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Burundi: The treatment of persons called to testify in a criminal case; protection offered to persons who are targeted following their testimony

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Information on the treatment and protection of persons called to testify in criminal cases was scarce among the sources consulted by the Research Directorate. However, the executive director of an independent non-governmental organization specializing in human rights violations (Shared Humanity n.d.a; *ibid.* n.d.b) stated the following:

The protection of witnesses and victims in criminal trials requires a certain level of organization and expertise. Protection during testimony usually involves things such as striking names from the record, *viva voce* testimony (testimony by video or audio link with possible distortion), holding sessions in camera, etc. (Executive Director 7 Feb. 2008)

The Executive Director, who has expertise in Africa, commented on Burundi's "general state of insecurity" and speculated that it is doubtful that such witness protection measures are being implemented (7 Feb. 2008).

With respect to its justice system, Amnesty International (AI) states that Burundi does not have adequate resources or training (2007). Freedom House corroborates this information in a 2007 report and adds that the judicial system is "corrupt". The United States (US) *Country Reports on Human Rights Practices for 2006* states that "authorities sometimes were unable to carry out their investigations or transport suspects and witnesses to the appropriate court because of lack of resources" (6 Mar. 2007, Sec. 1.e). The Fund for Peace, an organization specializing in conflict resolution research and education (n.d.), describes the Burundi justice system on its website:

The judiciary is overwhelmingly Tutsi and lacks the resources, as well as the conditions, needed to function properly. The judiciary is not independent or impartial because ethnic domination still prevails. (2007; see also *GlobaLex* Nov. 2007)

The Fund for Peace also states that police protection in Burundi is "poor" (2007).

According to a 28 November 2007 Report of the Secretary-General on Children and Armed Conflict in Burundi, "... witnesses or parents of children who were victims of sexual violence" were not inclined to report incidents to police and justice officials because of the insufficient response of the justice apparatus (UN 28 Nov. 2007). AI states that, in 2006, a public prosecutor leading a case against a teacher arrested on suspicion of sexually assaulting his students was threatened by security service officials and parliamentarians (2007). The report added that the teacher was subsequently released and that the case against him was not pursued (AI 2007). No further information on this case could be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A 25 March 2006 Human Rights Watch (HRW) article reports that victims of human rights violations

during Burundi's civil war were fearful that they, as well as witnesses, would be threatened following the January 2006 release of persons detained and charged in connection with war-related crimes. Both the United Nations (UN) and HRW report that a prosecutor and witnesses connected to the 2006 Musinga massacre, in which roughly 19 to 36 persons were killed, were threatened by local officials and soldiers (UN 26 Feb. 2007; HRW 4 Feb. 2008).

A 2006 report from the Secretary-General "urge[s] the Government to ... provide protection to witnesses and victims of human rights violations, especially in the case of children, and provide sufficient support to the police, judicial and military authorities to enable them to discharge their investigatory and witness protection duties" (UN 27 Oct. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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<<http://www.state.gov/g/drl/rls/hrrpt/2006/78722.htm>> [Accessed 6 Feb. 2008]

Additional Sources Consulted

Oral sources: Attempts to contact the Representative for the Office of the United Nations High Commission

for Human Rights (OHCHR) in Burundi were unsuccessful.

Internet sites, including: British Broadcasting Corporation (BBC), National Democratic Institute for International Affairs (NDI), Office of the United Nations High Commissioner for Refugees (UNHCR), U.S. Committee for Refugees and Immigrants Annual Country Reports.

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