBJ signed an agreement with the Vice President of the National Independent Human Rights Commission (NIHRC) providing meals and transport to lawyers taking cases in Bujumbura. The agreement as a whole expresses NIHRC’s commitment to aid IBJ in developing the neglected defender side of the criminal justice equation, which has always been at the heart of IBJ’s approach to implementing legal rights at the domestic level. With a Defender

Resource Center (DRC) located centrally in Burundi’s capital city of Bujumbura, IBJ has planted the seed of physical infrastructure that will need to grow if Burundi is to one day fulfill the promise of providing comprehensive legal protection to all its people.

While serving as the office and headquarters for all of IBJ’s activities in Burundi, the Bujumbura DRC is also a welcoming place that invites lawyers to develop their skills, engage in one-on-one mentoring, and access online training and legal reference resources. In Burundi, neither Internet access nor even electricity is sure to be available to lawyers wanting to work on clients’ cases. The DRC and IBJ’s staff lawyers are always there to help criminal defenders to improve their ability to deliver effective counsel.

IBJ staff lawyers maintain and develop their skills by

defending the indigent accused. Over the past three years, IBJ staff lawyers and other volunteer lawyers have undergone extensive training and by 2013, they defended 360 cases, of which 318 were carried out on a pro-bono basis. By demonstrating the possibility of delivering effective legal protection, the Bujumbura DRC serves as a model for a nationwide system of defender services for the country’s poor and helps instill a pro-bono culture that is crucially needed for indigent individuals to have access to justice.

IBJ has long partnered with the Burundi Bar Association. In 2013, fifteen Burundian lawyers attended a week-long Communities of Conscience (CoC) session held in Geneva hosted by the Geneva Bar Association and IBJ Geneva, with the support of the City and the Canton

JUSTICE FACTS:

Burundi

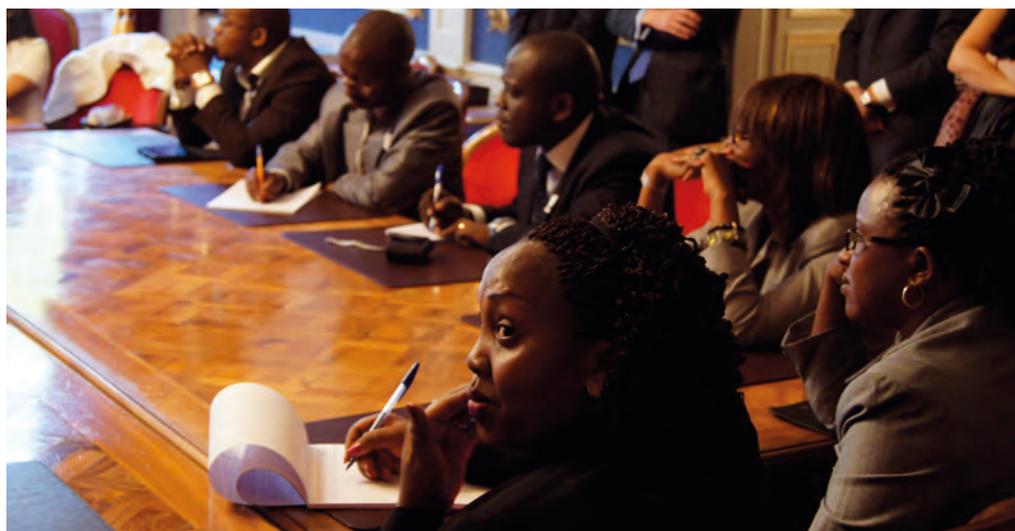
Rule of Law (Percentile Rank)
2013: 15

2013 Prison Population:
7,793
85 per 100,000



Freedom is the Rule, Detention is the Exception – IBJ teaches community members about their rights in Bujumbura.

IBJ Burundi regularly holds roundtable meetings open to all justice sector officials in an effort to create a collaborative platform to seek practical solutions to pressing challenges within the criminal justice system



Burundian lawyers at the official opening of the Communities of Conscience event in the Alabama Room in the Town Hall of Geneva.

of Geneva. Taking place in the Maison des Avocats in Geneva, this program provided a unique opportunity for Burundian lawyers and their Geneva peers to share experiences, skills, strategies and best practices in defending the rights of ordinary citizens.

