

Open letter from European Parliamentarians in support of Burundian human rights defenders and journalists

Burundi: stop the violence and the attacks against human rights defenders and journalists

We, Members of Parliament, strongly condemn the acts of political violence and human rights violations committed in Burundi during these recent months, especially those against human rights defenders and journalists. We are denouncing the fact that the perpetrators of these attacks continue to benefit from impunity. Lookouts for freedom are attacked and threatened in Burundi, as illustrated by the story of the prominent human rights defender and president of the Association for the protection of human rights and detained persons (APRODH), Mr. Pierre-Claver MBONIMPA, who suffered a shocking assassination attempt in August 2015, and who, forced into exile, was unable to attend the funeral of his son Willy Nzitonda Fleury, who was assassinated on November 6.

Violence against human rights defenders and journalists are the climax of massive infringements of fundamental freedoms, including violations of the right to peaceful demonstration and freedoms of expression, association, assembly and of press. More than a hundred human rights defenders and journalists have already fled Burundi. Since the beginning of the current crisis, the attacks, verbal and physical threats, intimidation and judicial harassment greatly escalated, creating an increasingly dangerous environment for the physical and psychological integrity of many human rights defenders and journalists.

We are particularly concerned to see the Burundian Government and President Pierre Nkurunziza's persisting attacks against civil society. Since his inaugural speech of August 20, 2015, President Pierre Nkurunziza compared its leaders with political opponents and "wrongdoers" who are working against the national interest while threatening to revise the legislation on NGOs, especially regarding their funding. On Monday November 2, President Nkurunziza issued an ultimatum to those he described as "armed criminals", calling on them to lay down arms and to surrender by Saturday, November 7th. This inflammatory rhetoric, along with the authorities' threats, in a context of blocked political dialogue and the on-going serious human rights abuses, suggest an imminent generalisation of widespread violence in Burundi.

We condemn in the strongest terms the report of the "*Commission in charge of shedding light on the insurrectional movement launched on April 26, 2015*", which nominally stigmatizes a number of human rights defenders¹ as well as journalists, by making them the designated targets of armed groups attacks.

The report, commissioned by the government, assimilates human rights defenders with the "*organizers and leaders*" and even "*intellectual authors*" of what has been called an "*insurgency*". The report accuses the organizers of the movement and the insurgents of being entirely responsible for the crimes committed on civilians and security forces, as well as being responsible for other violations. The report also states that there is a close link "*between the organizers of these demonstrations and the alleged perpetrators of the aborted putsch of 13 May 2015*". It further declares that arrests were carried out against 45 individuals and that others are sought for, including "*all those who are on the list of the responsible members of the organizations "Stop the 3rd mandate" or anyone else whose survey reveals that he or she contributed in any way in this insurgency [...] so that they are brought to justice and respond to the alleged facts contained in their charges.*"²

We believe that all acts of harassment against journalists and human rights activists, including Mrs. Gertrude KAZOVIYO, Mr. Pierre-Claver MBONIMPA and Mr. Arnel NIYONGERE, are retaliatory measures designed to punish their commitment and their work in favour of the defense of human rights.

¹ The report cites notably Gertrude Kazoviyo, Secretary General of the ITEKA League, Mr. Pierre-Claver MBONIMPA, president of the (APRODH), Mr. NINHAZWE, President of the Forum pour la conscience et le développement (FOCODE), Mr. Vital NSHIMIRIMANA, President of the Forum pour le renforcement de la société civile (FORSC) and Mr. Arnel NIYONGERE, President of the Burundi section of l'Action des chrétiens pour l'abolition de la peine de mort et contre la torture - ACAT - Burundi)

² We are deeply concerned to see that these findings were echoed by some authorities, notably by Valentin Bagorikunda, Attorney General of the Republic of Burundi, who added that the issuance of international arrest warrants against the leaders of the insurrection is on-going.

Moreover, we firmly condemn the adoption of Decree 530/1597 by the Burundi Government on 23 November 2015, which provides for the temporary suspension of the activities of 10 of the principal organisations of the Burundi civil society³. The adoption of this decree is an intolerable violation of the right of association, and falls within the context of the harassment endured by human rights defenders and journalists since the protests against the 3rd mandate of President Nkurunziza. This suspension measure is linked to the investigation on alleged incitement to violence these past months in Burundi, and was preceded with the freezing of assets of 9 of these associations, as well as the bank accounts of three associations' representatives⁴, following a letter from the Attorney General on 19 November 2015.

Faced with the continued repression, we urge:

- The Burundian authorities to put an immediate end to the repression, attacks, threats and harassment against representatives of the civil society, journalists and human rights defenders, including Mrs. Gertrude KAZOVIYO, Mr. Pierre-Claver MBONIMPA and Mr. Armel NIYONGERE MBONIMPA.
- The European, African and UN diplomatic communities to ensure an immediate end of violence and the establishment of a national dialogue that is credible, inclusive and effective, as per Resolution 2248 (2015) adopted on 12 November 2015.
- The European Union to ensure that the consultations on Article 96 of the Cotonou Partnership Agreement address the following key elements:
 - Investigations as well as impartial and independent proceedings against alleged perpetrators of the grave human rights violations;
 - Concrete measures for the protection of the civil society and human rights defenders;
 - The disarmament of all paramilitary groups;
 - The immediate release of all arbitrarily detained people;
 - The immediate reopening of private radio stations;
 - Harmonisation of the draft bill on NGOs with Burundi's international obligations
 - Guarantees for the respect of the right to peaceful demonstration, and for a contained use of force by the defense and security forces.
- The international community, including the European Union, to extend the restrictive measures (visa ban and freezing of assets) to the entire chain of responsibility of the forces responsible for the current violence, from the decision-makers to their subordinates.
- The International Criminal Court (ICC) and the international organizations responsible for human rights, such as the UN High Commissioner for Human Rights, to continue to closely monitor the situation in order to gather testimony and the relevant evidence.

³ This measure concerns l'Action des Chrétiens pour l'abolition de la torture (ACAT-Burundi), l'Association pour la protection des personnes détenues et les droits de l'Homme (APRODH), l'Amicale des militaires en non activité (AMINA), le Forum pour la conscience et le développement (FOCODE), le Forum pour le renforcement de la société civile (FORSC), la Fontaine Isoko de la bonne gouvernance pour un développement intégré (FONTAINE-ISOKO), l'Association Maison Shalom (Maison Shalom), Parole et action pour le réveil des consciences et l'évolution des mentalités (PARCEM), le Réseau des citoyens probes (RCP) and la Synergie des partenaires pour la promotion des droits de la femme (SPPDF).

⁴ The associations concerned by the freezing of assets are ACAT-Burundi, APRODH, AMINA, FOCODE, FORSC, FONTAINE-ISOKO, PARCEM, RCP and SPPDF. The representatives are Mr. Pacifique Ninihazwe, Chair of Focode, Mr. Vital Nshimirimana, Delegate General of Forsc and Me Armel NIYONGERE, Chair of ACAT-Burundi.