

BURUNDI

Human rights in Burundi in 2012 present both progress and serious concerns. For example, the number of political killings decreased in 2012 after a sharp escalation in 2011, but political space remains restricted. The Burundian government failed to address widespread impunity, especially for members of the security forces and the youth league of the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD). The report of a commission of inquiry, set up by the prosecutor general to investigate cases of extrajudicial executions and torture, acknowledged that killings had occurred, but concluded that they did not constitute extrajudicial executions.

There were very few arrests or prosecutions for politically motivated killings, and in the incident that claimed the largest number of victims in 2011—the attack at Gatumba resulting in 39 deaths—the trial of the alleged perpetrators was seriously flawed. Several leading opposition figures remained outside the country, and the CNDD-FDD continued to dominate the political scene.

Civil society organizations and media continued to investigate and publicly denounce human rights abuses; however, freedom of expression was constantly under threat. State pressure on journalists and civil society activists continued, as the government counted them among the political opposition. Draft legislation placing new restrictions on media freedoms was tabled before parliament in October.

The National Independent Human Rights Commission continued to work in an independent manner, expanding its representation in several provinces and investigating reports of human rights abuses.

Political Killings

Political killings diminished significantly in 2012, but there were sporadic attacks by armed groups as well as killings of members or former members of the opposition National

Liberation Forces (FNL). Despite repeated promises to deliver justice for these crimes, the government failed to take effective action to do so. In the vast majority of politically motivated killings, thorough investigations were not carried out, and there were no arrests or prosecutions. Impunity was particularly pronounced in cases where the perpetrators were suspected to be state agents or members of the Imbonerakure, the youth league of the CNDD-FDD.

The Gatumba attack, which claimed 39 lives in September 2011, was one of the rare cases that resulted in prosecution. However, the trial of 21 people accused of involvement in the attack, which concluded in December 2011, was seriously flawed. Despite the complexity of the case, the trial only lasted a few days and was marked by irregularities, with several aspects of proceedings casting doubt on the fairness of the trial and the reliability of the judges' ruling. In January, 16 of the 21 defendants were found guilty; seven were sentenced to life imprisonment. At this writing, their appeal was pending. The report of a commission of inquiry investigating the Gatumba attack, which was completed in October 2011, has still not been published.

In June, the prosecutor general set up a commission of inquiry into cases of torture and extrajudicial killings, including cases reported by Human Rights Watch, Amnesty International, and the Burundian human rights organization, Association for the Protection of Human Rights and Detained Persons (APRODH).

In August, the commission published its report, recognizing that killings had occurred, but concluded that they did not constitute extrajudicial executions. The report stated that casefiles had been opened on a number of these incidents and that investigations were underway. It attempted to discredit the findings of Human Rights Watch, APRODH, and the human rights section of the United Nations Office in Burundi (BNUB). BNUB issued a press release challenging the commission's conclusions, and reiterated the state's responsibility for human rights abuses by its agents.

The commission's work resulted in the arrest of about eight people, including policemen, alleged to have been involved in cases of killings or torture. At this writing, they were in preventive detention.

However, in the majority of other cases documented by Human Rights Watch, even when prosecutors had opened a file, judicial authorities made little effort to conduct in-depth investigations and rarely questioned witnesses or victims' relatives. Many family members of victims were often too afraid to demand justice. Several faced threats for speaking out about the deaths of their relatives.

Transitional Justice

In December 2011, the government published a draft law establishing a Truth and Reconciliation Commission to cover crimes committed since 1962. While long overdue and broadly welcomed by Burundian civil society, the law did not provide for the establishment of a special tribunal to prosecute individuals accused of committing the most serious offenses, including war crimes, crimes against humanity, and genocide. The Truth and Reconciliation Commission is yet to be established, despite promises by President Pierre Nkurunziza that it would be set up by the end of 2012.

