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Republic of Burundi

Head of state and government: **Pierre Nkurunziza**

Government repression of critical voices intensified during the year. Violations of the rights to freedom of expression, association and peaceful assembly increased. Members of the opposition, civil society activists, lawyers and journalists were among those who faced heightened restrictions as the 2015 elections approached. Meetings and marches were not allowed to take place. Allegations of harassment and violence committed by members of the ruling party's youth wing, Imbonerakure, were not effectively investigated.

Background

Political tensions ran high as President Nkurunziza looked set to stand for a third term, a move perceived by many as a violation of Burundi's Constitution. In March, the National Assembly narrowly rejected a bill proposing constitutional amendments that would have allowed the President to stand for a further term. Official statements indicated that the Constitutional Court would rule on the issue at a later date. Critics accused the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) of jeopardizing ethnic power-sharing principles agreed in Burundi's post-conflict Arusha Accord.

The United Nations Office in Burundi (BNUB), established in January 2011, closed at the end of 2014.

Strong criticism of the civil and political rights situation in Burundi was made by UN Secretary-General Ban Ki-moon, the UN High Commissioner for Human Rights, the African Union (AU) and some donor countries, including France and the USA.

Freedoms of association and expression

The authorities refused to grant opposition groups, the press, the Burundian Bar Association and civil society organizations authorization to hold legitimate meetings and peaceful demonstrations. ^[1]

For example, in February, the Mayor of Bujumbura prevented the Burundian Bar Association from holding its General Assembly and another planned training workshop. In March, youth members of the Movement for Solidarity and Democracy (MSD) were denied permission to hold a meeting at a local centre in the commune of Gihosha, Bujumbura, to discuss the proposed amendments to the Constitution. The authorities gave no explanation for their decision.

Political figures and opposition parties were subject to official interference, harassment and arbitrary arrest. For example, irregular arrest and trial proceedings in relation to corruption allegations against Frédéric Bamvuginyumvira limited his political activities. He was released from detention in March on health grounds.

Repressive legislation

The Press Law, promulgated in June 2013, provided for official restriction of press activities and freedom of expression. The law stipulates that journalists can be required to reveal their sources on a number of issues from public order to state security.

The Law on Public Gatherings was used to arbitrarily deny opposition groups and civil society permission to meet publicly or hold demonstrations.

Human rights defenders

Members of civil society organizations and the media, especially those working on potentially sensitive subjects relating to human rights or state accountability, were subject to harassment.

Leading human rights defender and prisoner of conscience Pierre Claver Mbonimpa was detained in May and charged with threatening state security and using false documents. He was arrested shortly after his comment that young men were receiving arms and uniforms and travelling to the neighbouring Democratic Republic of the Congo for military training was broadcast on the radio. He was provisionally released on medical grounds in September. His imprisonment sent a chilling signal to the rest of civil society that individuals reporting on sensitive subjects would be at risk of arbitrary arrest. ^[2]

In April, a march organized by civil society organizations to commemorate the fifth anniversary of the killing of Ernest Manirumva, Vice-President of the Anti-corruption and Economic Malpractice Observatory (OLUCOME), was prevented from going ahead. At the time when the march should have taken place, the Prosecutor General issued a statement claiming that the prosecution had incriminating evidence linking Gabriel Rufyiri, President of OLUCOME, to the death of Ernest Manirumva. No investigation had been initiated into the alleged involvement of several high-ranking members of the security services in the killing.

Impunity

Human rights abuses by Imbonerakure

Members of Imbonerakure, the youth wing of the CNDD-FDD, committed human rights abuses on the pretext of maintaining security. They prevented opposition party meetings and intimidated, attacked and even killed members of the opposition with impunity.

On 14 March, Ananias Nsabaganwa, a member of the Front for Democracy in Burundi, was visited at his home in the Commune of Busoni, Kirundo Province, by two local administrative officials, three members of Imbonerakure (including the head of Nyagisozi zone) and two soldiers. He was reportedly shot dead by one of the soldiers on the orders of one of the local officials and an Imbonerakure member.

In April, a leaked internal cable sent by the BNUB reported that in one province two members of the military had supplied Imbonerakure and demobilized soldiers with weapons and military and police uniforms. The government denied these allegations but took no steps to investigate them.

Extrajudicial executions

Most allegations of politically motivated killings carried out between 2010 and 2012 were not investigated. Victims and witnesses remained at risk because of the lack of effective protection mechanisms.

The African Commission on Human and Peoples' Rights agreed in June to consider a complaint from civil society groups and Track Impunity Always (TRIAL) in relation to four cases of extrajudicial executions.

Justice system

The justice system lacked material, financial and logistical resources. Generalized problems were regularly cited in relation to the judiciary including a heavy backlog of cases, a lack of transport to transfer suspects from detention facilities to court and cases not being opened or prepared for court by prosecutors. There were also reports of corruption within the judiciary and the authorities continued to fail to effectively investigate politically sensitive cases.

Truth and Reconciliation Commission

On 15 May, a law establishing a Truth and Reconciliation Commission (TRC) was passed. The law failed to include clear language on the setting up of a special tribunal to prosecute individuals responsible for crimes under international law, including war crimes and crimes against humanity. The TRC officially began on 10 December 2014 as 11 Commissioners were sworn into office.

1. Burundi: Locked down: A shrinking of political space (AFR 16/002/2014)
www.amnesty.org/en/library/info/AFR16/002/2014/en

2. Pierre Claver Mbonimpa is a prisoner of conscience (AFR 16/003/2014)
www.amnesty.org/en/library/info/AFR16/003/2014/en

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