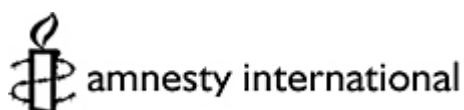


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Amnesty International Annual Report 2012 - Burundi

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

Death penalty: **abolitionist for all crimes**

Population: **8.6 million**

Life expectancy: **50.4 years**

Under-5 mortality: **166.3 per 1,000**

Adult literacy: **66.6 per cent**

Impunity remained widespread and became further entrenched. Extrajudicial executions and political killings increased. The justice system remained politicized. Human rights defenders and journalists faced increased repression. The government committed itself to establishing a Truth and Reconciliation Commission in 2012, but no progress was made in setting up a Special Tribunal.

Background

The ruling party, the National Council for Defence of Democracy-Forces for Defence of Democracy, consolidated its hold on power after most opposition parties withdrew from the 2010 elections. Security forces unlawfully killed, harassed and arrested opposition members from the National Liberation Forces (FNL).

Around 40 people were killed in a massacre in Gatumba on 18 September. An Italian doctor and Croatian nun were killed in an attack on a hospital in Ngozi in November, the first attack on international humanitarian workers since 2007.

Key opposition leaders, including Agathon Rwaswa of the FNL and Alexis Sinduhije of the Movement for Solidarity and Democracy (MSD), remained in exile. Two new armed opposition groups announced their existence towards the end of the year. Several former FNL members became involved in armed opposition inside Burundi and in the neighbouring Democratic Republic of the Congo.

Justice system

The justice system remained politicized and poorly resourced. Burundians lacked

confidence in conventional justice and often resorted to "mob justice".

A string of politically motivated arrests and summonses of lawyers, journalists and human rights defenders demonstrated the judiciary's limited independence. Members of the Burundian Bar Association went on strike in July in support of lawyers detained for several days for exercising their right to freedom of expression.

- François Nyamoya was arrested on 28 July and charged with influencing witnesses in a trial concluded several years before. He had also been detained in 2010 on politicized charges related to his role as spokesperson for the MSD party. He remained in detention at the end of the year.

Delays continued in commissions investigating allegations of human rights violations by security forces. This contrasted with the prompt work of a commission investigating the 18 September massacre in Gatumba. Twenty-one individuals were arrested and charged and the case was opened in November. However, it was adjourned after defence lawyers claimed the police had failed to follow proper procedures during their investigations and had denied them access to their clients' files.

Extrajudicial executions and impunity

Extrajudicial executions increased. The UN documented 57 unlawful killings by security forces. In another 42 murders, believed to be politically motivated, the perpetrators' identities remained unclear. Cases implicating state security agents mainly involved killings of former and current members of the FNL and of other opposition parties. The government continued to deny that security forces were involved in unlawful killings.

- Audace Vianney Habonarugira, a demobilized FNL colonel, was found dead on 15 July. He had escaped an attempted assassination in Kamenge in March, when he was shot by an individual identified as an intelligence agent. In the months before his murder, he had refused to become an intelligence informant and was persistently followed. A commission of inquiry examined the failed assassination attempt, but there were no prosecutions.

Commissions of inquiry were used to delay prosecutions of security forces allegedly implicated in unlawful killings and attempted assassinations. Two commissions of inquiry began investigating extrajudicial executions and violence linked to the 2010 elections in April and May respectively. Neither commission published its findings or led to successful prosecutions being brought during the year.

Failure to identify bodies before burial denied victims' family members the right to truth and justice. Despite an order by the Interior Minister in November for such identification to take place, bodies continued to be hastily buried by local officials.

- Léandre Bukuru was kidnapped from his home in Gitega by men wearing police uniforms on 13 November. His decapitated body was found in Giheta the next day and buried on a local administrator's orders, without the presence of his family or a police investigation. His head was found in Gitega two days later. The prosecution opened a case file, but failed to exhume the body for examination.

Freedom of association and assembly

The authorities continued to restrict peaceful assembly by civil society, despite positive steps taken to reinstate the legal status of the Forum for the Strengthening of Civil Society on 28 January.

