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Human Rights Council Working Group on Arbitrary Detention

Opinions adopted by the Working Group on Arbitrary Detention at its sixty-fourth session, 27–31 August 2012

No. 17/2012 (Burundi)

Communication addressed to the Government on 12 December 2011

Concerning: François Nyamoya

The Government replied to the communication on 1 May 2012, after the expiry of the time limit set by the Methods of Work adopted by the Human Rights Council, but the Working Group will, on an exceptional basis, include the information in these opinions

The State is a party to the International Covenant on Civil and Political Rights

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the former Commission on Human Rights. The mandate of the Working Group was clarified and extended in Commission resolution 1997/50. The Human Rights Council assumed the mandate in its decision 2006/102. The mandate was extended for a further three-year period in Council resolution 15/18 of 30 September 2010. In conformity with its Methods of Work (A/HRC/16/47, annex), the Working Group has addressed the above-mentioned communication to the Government.

2. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms set out in articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law for reasons of discrimination based on birth; national, ethnic or social origin; language; religion; economic condition; political or other opinion; gender; sexual orientation; disability or other status, and which aims towards or can result in ignoring the equality of human rights (category V).

Submissions

Communication from the source

3. Mr. François Nyamoya (hereinafter Mr. Nyamoya), a Burundian citizen residing at avenue de la Dynastie, Rohero I, Bujumbura, is a well-known member of the Bar. He is also the lawyer who represents Radio Publique Africaine (RPA), which regularly expresses views critical of the Government, and he is a member of the opposition party Mouvement pour la solidarité et la démocratie (MSD), of which he is the spokesperson.

4. On 27 July 2011, having spent the morning with colleagues outside the Office of the Public Prosecutor to support the President of the Bar, who had been summoned by the Prosecutor, Mr. Nyamoya found a summons at his home demanding that he appear the next day, 28 July 2011, before the Public Prosecutor for the Supreme Court in connection with a case relating to him.

5. On the day of his hearing, he was interrogated by the prosecutor for two hours concerning alleged bribery of witnesses in a trial for the murder of Dr. Kassy Manlan, a representative of the World Health Organization (WHO). The trial dated back to 2003; Mr. Nyamoya had acted as attorney for the complainant. Mr. Nyamoya was accused of having attempted to bribe three witnesses, Jean-Paul Bukeyenzeze, Diedonné Nkurunziza, alias Ngangura, and Martin Nuni, who had in fact been suspects in the case and had been acquitted during the trial.

6. Despite his repeated requests to the prosecutor, he was not informed of the charges against him. Following his interrogation, Mr. Nyamoya was incarcerated in the central prison at Mpimba. He was shown the arrest warrant by a police officer.

7. It was only on 17 August 2011 that Mr. Nyamoya was accorded a hearing in chambers with the judge empowered to uphold or overturn the decision to detain him. On 19 August 2011, a decision was taken in chambers to order his provisional release. This decision, of which he was told but not given a copy, was not enforced, however: it was appealed by the Public Prosecutor's Office.

8. On 12 October 2011, 10 days after the statutory time limit, Mr. Nyamoya was accorded a hearing in chambers. On 18 October 2011, the *Tribunal de Grande Instance* (High Court) of Bujumbura municipality, sitting in chambers, finally declared that it did not have competence to rule on the detention of Mr. Nyamoya, since it had already decided in favour of his provisional release, but that decision had been struck down by the Court of Appeal. It was accordingly for the Court of Appeal to decide whether he had been lawfully detained or not. Counsel for Mr. Nyamoya is said to intend appealing this decision on the grounds that under the law of Burundi, the Court, acting in chambers, must confirm the legality of the detention every 30 days, based on the circumstances then obtaining.

9. According to the source, the arbitrary nature of Mr. Nyamoya's detention has numerous causes.

Lack of legal basis for Mr. Nyamoya's detention

10. First, the source states that Mr. Nyamoya's detention is not lawful, which makes it a violation of article 9, paragraph 1, of the International Covenant on Civil and Political Rights (hereinafter the Covenant). Specifically, Mr. Nyamoya was not informed of the charges brought against him; indeed, he received no arrest warrant, despite his repeated requests to the prosecutor. The warrant, dated 28 July 2011 and signed by an official from the Supreme Court's prosecution team, stated that Mr. Nyamoya was being sent to prison in a case that dated back to 2003. The source argues that in addition to the fact that the accusation is groundless — the witnesses in question were in fact suspects who were acquitted in the trial — the infraction in question had lapsed in 2006.