IBJ Burundi regularly holds roundtable meetings open to all justice sector officials in an effort to create a collaborative platform to seek practical solutions to pressing challenges within the criminal justice system. Participants range from officials from the Ministry of Justice and other state institutions, civil society representatives and local community leaders, police officers, prosecutors and members of the judiciary. Attendees are invited to discuss both obstacles for access to justice as well as the steps necessary to ensure greater fairness in the justice system.

These roundtables have been effective at both raising important issues on the national level and building an environment of open, frank, and constructive dialogue among disparate elements of the justice system. IBJ encourages roundtable participants to generate practical ideas to tackle the typical challenges that people working in criminal justice face

daily. Undoubtedly, IBJ's most notable achievement in 2013 is the new Criminal Procedure Code promulgated in April, 2013. IBJ persistently advocated for the enactment of the Code through roundtable discussions, radio campaigns, and rights awareness campaigns. IBJ's motto for the campaign, "Freedom is the rule, detention is the exception" is now codified in Article 110 of the new Code.

IBJ has a proven track record of effective public rights education, ranging from radio broadcasts to rights awareness campaigns on the streets, as well as outreach to detainees in prisons. IBJ rights awareness campaigns have reached thousands of Burundians in outlying rural communities, providing accessible information on the rights of the accused. IBJ looks forward to expanding these activities, particularly to support its effort to build grassroots support for the development of a national policy of legal protection for those in need in as many provinces as possible.

The IBJ Burundi office extends its legal protection to as many people in prison as possible, in particular to children in conflict with the law, women, and the elderly. In the second half of 2013, IBJ maintained its collaboration

with the Belgian Technical Cooperation in providing transportation to rural courts remotely situated from the prisons where defendants are held in pre-trial detention. From June 2013 to December 2013, IBJ handled a total of 112 new cases, helping many defendants who had been held in pre-trial detention for more than six months.

Building a strong foundation for lasting legal change, IBJ's relationships with the National Independent Commission of Human Rights, the Burundi Bar Association, the Ministry of Justice, l'Association Burundaise pour la Protection des Droits Humains et des Personnes Détenues (APRODH) and l'Action des Chrétiens pour l'Abolition de la Torture (ACAT) have enabled us to continue building the field to prioritise access to justice. Though we work in challenging times, we are continually heartened by how our defenders stand up for justice. They ensure that due process rights are respected not only on paper, but also in practice.

Wrongfully accused and tortured young man freed by an IBJ Lawyer

Claude is self-employed and runs a small business selling roasted meat. Among his clients are policemen and soldiers living in Muhuta commune (Province of Bujumbura) near to where his business is located.

One day, when he was returning home from work, he was arrested by a soldier and a police officer who suspected him of carrying illegal merchandise in his bags. Despite explaining that he was carrying food to his home, the police officer and soldier beat him severely, resulting in the loss of three teeth. His neighbors, including the Chief of the Zone, who accompanied him when he came to report the case at the IBJ Burundi office, helped him.

An IBJ lawyer followed this case under examination at the Bujumbura Province High Court. The case garnered IBJ's attention because the police officer, after his investigation, misrepresented the facts and misrepresented the case to the prosecutor. He defined what happened as

assault and battery whereas, in the view of IBJ lawyers, all the necessary elements of torture were there: the defendant was assaulted by men vested with public authority, falsely accusing him of carrying firearms and drugs resulting in acute injury to the victim, which was subsequently corroborated by a medical report.

Ill-treatment of prisoners remains a fact due to the difficult conditions that prevail in Burundi prisons. All eleven prisons remain overcrowded; the rate of occupancy is 190% of normal capacity. Insufficient food, water shortages, small dark cells, and old and few toilet facilities are the norm for all detainees. Sadly, the length of pre-trial detention remains uncontrolled and the enforcement of the new criminal procedure is still a challenge.

In the face of these challenges, IBJ is robustly working to reach its goals to build a nation free of torture.



IBJ Lawyer Astère Muyango assisting in a juvenile detention case.