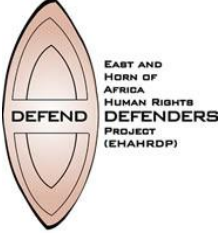




UPR Burundi Submission by EHAHRDP, Protection International and Front Line Defenders

Situation of Human Rights Defenders: 2008-2012

<p><u>East and Horn of Africa Human Rights Defenders Project (EHAHRDP)</u> <u>Website:</u> www.defenddefenders.org <u>Established in:</u> 2005 <u>Main activities:</u> As the secretariat to a network of human rights organisations in eleven countries in the East and Horn of Africa, including Burundi, EHAHRDP promotes a safer and more enabling working environment for human rights defenders through its Protection, Advocacy and Capacity-Building programs.</p>	
<p><u>Protection International (PI)</u> <u>Website:</u> www.protectioninternational.org; www.protectionline.org <u>Established in:</u> 2007 (formerly the European office of PBI; its personnel has over 25 years of experience in the field working on risk analysis and security planning). <u>Main activities:</u> International NGO that provides security strategies and tools for the protection of human rights defenders under threat. PI has Protection Desks in several countries in Africa, Asia and Latin America. In partnership with EHAHRDP, PI covers the countries in the East and Horn of Africa, including Burundi, through Protection Desks Uganda and Kenya.</p>	
<p><u>Frontline Defenders:</u> <u>Website:</u> www.frontlinedefenders.org <u>Established in:</u> 2001 <u>Main activities:</u> Front Line Defenders is the International Foundation for the protection of human rights defenders. It works to provide fast and effective action to help protect human rights defenders at risk so they can continue their work as key agents of social change. It conducts advocacy and protection work through protection coordinators based in different regions including Africa.</p>	

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July 2012

I. Executive Summary

This joint submission on behalf of the East and Horn of Africa Human Rights Defenders Project, Protection International and Front Line Defenders focuses on the situation for human rights defenders in Burundi during the period 2008-2012, since the country's review in the first cycle of the UPR to date. The report first provides the political context and legal framework in which human rights defenders (HRDs) operate, before examining physical attacks and threats against HRDs, the use of judicial and administrative harassment, other restrictions on freedom of expression, assembly and association, and the state of independent human rights monitoring. Trends are illustrated with key cases, as it is not possible to provide an exhaustive survey of all incidents that have occurred over the period. Finally, the report includes a number of recommendations to the government of Burundi, so that it takes the necessary measures to publicly support the work and ensure the safety of HRDs.

II. Political and legal context

1. At Burundi's review in December 2008, a number of states raised concerns about the deteriorating situation for civil society and journalists, as well as political parties during that year. Despite the assurance of the Government of Burundi at the time of the review that the enjoyment of the freedoms of association, expression, opinion and peaceful assembly was characterized by the existence of 39 political parties and more than 3,000 non-profit organisations, including human rights organisations and manifold press organisations, trade unions and media, almost four years on serious concerns remain regarding the protection of these and other rights directly affecting the work of human rights defenders.

2. National and local elections were held in 2010. Following elections at the communal level in May 2010, opposition parties claimed that massive fraud had taken place. They were unable to provide concrete evidence to this effect, but the electoral commission also failed to publish written vote counts from each polling station. Opposition parties boycotted the remaining elections. The incumbent president Pierre Nkurunziza was elected without any opposing candidates and just one opposition party challenged the ruling CNDD-FDD in the parliamentary elections. The dominance of a single party in power has had repercussions on human rights defenders and further limited their space to operate. In the absence of a strong opposition, civil society has become more isolated as the countervailing voice to the government.

3. Widespread impunity prevails, despite Burundi's commitment in 2008 to "take all appropriate measures to address the issue of impunity." The independence and impartiality of the judiciary continues to be frequently infringed upon. A climate of insecurity has also contributed to

an unfavourable environment for the work of HRDs. Human Rights Watch reported that there were at least five political murders in the two weeks before the 2010 communal elections and up to 128 grenade attacks across the country during the presidential and legislative elections, followed by an escalation of political violence in 2011.¹ This climate contributes to a distorted perception of critiques made by human rights NGOs and defenders to the government.