11. The source says that bribery of witnesses or experts is an infraction under article 401 of the Burundian Criminal Code, but with a statutory limitation of three years. In the former decree-law No. 1/6 of 4 April 1984, setting out the Criminal Code, article 89, paragraph 2, states that "an infraction may be prosecuted after three years have elapsed if the infraction constitutes an offence". Article 6 of the same decree-law stipulates that "an offence is an infraction punishable by less than 2 months and a maximum of 5 years' imprisonment". Article 265 of the Criminal Code states that "false testimony before a court is punishable by imprisonment and extension of the sentence to 5 years". Consequently, the infraction in question must be deemed an offence subject to a statutory limitation of three years. The same article 265 also stipulates that it constitutes an aggravating factor when, as a result of the statements by the witness who was bribed, the alleged offender is sentenced either to life imprisonment or to capital punishment. Here, however, there was no aggravating factor, since the alleged offenders in the Kassy Manlan case were acquitted. According to the law, the alleged infraction was open to prosecution as from 2006. The new Criminal Code, which entered into force on 22 April 2009, retains the three-year statutory limitation on the offence of bribing a witness. According to the source, a charge of bribing a witness in a case dating back to 2003 can under no circumstances constitute valid legal grounds for the continuing detention of Mr. Nyamoya.

12. The source recounts that during the hearing before the appeals court on 31 August 2011, the prosecution put forward arguments totally lacking in legal validity. According to the source, the conditions for prolonging pretrial detention set out in article 71 of the Code of Criminal Procedure were not met. The prosecution argued that Mr. Nyamoya should be subject to life imprisonment and that his provisional release would enable him to flee the country. According to the principle of non-retroactivity, however, bribing a witness could not be characterized as an offence. Moreover, when Mr. Nyamoya's provisional release was ordered, concerns about a possible flight from justice resulted in an injunction against his leaving the country without prior approval from the Ministry of Justice and in a mandate to appear in court as soon as summoned. In addition, the prosecution was incapable of presenting the serious evidence of guilt demanded by article 71 of the Code of Criminal Procedure.

13. Although counsel for Mr. Nyamoya argued that the charges against him had lapsed, the appeals court decided to prolong his detention. Since this decision, the validity of the detention order has not been verified, because on 18 October 2011, the High Court of Bujumbura municipality, sitting in chambers, declared that it had no competence in the case.

Procedural irregularities

14. The source maintains that the numerous irregularities in the legal action taken against Mr. Nyamoya constitute violations of domestic law and of the international instruments on the right to freedom and security of the person and the right to a fair trial.

15. First, the source states that following his interrogation by the prosecutor, Mr. Nyamoya was taken by the police to the central prison at Mpimba without having been apprised of the charges against him. The prosecutor allegedly refused to show him the arrest warrant. The police officer who took him to the prison gave him a look at the arrest warrant.

16. Secondly, article 72, paragraph 3, of Act No. 1/1015 of 20 July 1999 setting out the Code of Criminal Procedure states that “The accused must be brought before a judge within two weeks of the issuance of the provisional arrest warrant.” The arrest warrant that was never served on Mr. Nyamoya was dated 28 July 2011, but he was given a hearing in chambers only on 17 August 2011, in other words 20 days after his arrest. The source accordingly argues that the statutory time limit for an appearance before a judge following arrest was not respected. The source also argues that article 75 of the Code of Criminal Procedure states that a pretrial detention order is valid for 30 days. Once this period has elapsed, pretrial detention may be extended by a reasoned decision on a month-by-month basis, for as long as required by the public interest. In the present instance, the decision of the appeals court, which was the latest detention decision, was handed down on 2 September 2011. The accused should according have appeared again in chambers on 2 October 2011. The source indicates that he was seen by a judge only on 12 October 2011, in other words 10 days after the statutory time limit.

