

BURUNDIAN POLITICAL JUSTICE

Burundi is a small country located in east central Africa. It is surrounded by three countries, Rwanda in north, Tanzania in east and south, and Democratic Republic of Congo in west. Burundian people are made up by three ethnic groups which are Hutus, Tutsis, and Twas. The country had been colonized by Belgium and the official language is French but the big number of people speaks Kirundi, the native language.

Like most of French speaker countries, Burundi is using the *Romano-Germanic system of law* in contrast with English speaker countries which are using the *Common law system of law*. The big difference is that in the first system the main source of law is based on written codes while in the second is based on jurisprudence.

Central African region is well known to be shaken by numerous politics conflicts and Burundi is not spared. Since 1993 to 2005 the country went through a tragic civil war which ended officially by general elections which brought on power the current government. Like any other democratic system, the country has three separated branches of power that is mean the Executive, the House of Representatives, and the Judiciary.

Unfortunately this separation guaranteed by the Constitution is not real because the Executive monopolizes all power. Especially the judiciary is totally dependent of the Executive being given the composition of the Superior Council of Magistracy. The President of Burundi is at the same time the President of the Council and the Minister of Justice Department is the vice- President of the Council. The direct consequence of this fact is that very few judges will be independent because it is the Council that controls their career. They fear to be persecuted if they decide against the will of the Executive and thus affect the fundamental freedoms of the people which are the true thermometer of any democracy all over the world.

According to this situation, even though the civil war is officially ended, the country is far from being peaceful and ready to run any real development. The corruption and impunity still a blatant reality while Burundi is supposed

to be a democracy. In these last seven years, the country had been pointed by many reports of international human rights organizations, to violate human rights and have a higher level of corruption.

Among many cases reported, I decided to talk about two of them. The first is the assassination of Ernest MANIRUMVA who was vice-President of (OLUCOME) an organization whose main purpose is the fight against corruption. This man was assassinated while he tried to investigate about a case of corruption. He thought that Burundian government had ordered more weapons than necessary in order to sell them to the (FDRL) which is a rebel movement located in Democratic Republic of Congo. Many higher political responsible were involved in his murder and even the **FBI** went to help investigation about his death but until now any serious trial had not yet occurred to punish the guilty.

The second case had been reported by Amnesty International in 2010. In September of the year before, three judges including myself had been suspended for a professional misconduct after they acquitted a man who was accused of threatening state security. The Burundian magistrates' union **SYMABU** led a two-day strike in September to express their concerns over interference with the judiciary by the executive.

All in all, I cannot pretend to be exhaustive, but my intention was to talk little bit about Burundi and to show how political justice system is working. My wish is that the international community and especially the United States of America should be more involved to help Burundi. I am convinced that the good way to reach this objective is to strengthen Burundian civil society which is doing a good job to recall the government that it has to focus on his most obligations in order to build a real democracy in Burundi.

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