- On 8 April, the second anniversary of the murder of human rights defender and leading anti-corruption activist Ernest Manirumva, the police broke up a peaceful march for justice. Gabriel Rufyiri, President of the Observatory for the Fight against Corruption and Economic Embezzlement, and his colleague, Claver

Irambona, were detained, interrogated and released several hours later without charge.

Torture and other ill-treatment

A commission of inquiry into allegations of torture in 2010 by the National Intelligence Service (SNR) failed to report publicly. No judicial investigations or prosecutions were initiated into the allegations.

Freedom of expression

Human rights defenders

The continued failure to deliver justice for Ernest Manirumva's murder left human rights defenders at risk, especially those working on the Justice for Ernest Manirumva campaign. They were subjected to repeated summonses, threats and surveillance. Two staff members at OLUCOME, the NGO where Ernest Manirumva worked, experienced security incidents in July, including a break-in by armed men.

A decision by the Higher Instance Court of Bujumbura on 22 June to call for further investigations into the Manirumva case appeared positive. However, questions put to human rights activists during interviews with judicial authorities indicated attempts to falsely implicate civil society in the murder. Judicial authorities had previously disregarded recommendations by the US Federal Bureau of Investigations (FBI) to question and DNA test high-ranking police and intelligence officers implicated by witnesses. The court set no time frame for investigations to be completed, giving rise to concerns that the trial could stall once more.

Journalists

Journalists faced increased repression. Independent journalists were repeatedly summoned before judicial authorities to respond to questions about their work. There was an increasing trend of magistrates equating criticism of the government with inciting ethnic hatred. Summonses rarely resulted in prosecutions, but were intimidating and time-consuming. Intelligence agents regularly threatened journalists and human rights defenders by telephone.

The government imposed sweeping restrictions on the media after the 18 September massacre in Gatumba. On 20 September, the National Security Council ordered journalists not to publish, comment on, or analyse information about the massacre or any other cases under investigation.

Staff of Radio Publique Africaine (RPA) were consistently harassed and threatened by the authorities. On 14 November, RPA received a letter from the Interior Minister saying the radio station was being used "to discredit institutions, undermine the legitimacy of the judiciary and accuse individuals gratuitously, inciting the population to hatred and disobedience and promoting a culture of lies". They were ordered to provide financial documentation and activity reports within 10 days.

- Netpress editor, Jean-Claude Kavumbagu, was released in May after 10 months in prison. He had been accused of treason, which carries a life sentence, for an article questioning the security forces' ability to protect the country from terrorist attacks. He was acquitted of treason, but found guilty of harming the economy.
- Several RPA staff were repeatedly summoned by the judicial authorities. Bob Rugurika, RPA's editor, was questioned by the judicial authorities multiple times.

Prison conditions

Prisons were overcrowded, with the majority of prisoners awaiting trial.

Some individuals accused of serious crimes were transferred from the capital Bujumbura to prisons in remote provinces. The authorities failed to justify this decision, which isolated those accused during pre-trial proceedings. Two suspects in the Gatumba massacre were moved to the towns of Rumonge and Rutana. A journalist charged with alleged participation in terrorist activities was taken by the SNR to Cankuzo town.

Transitional justice

A committee established to amend the 2004 Truth and Reconciliation Commission (TRC) Law presented President Nkurunziza with a draft law in October. If passed by parliament, the draft law would exclude civil society and religious groups from the TRC, thereby compromising its independence. It could prevent the Special Tribunal, a judicial body set up to follow the TRC, from prosecuting cases independently. The draft law does not explicitly prohibit the granting of amnesties, including for genocide, war crimes and crimes against humanity.

Independent National Human Rights Commission

In June, Burundi's Independent National Human Rights Commission was sworn in. Limited resources prevented it from investigating human rights violations effectively. On the request of the Burundian government, the UN Human Rights Council prematurely terminated the mandate of the Independent Expert on Burundi's human rights situation. In his June report, the Independent Expert had highlighted the country's lack of judicial independence, violations of freedom of expression, and failure to prosecute torture.

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