17. Thirdly, the source claims that the decision to release Mr. Nyamoya was not respected. On 19 August 2011, a decision was taken in chambers to order Mr. Nyamoya’s provisional release “subject to the conditions of not leaving Burundi without the authorization of the presiding judge or his or her deputy and of appearing before the presiding judge once a week and whenever required”. According to reports, Mr. Nyamoya has still not been released. The public prosecutor for Bujumbura municipality has refused to sign the extension order on the grounds that the prosecution was intending to appeal. The source says that Mr. Nyamoya was kept in detention, in violation of the provisional release order and of article 84 of the Code of Criminal Procedure, pending a hearing before the appeals court that took place on 31 August 2011.

18. Fourthly, the source indicates that neither Mr. Nyamoya nor his lawyers have been able to obtain the detention order, and without having received it, they have no means of appealing it. Article 37 of Act. No. 1/7 of 25 February 2005, on the Supreme Court, states that “The Supreme Court, sitting as an appellate chamber, shall examine appeals of judgements, rulings and all other judicial decisions handed down by courts and tribunals and other chambers of the Court itself and shall rule provisionally or definitively on their merits.” However, Mr. Nyamoya cannot lodge an appeal without access to the extended detention order that he is appealing. According to the source, therefore, this is not only an irregularity with regard to the need for transmission of the decision and access to the case file but is also a violation of Mr. Nyamoya’s right to contest the legality of his detention.

19. Fifthly, the source argues that the legality of the decision to detain Mr. Nyamoya has not been verified. Article 75 of the Code of Criminal Procedure states that a pretrial detention order is valid for 30 days, upon the expiration of which, pretrial detention may be extended by a reasoned decision, on a month-by-month basis, for as long as required by the public interest. It was only on 12 October 2011 that Mr. Nyamoya was again taken for a hearing in chambers, in other words 10 days after the deadline set by the law. On 18 October 2011, the High Court of Bujumbura municipality, sitting in chambers, finally declared that it did not have competence to rule on the decision to detain Mr. Nyamoya, since it had already decided in favour of his provisional release, but that finding had been struck down by the Court of Appeal. It was accordingly for the Court of Appeal to decide whether he had been lawfully detained or not. However, under the law of Burundi, the High Court, sitting in chambers, must confirm the legality of the detention every 30 days, based

on the circumstances then obtaining. Since the Court has declared that it did not have competence, the legality of the detention has not been confirmed. Thus, Mr. Nyamoya's detention has not been renewed within the time frame set by the law. Consequently, the source argues, there are no valid grounds for his detention.

Arbitrary nature of Mr. Nyamoya's detention in the light of his right to freedom of conscience and expression

20. The source recalls that Mr. Nyamoya is the lawyer who represents Radio Publique Africaine (RPA) and a member of the opposition party Mouvement pour la solidarité et la démocratie (MSD), of which he is the spokesperson. These institutions frequently criticize the Government, and Mr. Nyamoya may be assumed to share these views.

21. Mr. Nyamoya was detained during a period of particularly tense relations between legal professionals and the authorities. His own arrest followed that of many of his colleagues, including the President of the Bar, who had publicly criticized the Government. At the same time, human rights defenders were being summoned to explain their public allegations about human rights violations. The increasingly frequent occurrence of these events gives cause to fear that the authorities wish to muzzle the freedom of expression of civil society.

22. Mr. Nyamoya, like many of his colleagues, has clearly expressed his opposition to the arrests of Mr. Bukuru and Mr. Rufyikiri and participated in demonstrations in support of the two lawyers who, he felt, had been unfairly detained.

23. The source argues that the absence of legal justification for detaining Mr. Nyamoya and the numerous procedural irregularities that accompanied his continued detention, as shown above, give cause for suspecting that he was detained for a purpose other than to establish his guilt in the case of alleged witness bribing. Moreover, no serious investigation to establish his guilt in this case has been undertaken.

24. The source concludes that Mr. Nyamoya's detention is a result of the exercise of his freedom of opinion and expression, protected under article 19 of the International Covenant on Civil and Political Rights and article 19 of the Universal Declaration of Human Rights.

