



Human Rights Council
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ICJ Submission to the Universal Periodic Review of Burundi
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Introduction

The International Commission of Jurists (ICJ) welcomes this opportunity to contribute to the Universal Periodic Review (UPR) of Burundi, which is of particular importance given the gross and systematic violations of human rights, including extra-judicial executions, arbitrary detention, torture and ill-treatment and harassment of peaceful opposition, which are compounded by the persistent impunity of their perpetrators. It is important that the Human Rights Council's working group on the UPR (Working Group) and the Human Rights Council (Council) emphasize the gravity of the situation, condemn the gross violations of human rights and call for urgent measures to re-establish the rule of law and ensure the full enjoyment of human rights, in particular of those expressing peaceful criticism and dissenting opinions or exercising opposition political activity.

The ICJ draws attention to the activities and visits of the independent expert on the human rights situation in Burundi, which asserts some improvements in the situation of human rights including the change in the Government's position regarding human rights and fundamental freedoms. However, the independent expert has repeatedly stated that the Government continues to fall seriously short of human rights protection and that since his last visit to the country in May 2007 no significant improvements have been made to improve the respect for human rights and the rule of law.

Impunity

The ICJ raises the question of impunity whereby the Burundi judicial and criminal investigation authorities have been reluctant to prosecute members of the security forces who are alleged to have been involved in human rights violations. Moreover, Government authorities do not cooperate with initiatives to bring to justice the alleged perpetrators of human rights violations. The suspected perpetrators of the massacre in Musinga in July and August 2006, where 31 civilians were killed or "disappeared", while in official custody, have not been brought to justice. The Government's reluctance in the matter is staggering. It denied the massacre took place in spite of the existence of credible evidence from witnesses and human rights organizations that intelligence officials detained and questioned victims for weeks at a military camp, killed them and

damped their bodies into a river. Moreover, the arrest warrants issued for the arrest of the suspects were not executed; the subsequent commissions of inquiry by the Government denied that massacre ever took place; the prosecutor maintains that the civilians implicated in the extra-judicial execution will not be prosecuted; and Colonel Vital Bangirinama, was allowed out of Burundi, while the Government fails to request his transfer back to Burundi to face trial.

The ICJ urges the Working Group and the Council to recommend to the Government of Burundi to:

End impunity by ensuring that criminal investigation and judicial authorities arrest and prosecute members of the police, military or para-military forces, irrespective of their function, status or political affiliation, who are alleged to have been involved in human rights violations, in particular the suspected perpetrators of the massacre in Muyinga in July and August 2006, where 31 civilians were killed or “disappeared”, while in official custody.

Attacks and Intimidation of Dissent and Political Opposition

Politicians aligned to opposition political parties and the splinter wing of the ruling National Council for the Defence of Democracy-Forces for the Defence of Democracy (Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie, CNDD-FDD) continue to be threatened and targeted through violence for legitimate political activity.

On March 8, 2008 Pateur Mpawenayo, Matthias Basabose, Alice Nzomukunda and Zaituni Radjabu, former members of CNDD-FDD, suffered grenade attacks, which left their homes damaged. Earlier, in August 2007 five parliamentarians from the opposition party Front for Democracy in Burundi were targeted in a set of grenade attacks that injured many bystanders as well. Earlier on 22nd February as a result of the threats they were facing, 46 opposition parliamentarians wrote to the UN Secretary General Ban Ki-moon pleading for international protection against what they said in their letter was “persecution, extra-judicial executions, and assassinations.”

These incidents prove a pattern of systematic harassment and intimidation of peaceful protest and political opposition and prevailing culture of impunity, in violation of Articles 2, 4, 6, 7, 9, 12, 25 and other relevant provisions of the International Covenant on Civil and Political Rights. Although the Government established two commissions to investigate the incidents, the reports of the commissions were not made public and no prosecutions took place, which is in violation of Article 2 para. 3 of the International Covenant on Civil and Political Rights that requires to investigate any human rights violations.

The ICJ urges the Working Group and the Council to recommend to the Government of Burundi to:

i) Refrain, as a matter of urgency, from encouragement or involvement in threats, targeting and violence to suppress legitimate political activity and ensure the full

enjoyment of human rights, in particular of those expressing peaceful criticism and dissenting opinions or exercising opposition political activity;

ii) Respect in full the obligations stemming from the International Covenant on Civil and Political Rights, in particular its Article 25.

Arbitrary Detention, Torture and Ill-treatment

The ICJ as well as the independent expert has noted that cases of arbitrary detention had increased in past years. Over 300 people allegedly affiliated with the members of the Party for the Liberation of the Hutu People-National Liberation Forces (Palipehutu-FNL) and Patriotic Hutu Party have been arrested and detained without trial since April 2008.

In October 2007, the *Groupement Mobile d'Intervention Rapide* (GMIR) (Rapid Mobile Intervention Group) was deployed in Muramvya province to quash an alleged increase in activities of the Forces of National Liberation (FNL). The GMIR is alleged to have carried out detentions, beatings and torture of civilians, death threats and extra-judicial and arbitrary executions.

The ICJ urges the Working Group and the Council to recommend to the Government of Burundi to:

Refrain, as a matter of priority, from arbitrary detention, extra-judicial and arbitrary executions, torture, ill-treatment and harassment of supporters or members of the Hutu affiliated organizations and political parties, and ensure that persons arrested or detained on criminal charges are held in official places of detention, while observing the international standards of due process and human rights.