

## **The East and Horn of Africa Human Rights Defenders Network**

### **Resolution on the situation in Burundi, including detained human rights defenders**

**5<sup>th</sup> Focal Point Meeting, 2-3 July 2018 – Kampala, Uganda**

**We**, the leaders of National Coalitions of Human Rights Defenders and of Country Focal Point of the East and Horn of Africa Human Rights Defenders Network, representing Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia and Somaliland, South Sudan, Sudan, Tanzania, and Uganda;

**Having considered** reports on the human rights situation in Burundi, in particular for human rights defenders, independent civil society organisations, journalists, and citizens expressing opinions that are not in line with the views of the government;

**Noting** that human rights defenders, independent journalists and lawyers maintain their work while in exile, but in a precarious environment, and welcoming their work and that of organisations providing them with any form of support;

**Deeply concerned** about the fact that a large number of human rights defenders have been forced into exile or silence, or have been targeted with spurious charges and arbitrarily detained as reprisal for their work;

**Condemning strongly** the arbitrary detention and sentencing of Messrs. Germain Rukuki, Emmanuel Nshimirimana, Aimé Constant Gatore, and Marius Nizigama to prison terms ranging from ten to 32 years on trumped-up, unsubstantiated charges of “threatening national security,” and expressing deep concern at the situation of Mr. Nestor Nibitanga, who is facing a 20-year sentence;

**Alarmed** by reports that the physical condition of Germain Rukuki, who needs medical care, has deteriorated, and that he has been forcibly removed from a medical treatment unit and denied health care services;

**Condemning in the strongest terms** attacks, including instances of physical assault, attempted assassinations and targeted killings, as well as enforced disappearances, against human rights defenders, journalists and citizens expressing opinions that are not in line with the views of the government, as well as their relatives, and reiterating the need for full, thorough, transparent, and impartial investigations into all such cases;

**Recalling** that human rights defenders, journalists and their relatives who have suffered grave violations, including Mr. Pierre Claver Mbonimpa, who was shot in the face and neck and severely wounded in August 2015; his son-in-law, Pascal Nshimirimana, who was killed in November 2015; and his son, Welly Fleury Nzitonda, who was arrested and later found dead in November 2015; Ms. Marie-Claudette Kwizera, who was abducted and forced into a vehicle of Burundian National Intelligence Service (NIS) in December 2015, and whose fate or whereabouts remain unknown; as well as Messrs. Jean Bigirimana, who

has disappeared, and Christophe Nkezabahizi, who was killed with four members of his family, have received no redress;

**Condemning strongly** the pattern of reprisals meted out by the government of Burundi against human rights defenders who cooperate with the United Nations, its representatives and mechanisms in the field of human rights including the disbarment or suspension of lawyers;

**Condemning further** Burundi's withdrawal of visas from the experts mandated by United Nations (UN) Human Rights Council resolution 36/2, adopted in September 2017, which the government had itself supported, and their declaration as *personae non gratae*, effectively denying them access to the country like other independent experts who served on the UN Independent Investigation on Burundi (UNIIB) and the UN Commission of Inquiry (CoI) set up by the Human Rights Council;

**Stressing** that the electoral process that led up to the constitutional referendum held on 17 May 2018 was marred with violence and repression, with arrests, beatings and intimidation of citizens campaigning for a "No" vote;

**Stressing** the importance for all parties to fully adhere to the spirit and letter of the Arusha Agreement, including its provisions on reconciliation;

**Deeply concerned** about the ongoing arbitrary detention of human rights defenders and closing of the civic space in the country, exemplified by the recent suspension of radio broadcasts from the BBC and Voice of America, and judicial and other forms of harassment involving the use of legal and extra-legal measures against human rights actors;

**Condemning** the Burundian government's behaviour within multilateral fora such as the UN Human Rights Council, including its failure to provide meaningful replies to the recommendations on cooperation with the Office of the UN High Commissioner for Human Rights (OHCHR) and the CoI it received during its Universal Periodic Review (UPR); its refusal to cooperate with the Council and mechanisms set up by it, such as the CoI; its attacks, sometimes descending at a personal level, against the High Commissioner, UN representatives, and independent experts and investigators;

**Stressing** that Burundi is unfit to serve as a UN Human Rights Council member and that the UN General Assembly should suspend its membership rights in the Council;

The focal point representatives of the East and Horn of Africa Human Rights Defenders Network:

- **Express** solidarity with all individuals and groups of human rights defenders in Burundi who have been subjected to attacks, threats and harassment through legal and extra-legal means, stressing in particular the situation of those who are being arbitrarily detained;
- **Condemn in the strongest terms** the attacks, threats and acts of harassment meted out against human rights defenders, forcing them into exile or silence, or

resulting in harm to their physical integrity or arbitrary detention on the basis of spurious, unsubstantiated charges relating to “national security;”

- **Further condemn strongly** the denial of health care services to detained human rights prisoners, including Germain Rukuki, and other prisoners who need medical attention;
- **Urge** the Burundian authorities to put an end to all forms of repression of human rights actors, including East and Horn of Africa Human Rights Defenders Network members, and to immediately and unconditionally release human rights defenders who have been detained as a result of their work, including Messrs. Germain Rukuki, Emmanuel Nshimirimana, Aimé Constant Gatore, Marius Nizigama, and Nestor Nibitanga;
- **Urge** Burundi to immediately cease exercising reprisals against human rights defenders who cooperate with the United Nations, its representatives and mechanisms in the field of human rights;
- **Further urge** Burundi to conduct full, thorough, transparent, and impartial investigations into all cases of assault, killing and enforced disappearance of independent and opposition voices, including human rights defenders such as Marie-Claudette Kwizera and Pierre Claver Mbonimpa and his relatives, journalists, and opposition members and supporters;
- **Encourage** all relevant stakeholders to provide human rights defenders, independent journalists and lawyers who operate in exile with the support they need;
- **Welcome** the high level of attention that has been dedicated to Burundi at the regional and international levels, including at the ACHPR, at the UN Human Rights Council since Burundi was elected one of its members, by the special procedures set up by the Council, and by the High Commissioner for human rights and his Office;
- **Urge** the government of Burundi to re-establish its cooperation with OHCHR by urgently signing a Memorandum of Understanding providing for the presence of an OHCHR country office with a full mandate that includes monitoring, public reporting, and technical assistance and capacity-building, as well as to cooperate with the UN Human Rights Council and the CoI as per HRC resolutions 36/2 and 36/19, adopted in September 2017;
- **Call** on OHCHR to establish a publicly accessible and regularly updated database of human rights defenders in detention and others detained for exercising their freedom of expression, which a large number of states called for in a joint statement delivered at the Council’s 29<sup>th</sup> session;
- **Reaffirm** the need for all stakeholders to continue dedicating the utmost attention to Burundi’s human rights situation, including the situation of human rights

defenders who have been targeted with spurious charges and arbitrarily detained as a result of their work;

- ***Decides*** to remain seized of the situation.

3 July 2018, Kampala, Uganda