Response from the Government

25. Although the Government of Burundi responded to the communication from the Working Group only after the expiry of the time limit set by its Methods of Work, the Working Group will, on an exceptional basis, take into account the information received prior to its discussion.

26. By letter dated 20 April 2012, the Government informed the Working Group that during the investigation of the case, strong evidence had been uncovered that Mr. Nyamoya and four co-defendants were guilty. Notices were sent summoning the defendants, including Mr. Nyamoya, to appear in court. His interrogation was conducted in strict accordance with the law: notice was given of the reason why he had been summoned and the charges laid against him. The Government further stated that Mr. Nyamoya had been acting not for the complainant but rather for his sister, who had been accused of murdering Dr. Kassya Manlan, WHO's representative in Burundi, in 2003.

27. Contrary to the allegations made by the source, the Government states that Mr. Nyamoya was prosecuted, not for attempting to bribe three witnesses, but for actually bribing them. The offence of attempted bribery of a witness does not exist in the law of Burundi. The case was brought before a judge in chambers on the thirteenth day of Mr. Nyamoya's incarceration, 9 August 2011, whereas the maximum time limit set by the law

is 15 days. As soon as the case was brought before it, the High Court scheduled a hearing of the parties in chambers, on 17 August 2011. Mr. Nyamoya was assisted by two lawyers.

28. The Court ordered Mr. Nyamoya's provisional release. The prosecution appealed the ruling, in conformity with the law, on 19 August 2011. By virtue of article 84, paragraph 2, of the Code of Criminal Procedure, Mr. Nyamoya remained in detention pending the decision of the appeals judge. That decision ordered Mr. Nyamoya's continued pretrial detention. When the prosecution presented Mr. Nyamoya to the High Court for the purpose of prolonging his detention, the judge declared that he did not have competence. The detention was prolonged by order of the judge of the Bujumbura Court of Appeals, to which Mr. Nyamoya had appealed.

29. The Government points out that article 401 of the Criminal Code does not specify who must be bribed for bribery to be committed. It provides that bribery is "the use of promises, propositions, gifts, ploys or tricks during judicial proceedings to persuade others to deliver or make false testimony, a false statement or a false attestation". This, according to the Government, is what Mr. Nyamoya was guilty of in the case concerning the murder of Dr. Manlan.

30. The Government of Burundi rejects the source's allegations concerning the statute of limitations. It notes that bribery is a continuing offence that lasts throughout the course of the judicial proceedings. The proceedings in question came to an end only with the rejection of the appeal, in 2010. According to the Government, the statute of limitations began running only upon completion of the appeals proceedings, in 2010.

31. The Government states that all the competent bodies involved confirmed the legality of Mr. Nyamoya's pretrial detention.

32. According to the Government, there is no relationship between the offences of which Mr. Nyamoya is accused and his profession and political affiliation, nor is his case related to the one resulting in the imprisonment of the President of the Bar. The Government denies the source's allegation of political persecution.

Comments from the source

33. By letter dated 8 March 2012, the source informed the Working Group that Mr. Nyamoya had been provisionally released, by order of the public prosecutor's office, on 17 February 2012, under the following conditions: (a) the charge of witness bribing was retained; (b) presence at the airport or port of Burundi or crossing of the border was prohibited; (c) leaving Bujumbura municipality was prohibited; and (d) appearing before the prosecutor every Friday was obligatory. The public prosecutor reserves the right to revoke the provisional release order if one or more of the above-mentioned conditions are not met.

34. On 3 May 2012, the source provided comments on the Government's response. The source noted that "the action requested of the Working Group is to give its views, not on whether the accusations that Mr. François Nyamoya has bribed witnesses are well founded, but rather on whether he was arbitrarily detained during the seven-month period from 28 July 2011 to 17 February 2012". In view of the presumption of innocence and in the absence of a decision on the merits of the case, the source contends that the State's comments on Mr. Nyamoya's alleged guilt are irrelevant to the action requested of the Working Group.