4. Freedom of expression, religion, thought, conscience and opinion are guaranteed by article 31 of the Burundian Constitution of 2005. Article 32 guarantees freedom of assembly and association, as well as the right to form associations and organisations in conformity with the law. These rights are also provided in the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, of which Burundi is a State Party.

5. The registration of not-for-profit organisations, governed by the decree-law no. 1/11 of 18 April 1992, is carried out by the Ministry of Interior. The media is governed by the 2003 Press Law, although a new media bill is currently being considered. On a positive note, the government announces in June 2012 that press offences would be decriminalized. However, national media professional bodies have expressed concern over a lack of consultation on the bill's content.

6. In addition to the legal framework specific to the work of HRDs and journalists, many other provisions affect their work. For example, in the past four years, defamation, terrorism and anti-corruption legislation have all been used against members of civil society, as explained in more detail below.

III. Attacks and threats of violence

7. One of the most worrying trends in the period 2008-2012 has been the continuing use of violence and threats of violence against human rights defenders in Burundi. Our organisations have documented killings, death threats, warnings of assassination plots, security incidents, and the incitement of the population against HRDs, as well as other forms of harassment and intimidation throughout this period.

A. Killings of human rights defenders

8. Ernest Manirumva was vice-president of the Anti-Corruption and Economic Malpractice Observatory (OLUCOME), a civil society organisation, as well as vice-chairman of the dispute settlement committee in Burundi's Public Procurement Authority. On the night of 8-9 April 2009 he was kidnapped from his home and murdered in the early hours of the morning. Manirumva had

¹ Human Rights Watch, World Report 2011, Burundi, <http://www.hrw.org/world-report-2011/burundi>; Human Rights Watch, "You Will Not Have Peace While You Are Living": The Escalation of Political Violence in Burundi", May 2012, http://www.hrw.org/sites/default/files/reports/burundi0512ForUpload_1.pdf

been investigating illegal arms transfers to foreign rebels carried out by Burundi's security services. The findings of his investigations were later confirmed by a United Nations investigation.²

9. The Burundian government established three commissions of inquiry to investigate the killing and accepted an offer from the FBI to assist in investigations. The first two commissions were criticized by Burundian civil society organisations for lacking independence and being inactive, though a third commission was more effective and led to a number of arrests. The FBI report recommended the Burundian government carry out additional investigations, including questioning and taking DNA samples from named individuals. However, none of the police or military officials named in the FBI report have been investigated.

10. The trial opened in July 2010 but was postponed repeatedly. On 15 June 2011, the prosecution requested that the case file be investigated further. The lawyers for the *partie civile* (the party representing the victim's family and OLUCOME) asked for these investigations to include questioning, cross-examination, phone record checks and DNA tests of individuals named in the FBI and the third commission of inquiry reports. When the public hearing re-opened on 30 March 2012, the court rejected the request of the *partie civile* on the grounds that the substantive hearing should start as soon as possible.

11. On 22 May 2012, the Higher Instance Court of Bujumbura sentenced 14 individuals, including some members of the security forces, to lengthy prison terms for the murder. It was reported that eight individuals were sentenced to life imprisonment for the murder of Manirumva, three individuals to 20 years' imprisonment for complicity to murder and three individuals to 10 years' imprisonment for failure to inform public authorities/non-assistance to persons in danger.³ After procedural delays of one year and nine months, the trial was completed in just three days, between 5 and 11 April 2012.

12. The investigations and trial have also been criticized for not respecting the rights of the accused. Several defendants were unlawfully held in pre-trial detention for almost three years. The court failed to renew their preventative detention every 30 days, as required under article 75 of the Burundian Criminal Procedure Code, and to notify suspects of the charges against them when they were arrested.

13. The Manirumva case is emblematic: it demonstrates both the risks facing HRDs in the country and the prevailing impunity for abuses, especially those committed by security sector actors. Burundian human rights defenders have rallied around the case and started the Campaign for Justice for Ernest Manirumva in July 2009, which has been actively campaigning ever since.

