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Submission by: Front Line Defenders – the International Foundation for the Protection of Human Rights Defenders

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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

The following submission has been prepared by Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders based on research carried out by this organisation and information received from independent human rights defenders in Burundi from February 2013 to June 2017, as well as from nine missions to Burundi undertaken by Front Line Defenders staff.

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I. INTRODUCTION AND KEY CONCERNS

1. This submission concerns human rights defenders in Burundi between 2013 and 2017.
2. Since 2013, there has been an increasingly hostile environment towards civil society actors in Burundi, affecting in particular human rights defenders and journalists. The crackdown on civil society, which intensified in the lead up to the 2015 elections, heightened the vulnerability of human rights defenders and independent journalists. They have since been more exposed to targeted killings, abductions and violent attacks. Their space in which to operate shrank noticeably as Burundian authorities often equated human rights activism with insurgency while adopting administrative and repressive measures intended to keep civil society work under government control.
3. In the period under review, Front Line Defenders would like to draw attention to the following key concerns:
 - a) The specific targeting of human rights defenders and journalists on the basis of their legitimate and peaceful work;
 - b) The use of legislation to restrict and obstruct the ability of NGOs and journalists to effectively voice human rights concerns;
 - c) The increasingly hostile environment for civil society and journalists in Burundi.

II. DEVELOPMENTS SINCE PREVIOUS UPR CYCLE

4. In 2012, Front Line Defenders produced a [joint submission](#) with the East and Horn of Africa Human Rights Defenders Project and Protection International for Burundi's UPR in 2013. This submission raised as key concerns the deteriorating situation for civil society and journalists, attacks and threats of violence against human rights defenders, judicial and administrative harassment, and restrictions on public freedoms, in particular freedoms of expression, assembly and association. The submission also raised concerns regarding the dominance of the incumbent political party, CNDD FDD, and the absence of free, fair and transparent elections in 2010. Front Line Defenders would like to highlight that these issues still continue to impact human rights defenders and independent journalists in Burundi.
5. Despite accepting 137 of the 176 recommendations made by States during the previous UPR, Burundi rejected the fourteen recommendations related to freedom of expression and association, which directly impact the work of human rights defenders and journalists. Since the previous UPR cycle, the Burundi government has not taken sufficient steps to protect these rights.
6. A key development since the previous UPR cycle was the escalation of violence arising from a political crisis that gripped the country from April 2015 when President Pierre Nkurunziza announced he would run for a third term in clear violation of Burundi's constitution. The president's bid for a third term triggered mass protests, particularly in Bujumbura. An attempted coup against President Nkurunziza in May 2015 exacerbated the crisis and led to a crackdown targeting all those accused of supporting the coup, including dozens of human rights defenders and journalists who had been at the forefront of the Bujumbura mass protests. The crisis resulted in the loss of hundreds of lives and displacement of tens of thousands of civilians.

III. TARGETING OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS

A. Targeted killings, abductions and violent attacks against human rights defenders

7. Human rights defenders have been subjected to violence, arbitrary detention, attempted killings and enforced disappearances. Those fighting impunity or denouncing acts of corruption and embezzlement involving public authorities are particularly at risk, with a number having been threatened, abducted or killed due to their legitimate human rights work.

8. **Marie-Claudette Kwizera**, who worked as a treasurer for the prominent human rights NGO **Ligue Burundaise des Droits de L'Homme (Ligue Iteka)**, disappeared in December 2015 and her whereabouts remain unknown to this date.

9. While travelling home from work on the evening of 3 August 2015, **Pierre Claver Mbonimpa** was [shot](#) and seriously wounded in what was believed to be a targeted attack due to his work on human rights. Pierre Claver Mbonimpa is a human rights defender and the President of **Association Burundaise pour la Promotion des Droits Humains et des Personnes Détenues (APRODH)** whose work has been recognised internationally through the award of a number of prizes, including the 2007 Martin Ennals Award and the 2011 Henry Dunant Award. In October 2015, unidentified armed persons with rifles and [grenades](#) [killed](#) Pierre Claver Mbonimpa's son-in-law, **Pascal Nshimirimana**. In November 2015, Mbonimpa's son, Welly Fleury Nzitonda, was murdered after being arrested in Bujumbura.

