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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Update by the Special Rapporteur on the promotion of truth,
justice, reparation and guarantees of non-recurrence on his
visit to Burundi***

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1. This paper presents an update to the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence on his visit to Burundi undertaken from 8 to 16 December 2014 (A/HRC/30/42/Add.1).

2. Since the submission of the Special Rapporteur's country visit report (30 April 2015), the situation in Burundi has alarmingly changed, having an impact on all transitional justice issues elaborated in report A/HRC/30/42/Add.1. The deteriorating human rights situation in Burundi has sharply increased the possibility that mass violence could recur in the Great Lakes region.¹ This note serves as a brief update, also referring to statements made by the Special Rapporteur, on his own or jointly with other special procedures, as well as pronouncements by international and regional organizations.

Human rights violations since 25 April 2015

3. Since the announcement of President Nkuruziza's candidacy for a third term on 25 April 2015 and subsequent peaceful protests,² the situation in Burundi has been characterized by attacks on journalists, human rights defenders, and ordinary citizens for exercising their rights to freedom of expression, peaceful assembly and political participation.³ Radio stations and other media outlets have been selectively, but deliberately targeted for attacks, and were forced to close. The police have failed to live up to their role as guardians of public security in a non-partisan manner. Instead, police forces have allowed themselves to be instrumentalized for political purposes. While the armed forces had up to May 2015 largely served as a buffer between protestors and the police, divisions within the armed forces have been sown in the following months.

4. Burundi, which historically faced great challenges in terms of social integration and in developing functioning, effective, and independent institutions, had made great strides in addressing a difficult history of ethnic divisions, as highlighted in report A/HRC/30/42/Add.1. As stressed by the Special Rapporteur repeatedly, the Arusha Agreement of 2000 –to which other countries in the region contributed so much—and the 2005 Constitution, put in place an extraordinarily ambitious power-sharing arrangement. Many close observers argued that this had helped transform dynamics of political contestation in the country, reducing the significance of ethnic identity. After mid-May 2015, hate speech had made its appearance in the political campaign in the preparation of the parliamentary, local and presidential elections.

5. Violence exercised by youth militias, ⁴ at a minimum condoned, and in some cases openly encouraged by the ruling political party, remains deeply alarming.⁵ Information also

¹ Press release "Burundi: UN experts call for determined Security Council action to prevent mass violence in the Great Lakes region", 16 July 2015, See: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16243&LangID=E#sthash.qiDVxUAp.dpuf>; on the impact of the crisis in the region, see also Statement A/PRST/2015/13 by the President of the Security Council, at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PRST/2015/13.

² Press release "Pre-election violence endangers Burundi's young democracy, UN rights experts warn", 30 April 2015, see: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15909&LangID=E#sthash.x1FEsQwk.dpuf>.

³ SG statement on Burundi, 4 June 2015, at: <http://www.un.org/sg/statements/index.asp?nid=8700>.

⁴ See also High Commissioner for Human Rights statement at Security Council briefing on the situation in Burundi, 9 July 2015, at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16221&LangID=E>.

indicates that sectors of the State security forces have armed those militias, which has been a long-standing problem.⁶ To disarm these groups is of utmost importance in this situation, as has been repeatedly expressed by the United Nations, the African Union and the East African Community.

Environment surrounding legislative and communal elections of 29 June 2015

6. Burundi undertook legislative and communal elections on 29 June 2015. Ahead of these elections, the Special Rapporteur warned about the “the authorities’ blatant failures to respect freedom of expression and peaceful assembly,” which are the pre-conditions for any credible democratic elections.⁷

7. The United Nations Electoral Observation Mission in Burundi (MENUB), in a preliminary statement on the pre-electoral environment and the conduct of the said elections assessed that the electoral process was placed against a political crisis and accompanied by a climate of widespread fear and intimidation. Following the elections, MENUB concluded that the environment was not conducive to free, credible and inclusive elections.⁸

8. The East African Community (EAC) and the International Conference on the Great Lakes Region expressed similar concerns.⁹ The African Union noted that since the “necessary conditions are not met for the organization of free, fair, transparent and credible elections, in compliance with the relevant provisions of the African Charter on Democracy, Elections and Governance, the AU Commission will not observe the local and parliamentary elections [...].¹⁰

