



BURUNDI

Submission to the UN Universal Periodic Review 15th Session of the UPR Working Group

Submitted 09 July 2012

**Joint Submission by CIVICUS: World Alliance for Citizen
Participation, NGO in General Consultative Status with
ECOSOC**

And

Ligue des Droits de la personne dans la région des Grandes Lacs

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1. (A) Introduction

1.1 CIVICUS: World Alliance for Citizen Participation (CIVICUS) is an international movement of civil society with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action and civil society throughout the world, especially in areas where participatory democracy and citizen's freedom of association are threatened.

1.2 The Ligue des Droits de la personne dans la région des Grandes Lacs (LDGL) is a network focusing on human rights in the Great Lakes Region with members in Burundi, Democratic Republic of Congo and Rwanda.

1.3 In this document, CIVICUS and LDGL outline urgent concerns related to the harassment, intimidation and persecution of civil society members and journalists in Burundi as a result of their activities. CIVICUS and LDGL are dismayed at official actions aimed at stifling citizens' freedoms of expression, assembly and association.

1.4 We are deeply concerned with regard to the curbing of the right to assemble peacefully through clampdowns on protests and demonstrations aimed at highlighting violations of human rights and corrupt practices by government officials.

1.5 We are perturbed at repeated attempts by the government to suppress the voices of civil society activists and journalists who report on violations committed by security force officials and who publicly express concerns over the treatment of human rights defenders.

- In Section B, CIVICUS and LDGL highlight concerns regarding judicial harassment, persecution and intimidation of human rights defenders.
- In section C, CIVICUS and LDGL highlight concerns over suppression of freedom of expression and the harassment, detention and intimidation of journalists.
- In section D, CIVICUS and LDGL express concerns over official attempts to suppress the rights of Burundians to associate and assemble freely by clamping down on peaceful protests.
- In section E, CIVICUS and LDGL make a number of recommendations on the areas of concern listed.

2. (B) Concerns regarding judicial harassment, persecution and intimidation of human rights defenders

2.1 The ICCPR and the African Charter on Human and People's Rights to which Burundi is a party guarantee the freedoms of expression, association and assembly. Nevertheless, human rights defenders and civil society organisations in Burundi

remain at risk of retributive acts committed by state agents for speaking out against official malpractices, corruption and violations of fundamental freedoms. Various instances of state prosecutors charging activists with “defamation” and “threatening state security” for speaking out against corrupt practices in government ministries and human rights abuses perpetuated by security forces remain a matter of serious concern.

2.2 A number of members of civil society organisations and individual activists advocating against corrupt practices in the country have been arrested to prevent them from carrying out their work. On 7 February 2012, Faustin Ndikumana, President of the *Parole et Action pour le Réveil des consciences et L'Evolution des Mentalités* (PARCEM), a civil society organisation advocating against corrupt practices was arrested and accused of making “false declarations.” Faustin had simply reported that he had written to the Minister of Justice at the time, informing him that PARCEM was in possession of information received from several judges that they had been requested to make payments of \$1000 and \$1500 to secure positions in the Ministry of Justice. After spending two weeks in jail, Faustin was released on bail but was ordered, as part of his bail conditions, to pay one million Burundian Francs and to report to the authorities each week.

2.3 In addition to judicial harassment and intimidation, some civil society activists have reportedly been assassinated as a result of the work they do. Those who demand proper investigations and justice for the victims need to be protected from persecution particularly when the evidence points to powerful elements in society. On 9 April 2009, Ernest Manirumva, then Vice President of the anti-corruption organisation - *Observatoire de lutte contre la corruption et les malversations économique* (OLUCOME) was found dead in front of his home with stab wounds on his body. At the time of his murder, he was investigating alleged cases of corruption within the police force. After lengthy delays in the trial of those accused of murdering him and several procedural infirmities, 14 individuals were sentenced to lengthy jail terms by the Higher Instance Court of Bujumbura. It remains a matter of concern that vital evidence regarding complicity of state security services members in the murder was not taken into account.

2.4 Activists calling for justice in Ernest Manirumva’s case and those who exposed procedural weaknesses were reportedly threatened by state security agents. For example in March 2010, Pierre Claver Mbonimpa, head of the human rights group – *Association pour la protection des droits humains et des personnes détenues* (APRODH) was summoned by the judiciary and questioned about his work on the Ernest Manirumva case in addition to being reportedly threatened on several occasions in 2011.

2.5 In a similar incident, Pacifique Nininahazwe, head of the *Forum pour le renforcement de la société civile* (FORSC) which undertook campaigns calling for the release of journalist Jean-Claude Kavumbagu was reportedly placed under

surveillance and trailed by intelligence officers. He is alleged to have received death threats between 2011 and 2012.

3. (C) Concerns regarding suppression of freedom of expression and harassment of journalists

3.1 The ICCPR to which Burundi is a party guarantees freedom of expression. Nonetheless, freedom of expression continues to be restricted through attacks on and persecution of journalists and members of the media.

3.2 Politically-motivated harassment of journalists and suppression of the media in Burundi remains a matter of concern particularly the practice of prosecutors summoning journalists for questioning over reports or articles they published regarding human rights violations by members of state security forces. Additionally, public pronouncements made repeatedly by government officials threatening journalists with legal action and the practice of charging journalists with “threatening the security of the state” and “defamation” are matters of serious concern.

