

18 March 2009

Human Rights Council  
Tenth Session

Item 6  
"Consideration of UPR reports"

Oral Intervention by Amnesty International on Burundi

Mr. President,

Amnesty International welcomes the support by Burundi of recommendations to establish an independent national human rights commission, compliant with the Paris Principles.<sup>1</sup> We are concerned however, that the draft bill, drawn up on 27 November 2008 by the Council of Ministers, would create a commission which would fall far short of the Paris Principles by severely restricting its mandate, powers of inquiry, jurisdiction and independence.<sup>2</sup> Amnesty International urges the government of Burundi to instead re-consider the preceding version of the draft bill which provides a superior level of independence and capacity for the commission.<sup>3</sup>

Mr. President,

Amnesty International notes that several states called on Burundi to ensure that no one is subject to discrimination on the basis of sexual orientation and to therefore reconsider the inclusion of provisions criminalizing same-sex sexual relations in the draft criminal code.<sup>4</sup> Amnesty International strongly urges the government to support these recommendations and to reject the specific amendment criminalizing same-sex relations. Amnesty International considers as a prisoner of conscience anyone imprisoned solely for their actual or imputed sexual orientation, including for private sexual relations between consenting adults.

Finally, Amnesty International regrets that Burundi did not expressly support recommendations made by several states to respect the rights to freedom of expression, association and assembly.<sup>5</sup> Several prisoners of conscience remain in detention, imprisoned solely for expressing their conscientiously held beliefs, among them:

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<sup>1</sup> Report of the Working Group on the Universal Periodic review, Burundi, A/HRC/10/71, paragraph 80, sub paragraph 4.

<sup>2</sup> Projet de Loi No 1 / du / 2008 Portant Création de la Commission Nationale Indépendante des Droits de l'Homme, 27 November 2008 (finalized version).

<sup>3</sup> Projet de Loi No 1 / du / 2008 Portant Création de la Commission Nationale Indépendante des Droits de l'Homme, 27 November 2008 (draft proposal).

<sup>4</sup> A/HRC/10/71, paragraph 81, sub-paragraphs 4 and 5.

<sup>5</sup> Ibid, paragraph 83, sub-paragraph 2

- Juvénal Rududura, Vice-President of the trade union of non-magistrate staff at the Department of Justice, arrested on 15 September 2008, and
- Journalist Jean-Claude Kavumbagu, arrested on 11 September 2008.

We call on Burundi to immediately and unconditionally release these individuals and others arrested solely for exercising their right to freedom of expression.

Thank you, Mr. President,