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Freedom of the Press 2016 - Burundi

Year:

2016

Press Freedom Status:

Not Free

PFS Score:

80

Legal Environment:

25

Political Environment:

33

Economic Environment:

22

Overview

Burundi's already-restricted media environment deteriorated dramatically in 2015, a result of the political instability and civil unrest triggered by President Pierre Nkurunziza's controversial decision to run for a third term in office, which he won in a disputed election in July.

Key Developments

- Numerous private radio outlets were shut down or destroyed in the wake of a failed coup attempt in May, depriving citizens of a key source of information.
- Journalists faced physical attacks and death threats, including from the police and the youth wing of the ruling party, the Imbonerakure.
- Dozens of journalists fled into exile throughout the year.
- The East African Court of Justice ruled in May that Burundi's repressive 2013 media law violated freedoms of expression and of the press, and therefore constituted a violation of Burundi's obligations under the Treaty for the Establishment of the East African Community.

Legal Environment: 25 / 30 (↓1)

The constitution guarantees freedoms of speech and of the press, but these rights are not respected in practice and are undermined by the penal code and other laws. The 2013 media law prescribes punishments including high fines, suspensions of media outlets, and the withdrawal of press cards for several broadly worded offenses, such as publishing or broadcasting stories that undermine national unity and public order, or that are related to issues such as national defense, security, public safety, unauthorized demonstrations, and the economy. The law also limited the protection of journalistic sources, required journalists to meet certain educational and professional standards, and increased the enforcement powers of the National Communication Council (CNC), the media regulator, which is widely considered to be controlled by the president. In January 2014, the Constitutional Court—ruling on a challenge brought by the Burundian Union of Journalists (UBJ)—reduced some of the high fines contained in the law, but left the bulk of the legislation intact.

In February 2015, the East African Court of Justice, a regional court, held a hearing on a challenge to the media law filed by the UBJ. In a landmark decision in May, the court ruled in the UBJ's favor, declaring that the law violated freedoms of expression and of the press, and therefore constituted a violation of Burundi's obligations under the Treaty for the Establishment of the East African Community. The court ordered Burundi to amend the law and address these issues. Separately, Burundi's Parliament adopted changes to the media law in March 2015, repealing some of the controversial provisions; however, the president had not signed these as of the end of 2015.

Media outlets and journalists continued to face legal harassment and arrests in 2015. In January, Bob Rugurika, a prominent journalist and director of Radio Publique Africaine (RPA)—the most popular privately owned station in the country—was arrested following RPA's report on the murder of three Italian nuns in late 2014. The report had alleged that Burundian security forces were involved in the attack. Rugurika was charged with conspiracy to murder, violating confidentiality in criminal investigations, harboring a criminal, and failing to uphold "public solidarity." An appeals court ordered his release in February 2015 while he awaited trial; however, after receiving death threats, Rugurika fled Burundi in May and remained in exile at year's end.

Separately, in June a Rwandan journalist was arrested in northeastern Burundi and charged with espionage while reporting on Burundian civilians fleeing the deteriorating security situation and seeking refuge in Rwanda.

Media laws and other statutes affecting journalists are often arbitrarily applied, and ambiguous legal language is interpreted by a judiciary that lacks independence from political forces. Burundi does not have a freedom of information law, and journalists face difficulties in obtaining access to official state documents and information.

The CNC regulates both print and broadcast media, controls the accreditation of journalists, and enforces compliance with media laws. The president appoints all 15 members, who are mainly government representatives and journalists from the state broadcaster. Observers regard the CNC as a tool of the executive branch, as it regularly issues politicized rulings and sanctions against critical journalists and outlets.

Political Environment: 33 / 40 (↓4)

The state-owned Radio Télévision Nationale du Burundi (RTNB) is widely perceived as government mouthpiece. Self-censorship and state propaganda is reportedly widespread, especially within the state media and other outlets with close connections to the administration.