² United Nations Security Council, (2009), "Final report of the Group of Experts on the Democratic Republic of Congo", submitted in accordance with paragraph 8 of Security Council resolution 1857 (2008) S/2009/603, http://www.un.org/french/document/view_doc.asp?symbol=S/2009/603.

³ The written verdict has not yet officially been published.

Members of the campaign have faced threats and harassment for their involvement and for other work (more detail is provided below in paragraphs 15, 16, 40, 41 and 42, and *passim*).

14. Leonard Hakizimana, the head of Ligue Iteka's branch in Matongo, was brutally murdered on 16 February 2012. An investigation by Ligue Iteka (one of the main national human rights organisations) found that the murder was linked to a land dispute case. Hakizimana, known locally as the "lawyer of Matongo", had been representing his son in challenging the expropriation of family land by the local authorities. Unusually, the local authorities were represented in the court case by the local head of the ruling party rather than the administrator of the commune. Hakizimana had been receiving death threats linked to this case. Ligue Iteka identified a number of potential suspects and lines of investigation, whereas the official police inquiries closed three months later without naming any. Ligue Iteka's findings were submitted to the public prosecutor in May 2012.

B. Assassination plots

15. In 2009 and 2010, three prominent human rights defenders involved in the Campaign for Justice for Ernest Manirumva received warnings of assassination plots being planned against them. In November 2009, Pacifique Nininahazwe, the President of the Forum for the Strengthening of Civil Society (FORSC), was warned of an assassination plot against him. Again, in March 2010 Gabriel Rufyiri and Pierre Claver Mbonimpa, presidents of OLUCOME and APRODH (Association for the Protection of Human Rights and Prisoners in Burundi) respectively, were also warned of a plot to assassinate one of them in a deliberately engineered traffic accident.

16. Such threats against prominent human rights defenders have repeatedly necessitated temporary evacuation from the country. Rufyiri, for example, has been forced to flee the country on four separate occasions.

C. Threats and security incidents

17. Several other threats and security incidents concerning the life and integrity of defenders have been recorded. For instance, in early July 2011 two OLUCOME staff members, Claver Irambona and Prudence Bararunyeretse, experienced security incidents against them, including an attempted break-in at the home of Vice-President Prudence Bararunyeretse by men armed with knives. OLUCOME has additionally reported finding threatening unsigned notes near their office in several instances.

18. In May 2012, Alexis Nibasumba of Radio Bonesha FM received threatening messages after investigating an alleged extra-judicial killing in Rumonge.

19. Bob Rugurika, the editor-in-chief of Radio Publique Africaine (RPA) – an independent radio station that was initially established by Alexis Sinduhije (now leader of the opposition party, MSD) – has reported receiving threatening phone calls from the National Intelligence Services (SNR) in 2011 and 2012. In May 2012, Rugurika sent a formal letter to the President of the Republic, Pierre

Nkurunziza, stating his fears that his physical elimination was being planned and requesting protection. The Independent National Human Rights Commission (CNIDH) convened a meeting between Rugurika and representatives of the SNR, but no response has yet been received from the President's office. Rugurika has also been subject to repeated judicial harassment (see paragraph 31 below).

20. Two women human rights defenders working with an anti-AIDS and malaria organisation (Solidarité des Femmes Burundaises pour la Lutte contre le Sida et le Paludisme au Burundi, SFBLSPB) were forced to go into hiding and to seek treatment outside Burundi after being beaten by demobilised soldiers on 27 February 2012. Allegedly the soldiers were disgruntled that these women were helping businesswomen recover stolen merchandise.

21. On 26 June 2012, Eloge Niyonzima, a radio reporter for RPA in Bubanza province was brutally attacked by about 30 members of "Imbonerakure", the youth wing of Burundi's ruling party. As a result of the attack, Eloge Niyonzima suffered serious head injuries and is still undergoing medical treatment. Before the assault, Eloge had been investigating and reporting on military operations in Rugazi commune, highlighting reported cases of arbitrary arrests and summary executions of civilians. On 29 June 2012, the police arrested two of the attackers that Eloge Niyonzima had recognised during the attack; but these were released two days later upon the order of the local prosecutor. It is reported that the prosecutor may have been acted under pressure from the ruling party's leadership.