Climate surrounding presidential elections of 21 July 2015

9. Presidential elections were – after being postponed twice – conducted on 21 July 2015, which the African Union also decided not to observe. Ahead of the presidential elections, the Special Rapporteur, jointly with other special procedures, called for determined Security Council action to prevent mass violence in the Great Lakes region. The experts warned that “[t]he world is witnessing an escalating pattern of politically motivated violence in Burundi, enabled by the country’s decades-long tradition of impunity.” They stressed that “[t]he international community must not simply stand by and wait for mass atrocities to unfold, thereby risking a major conflict of regional proportions before it finally

⁵ Open statement by the Special Rapporteur on Burundi, at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16098&LangID=E>.

⁶ Ibid.

⁷ Press release, ‘Tradition of impunity’ threatens Burundi’s future, renders free elections impossible – UN expert warns, 19 June 2015, at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16102&LangID=E#sthash.g3PA6wEx.Htlf3xjZ.dpuf>.

⁸ Security Council, 7482 meeting, S/PV.7482, Statement by Tayé-Brook Zerihoun, Assistant Secretary-General for Political Affairs, 9 July 2015, http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv_7482.pdf.

⁹ Ibid.

¹⁰ See Communiqué, available at: <http://www.peaceau.org/uploads/aucomm-burundi-28-06-2015.pdf>.

decides to act,” and pointed to repeated cycles of mass violations that Burundi and the Great Lakes region have witnessed in recent history.¹¹

10. A report on preliminary findings of the East African Community’s electoral observer mission noted that “the presidential election in Burundi was held against the backdrop of a tense and violent pre-election period.” It further highlighted that the “lack of political consensus on key issues [...] including the election calendar, insecurity, the candidature of the incumbent president, media freedoms and civil liberties, perpetuated the uncertainty and fear.”¹²

11. MENUB in its preliminary statement on the presidential elections noted that “[f]reedom of expression, assembly and association, essential conditions for the effective exercise of the right to vote, remained severely impaired. [...] Violence, although observed in a less intense degree than during the period preceding the 29 June elections, remained an unfortunate feature of the entire process. [...] Media freedom remained severely restricted.” MENUB then concluded that “while Election Day was relatively peaceful and conducted adequately, the overall environment was not conducive for an inclusive, free and credible electoral process.”¹³

Situation of general insecurity and perpetuated impunity

12. Following the contested presidential elections, Burundi has been shaken by a wave of ‘tit-for-tat killings’ of members of political parties of all sides.¹⁴ Those killings exemplify the climate of general insecurity in the country, which no one, including the ruling party, is currently spared from.¹⁵ As at present, no effective and thorough investigations have been undertaken except for one prominent case of a senior security adviser of the President, General Adolphe Nshimirimana.

13. As at 1 September 2015, the confirmed number of people being killed since 25 April 2015 was 107 persons, with numbers increasing by the day. The reported numbers of Burundians having fled the country was estimated at 192,945.¹⁶ This is a clear expression of people’s perceptions of the severe security situation in the country and the overall lack of the protection of their very basic rights to life and physical integrity.

¹¹ Burundi: UN experts call for determined Security Council action to prevent mass violence in the Great Lakes region, 16 July 2015, at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16243&LangID=E>

¹² Preliminary Statement by the East African Community Observer Mission to Burundi, Presidential Elections 2015, see at: http://www.eac.int/index.php?view=article&catid=146%3Apress-releases&id=1920%3Apreliminary-statement-by-the-eac-election-observer-mission-to-burundi-presidential-election-2015&format=pdf&option=com_content&Itemid=194.

¹³ Preliminary Statement, 27 July 2015, at: <https://menub.unmissions.org/sites/default/files/francee.pdf>.

¹⁴ Press briefing notes on Burundi and Yemen, OHCHR 4 August 2015, at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16320&LangID=E>

¹⁵ Press briefing note in Burundi and Iraq, OHCHR, 14 August 2015, at:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16320&LangID=E>.

¹⁶ For regular updates on the number of refugees having fled Burundi since the end of April 2015, see <http://data.unhcr.org/burundi/regional.php>.