35. The source states that Mr. Nyamoya was not informed of the charges against him while being interrogated by Judge Adolphe Manirakiza, nor was he informed by the latter that he was under arrest. No arrest warrant was served on him. Following the interrogation, police officers came to take him to the prison at Mpimba. He was able to look at the arrest

warrant only thanks to a police officer who agreed to show it to him. This constitutes a breach of the provisions of Burundi law relating to arrest. The source also notes that the Government of Burundi, the sole possessor of the documentation, provided neither the official record of the interrogation nor the arrest warrant in support of its arguments.

36. The source recalls that according to the decisions of the judicial bodies, Mr. Nyamoya is being prosecuted under article 401 of the Criminal Code, (article 265 at the time of the events), which begins with the title “Bribery of a witness or an expert”. The prosecution’s summing up on appeal, dated 22 August 2011, the High Court ruling in chambers of 18 October 2011 and the provisional release order all refer explicitly to the offence of witness bribery under article 401 of the Criminal Code.

37. The source draws attention to the confusion instigated by the Burundian authorities, in that the witnesses in the offence of which Mr. Nyamoya is accused were in reality defendants in the case and have in fact been acquitted.

38. On the statutory limitation on prosecution of the offence imputed to Mr. Nyamoya, the source explains that bribery of witnesses is an immediate offence as opposed to a continuing offence. The statutory limitation must accordingly run from the moment the offence is committed. The date on which the case involving witness bribery was taken up is 25 July 2007, in other words more than three years earlier.

39. The source reiterates that this is a violation of the three-year statutory limitation. No aggravating factor may be adduced in this case, since those accused of the alleged offence in the Kassy Manlan case have been acquitted. Thus, from the legal standpoint, prosecution of the offence in the present instance was prohibited at the time Mr. Nyamoya was arrested.

40. The source contends that the Government of Burundi has misinterpreted article 72 of the Code of Criminal Procedure, paragraph 2 of which states that “the accused must be brought before a judge within two weeks of issuance of the provisional arrest warrant”. According to the source, it is not the date the case was referred to the court by the competent authority that must be taken into account, as the Government maintains, but the actual appearance in the court. Mr. Nyamoya was detained on 28 July 2011 but was brought before a judge in chambers only on 17 August 2011, in other words 20 days after his arrest. The statutory time limit for an appearance before a judge following arrest was accordingly not respected.

41. Article 75 of the Code of Criminal Procedure provides that the order authorizing pretrial detention is valid for 30 days. Once this period has elapsed, pretrial detention may be extended by a reasoned decision, on a month-by-month basis, for as long as required by the public interest. Article 75 also stipulates that “the accused must be brought before the judge” by the competent authorities. Thus, contrary to the Government’s contention, it is not the date on which the case was referred to the court that is to be taken into account. In the present instance, the Court of Appeals handed down its decision on 2 September 2011. The complainant should thus have again appeared in chambers on 2 October 2011, but the hearing with the judge took place only on 12 October 2011, in other words, 10 days after the statutory time limit. Accordingly, the prescriptions of the law as to confirmation of the legality of the detention were not respected.

42. The source reiterates the arguments raised in the initial communication in support of the contention that the numerous irregularities in the proceedings constitute violations of domestic law and of the international instruments on the right to freedom and security of the person and the right to a fair trial.

43. Lastly, the source recalls that Mr. Nyamoya is the lawyer who represents Radio Publique Africaine (RPA) and a member of the opposition party Mouvement pour la solidarité et la démocratie (MSD), of which he is the spokesperson. He was detained during

a period of particularly tense relations between legal professionals and the authorities. According to the source, the Government has not disproved this contention.

Discussion

44. In view of the foregoing, the only aspect of the case discussed by the Working Group was Mr. Nyamoya's detention from 28 July 2011 and 17 February 2012.

45. The discussion focused on the date on which the offence of witness bribing occurred. According to the source, the alleged offence took place on 25 July 2007, in other words, four years prior to Mr. Nyamoya's arrest. Under the law, the statutory limitation applicable to the commission of this offence is three years. The Government contends that it was a continuing offence and that the date to be taken into account is that of the completion of proceedings.