22. On 8 June 2012, Mireille Niyonzima, president of Association pour la Défense des Droits de la Femme (ADDF) addressed an open letter to President Nkurunziza deploring certain government policies she viewed as undermining women's conditions in Burundi. Shortly after, she started receiving threatening phone calls; and was forced to go into hiding after being reportedly warned about a kidnapping plot against her and being trailed by vehicles carrying "suspicious registration plates." Until the end of June 2012, she could not report to work and could not visit her staff in rural communes.

D. Incitement of the population against HRDs

23. On 8 June 2012, Rema FM radio station broadcast an editorial in Kirundi and French, which contained serious and defamatory accusations against Pacifique Nininahazwe (President of FORSC), Pierre Claver Mbonimpa (President of APRODH) and Armel Niyongere (President of ACAT Burundi – Christian Action for the Abolition of Torture, l'Action des Chrétiens pour l'Abolition de la Torture). The HRDs had publicly called for investigations into the apparent extrajudicial execution of Juvenal Havyarimana, whose body had been found on 5 June. The broadcast explicitly responded to their public statements and accused them, inter alia, of seeking the overthrow of legitimate state institutions; of being part of a group of individuals who want to destroy Burundi, comparing them to rebels; of representing organisations that identify with bandits, delinquents and assassins; of being an extremist agitator who dreams of a return to conflict; and of promoting criminals.

24. Nininahazwe, Mbonimpa and Niyongere held a press conference on 12 June 2012 to reject the unfounded accusations. Of particular concern was the editorial's incitement of the population to attack them for seeking to destroy the population's development work and to sabotage the 50th anniversary of Independence (this incitement was reportedly more explicit in the Kirundi than French version). Nininahazwe also submitted a complaint to the National Communications Council (CNC). The CNC upheld the complaint and on 13 June banned the radio station from broadcasting commentary, editorial, analysis and viewpoint pieces for 30 days. The timeliness of the CNC's response should be noted and commended. The CNC also referred the case to the public prosecutor, a move that Nininahazwe described as unnecessary at a time when civil society is campaigning for journalists not to be imprisoned.

25. In November 2011, the government issued a declaration on the security situation in the country, in which it accused certain civil society organisations and certain media of deliberately misinterpreting insecurity in the country to "disorientate" national and international opinion. The declaration accused some members of civil society seeking a return to chaos in the country so that would continue to be eligible for external funding. A number of individual human rights defenders and journalists are named in the document.⁴

26. Similarly, in April 2011, a pro-government demonstration was organized against Nininahazwe and Rufyiri in the province of Bujumbura Rural, accusing them of being "societal villains" and "dividing Burundian society".

IV. Judicial harassment

27. The use of judicial harassment against human rights defenders and journalists, such as through repeated summonses for questioning or abusive court cases, is a worrying trend. The case of Jean-Claude Kavumbagu stands out as one of the most egregious misuses of the judicial system against human rights defenders during this period. The day after the bombings in Kampala, Uganda, Kavumbagu's online newspaper Net Press published an article on 12 July 2010 questioning the capacity of the Burundian security services to respond to a potential terrorist attack. He was arrested on 17 July 2010 and charged with treason under article 570 of Burundi's criminal code, which penalizes "any Burundian who, in times of war... knowingly participates in an attempt to demoralize the Army or the Nation, with the object of weakening national defense." Such charges were unfounded and unjustified – not least because Burundi was not at war at the time – and violated Kavumbagu's right to freedom of expression. He was acquitted on treason charges in May 2011, but found guilty of "threatening the national economy" and sentenced to 8 months in prison and a fine of 100,000 Burundian francs. He was released in May 2011 having already spent 10 months in prison. The judgment sets a dangerous precedent as it was the first time a journalist had been convicted on such charges.

⁴ Government of Burundi, "Déclaration du gouvernement sur la sécurité au Burundi au 31 octobre 2011", November 2011, http://www.presidence.bi/IMG/pdf/DECLARATION_GOUVERNEMENT.pdf

28. More recently, Hassan Ruvakuki, a radio journalist with Bonesha FM and Radio France Internationale's Swahili service, was arrested in November 2011 on terrorism charges on his return from interviewing Pierre Claver Kabirigi, who claimed to be the leader of a new rebel group, in the border area with Tanzania. On 20 June 2012, Ruvakuki and 13 other defendants were found guilty of "participating in terrorist attacks". He was sentenced to life imprisonment. Serious concerns have been raised about the vagueness of the charges, as well as the competence and impartiality of the court.

