

BURUNDI

Summary of recommendations of the civil society report on the List of Issues (CAT/C/BDI/Q/2/Add.1)

Actions des Chrétiens pour l'Abolition de la Torture (ACAT-Burundi)

Association des Femmes Juristes du Burundi (AFJB)

Association Burundaise pour la protection des droits humains et des personnes détenues (APRODH)

Association pour la Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme au Burundi (AREDDHO-Burundi)

Forum pour le renforcement de la société civile Burundaise (FORSC)

FOCODE (Forum pour la conscience et le développement)

Observatoire Ineza des droits de l'enfant (OIDEB)

Coalition Burundaise pour la Cour Pénale Internationale (CB-CPI)

October 2014

With support from the Centre on Civil and Political Rights (CCPR-Centre) et and the International Federation of Action by Christians for the abolition of torture (FIACAT)

SUMMARY OF RECOMMENDATIONS OF CIVIL SOCIETY IN RESPONSE TO THE QUESTIONS RAISED BY THE COMMITTEE

Articles 1 and 4

- Translate into Kirundi and disseminate the contents of the Convention throughout the country.
- Provide training to the administrative and judicial authorities on the Convention against Torture and its Optional Protocol.
- Implement the compensation fund for victims of torture urgently, in accordance with the commitments made on this matter.
- Please ensure that sentences against perpetrators are carried out.
- Set up a special procedure for cases involving torture.
- Put in place legislative measures to protect victims and witnesses of acts of torture.
- Pursue the hierarchical authorities that protect their subordinates accused of acts of torture.

Article 2

- Broadly involve civil society, and other stakeholders in the field of human rights, in the selection of Commissioners for the CNIDH.
- Take steps to ensure that the National Commission of Human Rights operates in accordance with the Paris Principles.
- Take steps to ensure full independence of the CNIDH in its decision making.
- Allocate sufficient financial and human resources to the CNIDH to conduct its activities.
- Initiate independent investigations to identify the perpetrators and motives of enforced disappearances.
- Prosecute perpetrators and if appropriate convict them.
- Compensate the next of kin of the victims.

Article 10

- The state should systematically integrate training modules on international standards of human rights protection into the professional basic training of medical staff, prison staff, law enforcement officers and members of the judiciary (judges and lawyers in particular).
- Organise training sessions for individuals and institutions responsible for investigating allegations of torture, in particular the CNIDH, on the content of the Istanbul Protocol.

Article 11

- Reduce the deadline for detainees to be presented before a judge to 48 hours, in accordance with international standards, and strictly enforce the deadline.
- Ensure the application of the other procedural and legal safeguards such as the opportunity to inform family members or any third parties, access to a lawyer and ideally the presence of a lawyer during questioning, access to a doctor, ideally the choice of the detainee, the right to remain silent and the right to challenge the legality of their detention and treatment.

Articles 12 and 13

- Ensure a transparent and inclusive process for appointing members of the Truth & Reconciliation Commission (CVR).
- Specify how soon the court will be set up, in accordance with the public consultations, the legal framework and the recommendations of the UPR.
- Revise the law on CVR, regarding in particular the provisions relating to forgiveness (clarification on the scope of forgiveness, as well as the procedure and conditions for obtaining it), but also to clarify the status of the special court.
- Adopt a law on the protection of witnesses and victims, especially those who will be brought to testify before the CVR.
- Accelerate the establishment of a legal framework for the prevention and suppression of sexual violence.
- Strengthen the capacity of state representatives to deal with human rights violations and particularly sexual violence.

- Establish a public reparation fund for the compensation of victims of sexual violence.

Articles 16

- Amend the law on public meetings and demonstrations by incorporating a clear provision relating to a legal presumption regarding the peaceful nature of the meetings.
- Pursue law enforcement officers who make disproportionate use of force during demonstrations.

Other issues

- The authorities should engage in an open and inclusive process for the establishment of National Mechanism-s on the Prevention of Torture (MNP), in accordance with the guidelines of the Subcommittee on the Prevention of Torture on NPMs.