

## DECISION No. 48/1992 (BURUNDI)

Communication addressed to the Government of the Republic of Burundi on 8 April 1992.

Concerning: Emile Ruvyiro on the one hand and the Republic of Burundi on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it (E/CN.4/1992/20, chapter II), and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of detention reported to have occurred.
2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of ninety (90) days from the transmittal of the case by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.
3. (Same as in Decision No. 1/1992.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Burundi. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. It is alleged in the communication from the source that Emile Ruvyiro, a 40-year-old peasant, was arrested at his home in the commune of Rugazi, province of Bubanza, by several dozen soldiers and about a dozen police officers. The arrest warrant was issued by the prosecutor in Bubanza. According to the source, the arrest was due to the fact that, at a public meeting in 1990, Emile Ruvyiro allegedly spoke on the issue of the confiscation, by the prosecutor in Bubanza, the Commander of the barracks in Muzinda and other officials, of land occupied by 360 peasants. Mr. Ruvyiro was charged with endangering State security and incitement to ethnic hatred. He is allegedly still being held in Bubanza prison. According to the source, Emile Ruvyiro, who is represented by a lawyer, has appeared in court five times since his arrest. His latest appearance was in 1991. Each time the trial was postponed at the request of the prosecutor. In addition, after

failing to gather sufficient evidence against Emile Ruvyiro, the prosecutor is said to have threatened a witness with prison if he refused to testify against Mr. Ruvyiro.

6. It is clear from the facts as reported that Emile Ruvyiro has been kept in detention since 16 March 1991 solely because he peacefully exercised his right to freedom of opinion and expression, which implies the right not to be bothered because of his opinions, by publicly denouncing the confiscation by the authorities of the province of Bubanza of land belonging to 360 peasants. This right is guaranteed by article 19 of the Universal Declaration of Human Rights and by article 19 of the International Covenant on Civil and Political Rights.

7. In the light of the above, the Working Group decides:

The detention of Emile Ruvyiro is declared to be arbitrary being in contravention of article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon its decision declaring the detention of Emile Ruvyiro to be arbitrary, the Working Group requests the Government of the Republic of Burundi to take the necessary steps to remedy the situation in order to bring it into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.