10. In October 2015, the mutilated body of human rights defender **Charlotte Umugwaneza** was recovered from a rural street where it had been dumped. Umugwaneza served on the board of **OLUCOME**, a leading anti-corruption group in Burundi, and chaired the organisation's committee in charge of preparing the annual celebrations of the "Ernest Manirumva Award" meant to honour personalities who distinguish themselves in the fight against corruption. It was reported that Umugwaneza was kidnapped in a neighbourhood of Bujumbura before being tortured and killed.

11. In February 2016, **Ferdinand Manirerekana**, a human rights defender who had sought refuge in Kenya and had joined a Nairobi-based group advocating on issues in Burundi (**Burundi Solidarity Group**), [received](#) repeated death threats via text messages to his mobile phone; two Kenyan human rights defenders who took part in the Burundi Solidarity Group's campaigns [received](#) similar threats.

B. Targeting of journalists

12. The government and its supporters have targeted journalists for reporting on political violence in the country. In April 2015, state authorities forcibly closed the Bujumbura and Ngozi offices of the **Radio Publique Africaine (RPA)**, a private radio station in Burundi known for dealing with human rights-related issues. Four radio stations, *RPA*, *Radio Bonesha FM*, *Radio Isanganiro*, and *Radio Télévision Renaissance*, were attacked in May 2015 following the attempted coup. These attacks were aimed at reducing criticism of the government in the media and have resulted in dozens of journalists fleeing the country.

13. In late July 2016, **Jean Bigirimana**, a journalist working for *IWACU*, the only independent newspaper still publishing news in Burundi, was reported missing. It is believed that Bigirimana was abducted by members of the police and detained in an undisclosed location. To date, his whereabouts remain unknown. Since his abduction, his family has been calling for action on his disappearance. They report having faced serious threats as a result.

IV. RESTRICTIVE LEGISLATIVE FRAMEWORK

14. The government has introduced a number of pieces of legislation that aim to restrict the ability of human rights defenders and journalists to effectively carry out their work, which has created a climate of impunity for those who violate human rights. In June 2013, the Burundi parliament passed a revised Media Law which expressly forbids publishing stories deemed to undermine “national unity; public order and security; morality and good conduct; honour and human dignity; national sovereignty; the privacy of individuals; the presumption of innocence” or anything that amounts to “propaganda of the enemy of the Burundian nation in times of peace as of war.”

15. The law creates exceptions to the rule that journalists need not reveal their sources and also requires journalists to have a university degree regardless of the extent of their experience. This law restricts freedom of the press and journalists’ right to freedom of expression. It also encourages a climate of self-censorship which has had a chilling effect on these freedoms.

16. The National Assembly adopted two bills in December 2016 aimed at restricting the work and independence of national and international NGOs. The second bill, concerning local non profit organisations, stipulates a limit of five years for persons elected to an organisation’s executive committee and does not allow two members of the executive committee to be from the same family. Non profit organisations must obtain authorisation from the Minister of the Interior for any activities, and any funding received from outside Burundi must be transferred through the Central Bank, accompanied by a document detailing the origin and purpose of the funds. The law on non-profit organisations, promulgated on 27 January 2017, imposes registration procedures that are both cumbersome and unrealistic. Under the law, non profit organisations are required to biannually renew their registration certificates. This demonstrates the government’s intention to monitor non-profit organisations and reduce the number of organisations that are critical of government policies or actions.

17. In May 2017, the Council of Ministers adopted a bill amending the Code of Criminal Procedure, authorising searches at night without a warrant, digital searches and seizure of computer data.

V. SHRINKING SPACE FOR CIVIL SOCIETY

A. Suspension and Dissolution of NGOs

18. Since the beginning of the political crisis in 2015, Burundian authorities have resorted to draconian measures to halt the monitoring of human rights violations in the country, including the freezing of assets belonging to NGOs or individual human rights defenders; as well as the suspension and dissolution of a number of human rights organisations.

19. In November 2015, up to 10 NGOs were subjected to measures of temporary suspension of activities in connection with a reported ongoing investigation into their alleged role in “incitement to violence” since the beginning of the crisis in April 2015.

