

Reporters Without Borders

<http://www.rsf.org/burundi-defence-rights-flouted-in-15-02-2012,41882.html>

Africa - Burundi

Judicial travesty

Defence rights flouted in terrorism case involving RFI reporter

15 February 2012

Reporters Without Borders is very concerned about the complete disregard for the rights of the defence in the trial of journalist **Hassan Ruvakuki** and 22 other people on terrorism charges in connection with the activities of a new rebel group in the east of the country.

A reporter for *Bonesha FM* and the Swahili service of *Radio France Internationale*, Ruvakuki was arrested in the capital on 28 November after interviewing an alleged member of the rebel group, the Forces for the Restoration of Democracy (FRD-Abanyagihugu).

In the latest development in the case, an appeal court in the central city of Gitega on 10 February deferred a decision on a defence petition challenging the impartiality of the judges who are conducting the trial in the eastern city of Cankuzo. The appeal court decided instead to adjourn until 28 February and to hold its next hearing in the eastern city of Ruyigi, where 20 of the 23 defendants are being held.

Ruvakuki, who will complete his third month in detention on 28 February, is currently being held in the central city of Muramvya, his third place of detention since his arrest

"This latest disturbing postponement is typical of the behaviour of the judicial authorities since the start of the proceedings. The irregularities keep accumulating. Although it is clear that the judges handling the case in Cankuzo are not impartial, the appeal court judges used the absence of the defendants and the failure to notify the prosecutors of the petition to defer the hearing. But it was the appeal court's job to organize things so that it could rule on the petition and finally guarantee the most basic defence rights, which have been flouted until now."

From the start, this trial has been conducted like a politically orchestrated travesty. The decisions taken by the judges have cast doubt on their independence and impartiality and have violated the most elementary principles of due process.

When the trial opened on 29 December in Cankuzo, the judges wanted to immediately start hearing the substance of the prosecution case although not all of the defendants had a lawyer. Ruvakuki had a lawyer, but he had not had an opportunity to discuss his defence with him.

The defence lawyers present said they could not function under these conditions and requested respect for basic defence rights. In particular, they requested their clients' transfer from police cells, where conditions were appalling, to a prison. They also asked that two of the judges be recused on the grounds that they had participated in a separate pre-trial detention hearing at which they had expressed views on the substance of the case.

At the second hearing, on 5 January, the defence lawyers again refused to participate until their clients had transferred to a prison and the rights of defence had been respected.

Ruvakuki and the other defendants were moved to Ruyigi prison the next day but their lawyers and relatives voiced concern about their safety. Contrary to the usual practice, the court refused to go to the prison for the next hearing, and ruled that the defendants be brought to the courthouse in Cankuzo. After adjourning without setting a date for the next hearing, the judges then summoned the defendants without giving the required advance

notification to them or their lawyers, against violating all the rules of due process.

On 11 January, the defence lawyers formally challenged the impartiality of the court and its judges, on the grounds that they had displayed hostility towards the defendants, denied access to the prosecution case files right from the outset, issued summonses without giving the required advance warning, and sent and received messages on their mobile phones during hearings.

Ruvakuki and one other defendant were transferred to Muramvya prison on 16 January. The governor of Ruyigi prison said their transferred was ordered by the prosecutor in charge of the case. The defence believes that they were moved to another prison with the aim of destabilizing them psychologically and creating logistic problems for the defence.

[More information about the Ruvakuki case here.](#)

Photo : logo of Bonesha FM

You can download those documents on our website :

- Logo de Bonesha FM, (JPEG - 94.2 kb)
-