Official censorship reached dramatic heights in 2015 as the government intensified its persecution of independent and critical media outlets and journalists in the run-up to the July presidential election. Protests erupted in late April against Nkurunziza's controversial decision to run for a third term. On April 27, authorities raided the offices of RPA and forced the station to close, claiming that its coverage of the protests was inciting violence. Another raid was conducted soon after at the Maison de la Presse in Bujumbura, where a consortium of Burundi's top privately owned radio stations had established a studio to conduct coordinated coverage of the election campaign. Their studio was also forced to suspend its coverage. Authorities later cut RPA's transmission completely, forcing the station off air, and disabled the relay transmitters of privately owned Insanganiro Radio and Bonesha FM, restricting their broadcast range to the capital. The government also blocked access to social-media sites and messaging platforms including Twitter, Facebook, WhatsApp, and Tango, in an effort to disrupt protesters' ability to organize. However, many were able to access these services using VPNs (virtual private networks) and other methods.

Journalists and media outlets faced extralegal intimidation, attacks, and harassment in the wake of a May coup attempt. In the coup attempt, Burundian general Godefroid Niyombare assembled a small coalition of forces to take control of the country while Nkurunziza was in neighboring Tanzania. Niyombare broadcast a message via a number of private media outlets, including Radiotélévision Renaissance, saying that he was dismissing the government and calling on the police and army to back the coup. However, most of the security forces remained loyal to Nkurunziza and the coup was defeated, prompting an investigation into the media outlets that broadcast the general's announcement. Later in May, police summoned Innocent Muhozi, manager of

Radiotélévision Renaissance, for questioning related to the failed coup. In November, Antoine Kaburahe, head of the newsweekly *Iwacu*, was also interrogated in connection with the coup attempt.

Violent demonstrations both for and against the Nkurunziza government rocked the capital in the aftermath of the coup. A number of high-profile private radio stations, including RPA, Radio Isanganiro, Bonesha FM, and Radiotélévision Renaissance, were attacked, allegedly by government supporters. About 80 percent of their broadcast equipment was destroyed, the buildings housing some of the stations were set on fire, and checkpoints were established to prevent staff from entering their studios, forcing the stations off the air. *Iwacu* also received threats, and was forced to stop publishing for several days. Nevertheless, it remained one of the few private media outlets that continued to operate through the end of 2015. Rema FM, a private, progovernment station, was also destroyed, apparently by government opponents.

Threats and physical attacks against individual journalists also intensified in 2015. Following the coup attempt and the attacks on media houses in May, journalists and press freedom advocates reported frequent physical harassment, threatening phone calls, death threats, and other abuses. In June, unknown assailants threw a grenade into a Voice of America correspondent's home, though she escaped uninjured. She had been investigating a series of forced disappearances near the capital. In August, a reporter for Agence France-Presse and Radio France Internationale was detained and beaten by security forces while investigating the assassination of a general in Bujumbura.

The high levels of violence and intimidation that persisted throughout the year caused more than 50 journalists and media workers to flee the country in 2015, with most seeking refuge in neighboring countries. At year's end, prosecutors were seeking the extradition of several Burundian journalists from neighboring countries, including Rugurika; Muhozi; Anne Niyuhire, the director of Isanganiro Radio; and Patrick Nduwimana, the director of Bonesha FM.

Economic Environment: 22 / 40 (↓1)

Radio is the primary source of information for the majority of the population, and, with the destruction of the main private radio outlets after the attempted coup, the state-controlled broadcaster RTNB became the dominant source of information in both radio and television. The government operates *Le Renouveau*, the only daily newspaper. Private weekly and monthly print publications also circulate. The press runs of most newspapers remain small, and readership is limited. Similarly, most private broadcast outlets have a limited range. Prior to the May attacks on radio outlets, there were approximately 15 privately owned stations. Political parties, labor unions, and foreign nongovernmental organizations are prohibited from owning media outlets in the country. The British Broadcasting Corporation, Radio France Internationale, and Voice of America are available on FM radio in the capital.

The number of mobile-telephone subscribers has increased substantially in recent years, reaching nearly 3.2 million in 2015. Several private mobile companies operate alongside the state telecommunications company in Burundi, with an estimated mobile penetration rate of 31 percent. However, internet penetration remains very low, at 1.4 percent as of 2014, due to the high cost of service, and access remains largely confined to urban areas. Low literacy rates have also restrained the market for online news sources.

In the wake of the shuttering and destruction of several private radio stations in 2015, journalists and civil society members working in Burundi and abroad began operating the outlets online, disseminating news via text-message services, Twitter, Facebook, and the SoundCloud audio platform. However, the low internet penetration rate meant that the reach of these services was limited.