46. The Working Group takes the view that it was an immediate offence that was limited to the time of the bribery. In the present instance, the offence was committed four years before Mr. Nyamoya was detained. However, according to the law, the statutory limitation is three years. The public prosecutor's office and the other judicial bodies involved in the proceedings are required to determine the relevant date, namely the date on which the offence was committed, but this was not done in this case, nor was the possibility considered that there might be a statutory limitation on the offence in question. As a result, Mr. Nyamoya was deprived of liberty for seven months.

47. The second reason why the Working Group can conclude that Mr. Nyamoya was subjected to arbitrary detention is that on 19 August 2011, a decision was taken in chambers to order his provisional release. This decision was not carried out: the prosecution simply stated that it would be appealed. It was only on 31 August that the Court of Appeals struck down the decision. Counsel for Mr. Nyamoya appealed this ruling. On 18 October 2011, the High Court of Bujumbura municipality, sitting in chambers, finally declared that it did not have competence to rule on the decision to detain Mr. Nyamoya, since it had already decided in favour of his provisional release, but that finding had been overturned by the Court of Appeal.

48. These irregularities have clearly affected Mr. Nyamoya's ability to enjoy the guarantees set out in article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights.

49. The Working Group notes that the views advanced by the Government and by the source diverge in regard to the other contentions of formal procedural irregularities, specifically whether Mr. Nyamoya was informed of the charges against him; whether he was acquainted with the indictment during the hearings on 28 July and 13, 17 and 19 August 2011; whether the indictment was clear enough; and whether the decision to prolong his detention was renewed on a month-by-month basis in accordance with the relevant legal texts. Because the Government and the source have presented differing versions of the facts, the Working Group cannot take a position on whether the points made above are well founded. Nevertheless, it notes that the Government has provided insufficient evidence to show that all the procedural formalities have been respected.

50. The irregularities discussed in paragraph 47 et seq. are of sufficient gravity for the Working Group to declare the pretrial detention of Mr. Nyamoya to have been arbitrary in the sense of category III, as defined by the Working Group.

51. The Working Group cannot pass over in silence the context in which Mr. Nyamoya's detention took place. At the time of his arrest, sharp discord was being expressed by the Bar and the Government, leading to the detention of the President of the Bar, among other things. The members of the Bar, including Mr. Nyamoya, participated

publicly in a number of protest demonstrations. Mr. Nyamoya, who is the legal counsel for RPA, is known for expressing critical views of the Government and is the spokesperson for the opposition party MSD.

52. As a result, the Working Group feels that there is a strong enough causal link between the deprivation of liberty and the professional activities of Mr. Nyamoya, including his criticism of the Government, his political engagement, the public demonstrations in which he took part, his denunciation of human rights violations and the overall hostility towards legal professionals attested to by the detention of the President of the Bar. All these circumstances laid the groundwork for the violation of the rights to freedom of expression and opinion and of peaceful assembly, in breach of the provisions in articles 19 and 21 of the Covenant and articles 29 and 20 of the Universal Declaration.

53. The fact that Mr. Nyamoya was released on 17 February 2012 does not expunge the arbitrary nature of his detention from 28 July 2011 to 17 February 2012. In addition, the restrictions on his freedom of movement that are still in force may not be deemed to be justified, since they follow upon an arbitrary detention.

Views and recommendations

54. In the light of the foregoing, the Working Group renders the following opinion:

The detention of Mr. François Nyamoya from 28 July 2011 to 17 February 2012 was arbitrary and constitutes a breach of articles 8, 9, 10, 19 and 20, paragraph 1, of the Universal Declaration of Human Rights and articles 9, 19 and 20 of the International Covenant on Civil and Political Rights. This detention falls under categories II and III of the arbitrary detention categories to which the Working Group makes reference for the consideration of cases submitted to it.

55. The restrictions on freedom of movement imposed under the decision of 17 February 2012 are likewise arbitrary and fall under the above-mentioned categories.

56. The Working Group accordingly requests the Government of Burundi to release Mr. Nyamoya immediately and to remove the various restrictions on his freedom of movement, without prejudice to the adoption of other, less intrusive methods of ensuring his attendance at trial and the necessary legal proceedings. The Working Group also requests the Government of Burundi to provide Mr. Nyamoya with adequate compensation for the injury he suffered.

[Adopted on 27 August 2012]