Pressure on Civil Society Activists and Journalists

State authorities repeatedly threatened human rights activists, journalists, and other members of civil society. In February, Pierre Claver Mbonimpa, president of APRODH, received a letter from the minister of interior accusing his organization of launching a "campaign of disinformation" against the state after APRODH alleged that state security forces were arming youth. The minister threatened "severe sanctions" if Mbonimpa did not produce evidence of the state arming youths within 10 days.

On February 7, Faustin Ndikumana, president of the nongovernmental organization, Words and Action for Awakening Consciences and Changing Mentalities (PARCEM), was arrested after denouncing alleged corruption in the ministry of justice in relation to procedures for recruiting magistrates. He was detained for two weeks, released on bail, tried by the Anti-Corruption Court, and sentenced in July to five years' imprisonment for making false statements. The court also fined him and PARCEM for defaming the minister of justice. Ndikumana remains free pending his appeal.

Minister of Interior Edouard Nduwimana ordered Human Rights Watch to cancel a May 2 press conference and report launch in Bujumbura, and to stop distributing copies of its

report on political killings in Burundi. The government spokesperson issued a public statement on May 7 describing the Human Rights Watch report as a “declaration of war” against the people of Burundi.

After long delays, the trial of those accused of involvement in the murder of anti-corruption campaigner Ernest Manirumva in 2009 concluded in May 2012. Fourteen people were sentenced to prison terms ranging from 10 years to life imprisonment. The Burundian government had established three successive commissions of inquiry to investigate Manirumva’s death and had accepted assistance from the FBI. However, the prosecution disregarded leads and recommendations from the third commission and from the FBI, which might have uncovered the possible involvement of Burundian officials in Manirumva’s death. Appeal hearings began in November.

State agents, including high-ranking members of the intelligence services, repeatedly threatened journalists, accusing them of siding with the opposition, and warning them to stop criticizing the government.

The National Assembly was considering a new draft law on the press at this writing. If adopted without being amended, this law would drastically curtail free speech. The draft law contains several provisions that would restrict the ability of journalists to operate independently. Journalists would not be able to protect their sources in cases deemed to threaten state security or public order or cases involving defense secrets, among others. The draft law requires journalists to only broadcast or publish “balanced information from sources that have been rigorously verified.” One improvement compared to the existing law is that offenses would no longer be punishable by imprisonment; however, new heavy fines would restrict the ability of media organizations to operate.

In June, Hassan Ruvakuki, of Radio France Internationale and Bonesha FM, was sentenced to life imprisonment for alleged participation in terrorist acts after interviewing a new rebel group in the eastern province of Cankuzo in late 2011. Twenty-two co-accused persons were also found guilty. Ruvakuki maintained that he was interviewing the group in his capacity as a journalist and that he was not a member of the group or spreading its propaganda. His lawyers walked out of the trial, citing procedural irregularities and bias on the part of the judges. Appeal hearings concluded in November.

Prisoner Releases

The Ministry of Justice launched an initiative to address overcrowding and irregular detentions in Burundi's prisons by reviewing prisoner case files and provisionally releasing certain prisoners, including those who had served at least a quarter of their sentence. In addition, a presidential decree in June announced that several categories of prisoners, including those sentenced to five years' imprisonment or less (except those convicted of rape, armed robbery, illegal possession of weapons, and endangering state security), pregnant women, prisoners suffering from incurable diseases, prisoners over the age of 60, and those under the age of 18 would benefit from presidential grace; other prisoners' sentences would be halved. Several thousand prisoners could be released thanks to these two initiatives, which began to be implemented during the year.

Key International Actors

Foreign diplomats in Bujumbura continued to follow high-profile trials, including those of Ndikumana and Ruvakuki, the individuals accused of killing Ernest Manirumva, and the Gatumba trial. The European Union issued two statements, one in February expressing concern about flawed procedures in the Gatumba trial and delay in delivering justice for the killing of Manirumva, and another in August regretting the verdict in the trial of Ndikumana, and expressing concern about difficulties facing Burundian civil society activists.

The Dutch government suspended part of its training program for the Burundian police following the report of the prosecutor general's commission of inquiry into extrajudicial executions and the lack of progress in bringing perpetrators to justice.