3.3 On 25 June 2012, a Burundian court sentenced journalist Hassan Ruvakuki and 13 others to life in prison for “acts of terrorism.” The charges stem from an attack carried out in September 2011 close to the Tanzanian border. Hassan who works as a journalist for a local radio station, Bonesha FM and Radio France Internationales’s Swahili service had travelled to the Burundi border with Tanzania where he interviewed a rebel leader Pierre Claver Kabirigi, and was arrested upon his return and accused of having ties with the rebel group. Apart from the 14 life sentences, 9 others were accused of being accomplices in the attacks and handed 15-year jail terms.

3.4 Between July and September 2011, the editor of the *Radio Public Africain* Bob Rugurika, was summoned to the public prosecutor’s office on several occasions and interrogated following his public suggestions that the government engages in peaceful talks with the political opposition and for his reporting on various human rights issues. In March 2012, he reportedly received threatening phone calls from members of the intelligence agencies as a result of his reporting on Ernest Manirumva’s case.

3.5 On 17 July 2010, Jean Claude Kavumbagu, editor-in-chief of the online Netpress website was charged with treason, defamation and violating the country’s press laws and sent to Mpimba Central Prison. Mr. Kavumbagu had published an online article in the wake of attacks in Kampala in which he reflected on Burundian security forces’ ability to adequately deal with threats from militant groups. During his trial, the state prosecutor demanded a life sentence. However, the District Court in Bujumbura dropped the more serious charge of treason and sentenced Mr. Kavumbagu to 8 months in jail with a fine of 100.000 Burundian Francs for

publishing information that had the potential of harming the assets of the state and the economy.

3.6 Similarly, on 5 November 2010, Elyse Ingabire and Dieudonné Hakizimana representing *Iwacu* newspaper were arrested and detained for two days after visiting a member of the *Forces Nationales de Liberation* (FNL) who was serving jail time at the Mpimba Central Prison and for allegedly receiving a copy of names of other FNL members serving jail terms. They were interrogated and accused of siding with the FNL.

3.7 Additionally, a media blackout was imposed by the government following deadly attacks by gunmen at a bar in Gatumba on 18 September 2011 in which more than 30 people were killed. The country's National Security Council imposed a ban on 20 September preventing the media from reporting on any aspects of the attacks in Gatumba and other related cases which were under investigation.

4. (D) Concerns over suppression of freedom of association and assembly

4.1 Although the ICCPR to which Burundi is a party guarantees the freedoms of association and peaceful assembly, unwarranted impediments continue to be placed on the ability of civil society organisations to carry out their activities.

4.2 In April 2011, civil society groups in the capital Bujumbura were engaged in peaceful demonstrations calling for openness and transparency in the investigation of events surrounding the killing of anti-corruption activist Ernest Manirumva and for the prosecution of those behind the assassination. The protesters were forcefully interrupted by the police, who destroyed their protest materials and proceeded to arrest Gabriel Rufyiri and Claver Irambona, The two were detained for several hours and later released without any charge. The protesters had sent in a request for permission to hold the protest but did not receive any formal order prohibiting the protest from taking place.

4.3 There have also been attacks by armed gunmen on gatherings of people. Most of the attacks have taken place in Bujumbura and its environs and other areas like Gitega and Kayanza. It is a matter of concern that the government has been unsuccessful in preventing such attacks. Oftentimes, the official response to attacks by unidentified gunmen has been to target members of the political opposition, journalists and civil society activists who criticise violent approaches in dealing with these acts.

5. (E) Recommendations to the Government of Burundi

5.1 CIVICUS and LDGL call on the Government of Burundi to create an enabling environment for civil society to operate in accordance with the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and People's Rights to which Burundi is a party.

- In particular, the following minimum requirements in policy and practice for civil society to operate should be guaranteed: *freedom of association; freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect.*

5.2 Regarding judicial harassment, persecution and intimidation of human rights defenders

- The practice of threatening and intimidating human rights defenders who report on human rights violations and official corruption should be ended. Relevant instructions should be given to security force members and other government officials in this regard.
- Criminal investigations by independent agencies should be carried out in the cases of complaints of arbitrary arrests and detention of human rights defenders.
- Adequate resources and support to the National Independent Human Rights Commission should be provided to enable the body to conduct extensive and unbiased investigations into human rights abuses.

5.3 Regarding the suppression of freedom of expression and harassment of journalists

- Freedom of expression should be respected and the practice of summoning journalists before the police after publishing stories critical of the government should be immediately discontinued.
- All cases of attacks on journalists should be properly investigated by independent agencies.

5.4 Regarding suppression of freedom of association and assembly

- Clear directives should be given to members of the security forces to refrain from impeding peaceful assemblies.
- Efforts should be made to ensure that assemblies are protected from criminal attacks by non-state actors.
- Efforts should be made to restore the confidence of civil society by publicly stating the official intention to create an “enabling environment” for civil society.

5.5 Regarding Access to UN Special Procedures and Mandate Holders

- A standing invitation to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression and the Special Rapporteur on Freedom of Peaceful Assembly and Association should be extended.