20. In October 2016, the Minister of the Interior and of Patriotic Development [issued](#) a provisional suspension of human rights organisation *Ligue Iteka* and four other NGOs on the basis that they did not “adhere to the objectives set down in their constitutions but are rather of a nature to disturb state security and order.” In December 2016, the Minister issued an order banning *Ligue Iteka* on the basis that it “sows hatred and disorder in the Burundian community.”

21. The Minister also issued a permanent termination of five other human rights organisations whose leaders were suspected of leading a civil society campaign in April 2015 against President Nkurunziza’s third term, including *APRODH*, which is led by Pierre Claver Mbonimpa. This trend is

concerning as it contributes to reducing the space for civil society by attempting to intimidate organisations and prevent them from carrying out their activities in defence of human rights.

B. Hostile Environment for Human Rights Defenders

22. As stated previously in this submission, human rights defenders are at risk of physical attack due to their legitimate work highlighting human rights concerns in Burundi. The overall power of one party, CNDD-FND, has left the country without an effective opposition required for a functioning democracy, which impedes the ability of human rights defenders and journalists to voice concerns about human rights violations. The government has created an increasingly hostile environment where human rights defenders fear for their personal safety, and are forced to work underground with an increased need for security.

23. The government has also used administrative measures against human rights defenders. For example, a document issued jointly by the Ministry of Justice and the General Prosecutor's Office in December 2015 informed *Radio Publique Africaine (RPA)*, *Ligue Burundaise des Droits de L'Homme (Ligue Iteka)*, *Syndicat des Travailleurs de l'Enseignement du Burundi (STEB)* and *l'Association pour la Recherche sur l'Environnement, la Démocratie et les Droits de l'Homme au Burundi (AREDDHO)* that their bank accounts had been frozen and private bank information was disclosed to the government.

24. The repression of dissenting voices is contributing to a culture of impunity where the government and its supporters are not held accountable for human rights abuses.

C. Human Rights Defenders Forced to Live in Exile

25. Front Line Defenders is aware of dozens of human rights defenders who have been forced to flee the country following the unrest in 2015, with many still remaining in exile. A number of these defenders reported receiving death threats prior to leaving the country. For example, the leaders of *FORSC*, *ACAT-BURUNDI* and *FOCODE*, three of the organisations that played a key role in organising the mass protests in Bujumbura, went into hiding for a period of time before fleeing the country, citing credible information of unidentified people searching for them. Even in exile, a number of human rights defenders continued to report threats, which they believed were as a result of their status as human rights defenders. In August 2016, **Leon Ntakiyiruta**, a member of *APRODH*, was attacked and severely wounded by unidentified men wielding machetes near the refugee camp of Nakivale, in Uganda, where he had sought refuge. The hostile environment for human rights defenders in Burundi ensures that those living in exile would be at risk if they were to return to their home country. This adds to the restrictions targeting civil society as these defenders are unable to contribute to the promotion of human rights from within Burundi.

VI. RECOMMENDATIONS

26. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Burundian authorities to prioritise the protection of human rights defenders and in doing so to:

(a) Guarantee in all circumstances that human rights defenders in Burundi are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, and ensure full respect for the UN Declaration on Human Rights Defenders;

(b) Publicly recognise the positive and legitimate role played by human rights defenders in Burundi and create an environment where human rights defenders and journalists in exile are able to return to the country;

(c) Accept and fully implement UPR recommendations on freedom of expression in a transparent and participatory manner with full involvement of human rights defenders and journalists at all levels;

(d) Take urgent measures to put an end to the killings, abductions and physical attacks against human rights defenders and journalists;

(e) Combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against human right defenders, the prosecution of perpetrators, and access to effective remedies for victims;

(f) Repeal or amend any legislation used to limit the legitimate work of NGOs and human rights defenders with a view to ensure its compliance with international human rights standards, in particular the Media Law 2013 and the 2017 law concerning non-profit organisations;

(g) Take all necessary measures to establish the fate and whereabouts of human rights defender Marie-Claudette Kwizera and journalist Jean Bigirimana; including the formation of an independent commission of inquiry focusing on these cases;

(h) Take all necessary measures to independently investigate the murder of human rights defender Charlotte Umugwaneza, the attempted murder of Pierre Claver Mbonimpa, as well as the killing of his son and son-in-law, and promptly bring the perpetrators to justice.