29. On 7 February 2012, Faustin Ndikumana, President of PARCEM (Words and Action for the Awakening of Conscience and the Evolution of Mindsets), was arrested, charged with making "false declarations" under article 14 of the Anti-Corruption Law and detained for two weeks before being released. The charges followed a press conference and radio interviews that Ndikumana gave on 3 February in which he denounced corruption within the Ministry of Justice and alleged that some magistrates were appointed as a result of bribery. He also wrote to the Minister of Justice asking him to investigate and put an end to the practice. During a court hearing on 25 May, Ndikumana's lawyer argued that his client should not be prosecuted in his personal capacity, as he spoke in the name of PARCEM and that it was rather the organisation that should respond to the charges. At the end of the hearing, the public prosecutor requested a sentence of 10 years and a fine of one million Burundian francs, in addition to a fine of 10 million francs from PARCEM. At the time of writing, the case was not yet concluded.

30. Two journalists Elyse Ngabire and Dieudonné Hakizimana from the private newspaper Iwacu, were detained from 5-8 November 2011 at Buyenzi police station with no specific charges cited against them. They were questioned for one hour by the police commissioner, in the presence of two other officers.

31. Human rights defenders and journalists have been repeatedly issued summonses for questioning by the prosecutor (parquet). A period of particularly intense scrutiny followed the Gatumba massacre on 18 September 2011. The National Security Council ordered journalists not to publish, comment on, or analyze information on the ongoing investigations into the massacre and other cases under investigation, in effect imposing a media blackout on the events for a period of 30 days. Some media houses initially defied this order and their representatives were called in for questioning. After the 30-day period had passed media houses began broadcasting on the case again, including an interview with one of the accused who was contacted in prison by RPA and claimed the involvement of state agents. Bob Rugurika, editor-in-chief of RPA and Patrick Nduwimana, chief editor of Radio Bonesha FM were summoned to the public prosecutor's office to answer questions in relation to these broadcasts on 8 November 2011. Rugurika, Nduwimana and several other radio journalists were repeatedly called in for questioning during the month of November 2011. Between July and November 2011, Rugurika was summonsed on nine occasions.

32. In September 2011, representatives of OLUCOME, APRODH, the Observatory of Governmental Action (OAG) and even current members of the Independent National Human Rights Commission (CNIDH) were questioned in relation to the Manirumva case.

V. Administrative harassment

33. In addition to the use of the judicial means to harass human rights defenders, the Government of Burundi has also restricted the work of human rights defenders through a variety of administrative measures, including the suspension or threatened suspension of their legal registration.

34. In November 2009, the legal registration of the Forum for the Strengthening of Civil Society (FORSC) was suspended by ordinance of the Minister of Interior. The ordinance cited a technical error in the umbrella group's original registration application in 2006 – that some of its member organisations were registered under different ministries. It should be noted that this move came in the same month that the Interior Minister summoned FORSC and other organisations and threatened to “punish” them for speaking out and that FORSC's president received death threats. FORSC's legal status was reinstated in February 2011.

35. In February 2012, Pierre Claver Mbonimpa, received a letter from the Minister of Interior accusing his organization APRODH of running a “campaign of disinformation” against State institutions and, referring to allegations by APRODH of the SNR distributing arms to the youth, accused him of lying. The Minister threatened “severe sanctions” if Mbonimpa did not produce the evidence within ten days. In his response, Mbonimpa explained how APRODH gathered evidence from human rights monitors and witnesses and that it was a human rights organisation's duty to share such information. Unsatisfied with this response, the Minister threatened that APRODH's registration could be withdrawn if it did not submit to the control of the Ministry.⁵

36. Other non-governmental organisations have been threatened with closure – for example, OLUCOME in June 2011. In April 2012, the Ministry of Interior threatened to deregister organisations involved in a popular campaign against the high cost of living in Burundi.

37. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, stated in his May 2012 report to the Human Rights Council that the “suspension and the involuntarily dissolution of an association are the severest types of restrictions on freedom of association. As a result, it should only be possible when there is a clear and imminent danger resulting in a flagrant violation of national law, in compliance with international human

⁵ Human Rights Watch, “You Will Not Have Peace While You Are Living”, May 2012, pp74-5

rights law.” He also cited ILO jurisprudence that such dissolutions should happen following a judicial decision.⁶

38. Neela Ghoshal, Human Rights Watch’s Burundi researcher, was expelled from Burundi in May 2010 following the publication of a report in the run-up to the elections detailing acts of violence committed by and against members of political parties. A letter dated 18 May from the Ministry of Foreign Affairs cancelling Ghoshal’s work permit and ordering her to leave the country by 5 June, explicitly stated the government’s decision was based on its criticisms of the report and accused Human Rights Watch of bias. Previously, in December 2009, the head of the United Nations Integrated Office in Burundi had been accused of being too close to the opposition and expelled from the country. Two other UN heads of mission were also expelled in 2006 on similar grounds. These actions, combined with the government’s eventually successful attempts to end the mandate of the UN Independent Expert on Burundi in 2011, suggest an unwillingness to open the country’s human rights record up to international scrutiny. The Government of Burundi has not issued a standing invitation to the Special Procedures of the UN, nor has it followed up on a commitment made by the Minister of Interior during an informal visit of the Special Rapporteur on Human Rights Defenders of the African Commission on Human and Peoples’ Rights to the country in July 2011 to issue a formal invitation to the mandate-holder.

VI. Restrictions on access to information and freedoms of expression, assembly and association

39. The authorities have refused on repeated occasions to grant civil society permission to hold peaceful demonstrations and other meetings. The Justice for Ernest Manirumva campaign was twice refused permission to hold demonstrations in 2010, and again in April 2011. These refusals violate the right to freedom of assembly as guaranteed by article 21 of the ICCPR, to which Burundi is a State Party. The Special Rapporteur on the right to freedom of peaceful assembly and of association recently stated in his May 2012 report to the Human Rights Council that:

“The exercise of the right to freedom of peaceful assembly should not be subject to prior authorization by the authorities, but at the most to a prior notification procedure, which should not be burdensome. In case an assembly is not allowed or restricted, a detailed and timely written explanation should be provided, which can be appealed before an impartial and independent court.”⁷

⁶ UN Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, 21 May 2012, paras 75-6.

⁷ UN Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, A/HRC/20/27, 21 May 2012, para 90.

40. On 15 November 2011, four radio stations called for people to sound their car horns in protest against political violence and the crackdown on the media. Police noted license plate numbers and Minister of Communication wrote to radios who called for protest saying it was an “attack on public peace”.

41. Other meetings have been cancelled on the orders of government representatives. In May 2012, Human Rights Watch was ordered by the Minister of Interior to cancel a news conference and by the police to halt the distribution of a report on political killings in Burundi.

42. In October 2011, Protection International sent 150 copies of its documentary ‘Justice for Ernest Manirumva’. It was a non-commercial shipment of a documentary made available to civil society organisations for distribution free of any rights in Burundi. The DVDs were seized by customs officials at the Bujumbura airport without giving any valid justification for the procedure. Despite repeated formal requests to the relevant government authorities, no proper explanation has been given, nor the materials returned, nor information on their whereabouts or whether the DVDs were destroyed, to date.

VII. Other independent human rights reporting

43. The establishment of the Independent National Human Rights Commission (CNIDH) during the period covered by this report must be commended. Legislation creating the CNIDH was adopted by the National Assembly in December 2010 and promulgated by President Nkurunziza in early February 2011. Its members were elected in May, sworn in and began work in June 2011. Only a year old, the Commission has not yet been accredited by the International Coordinating Committee of National Human Rights Institutions which assesses compliance with the Paris Principles. Nevertheless, the Commission has a strong track record to date and over the past year has published the results of its investigations on a number of sensitive cases (for example, its first press release was on an alleged extrajudicial execution by the police).

44. The ability of the CNIDH to provide independent oversight of the human rights in Burundi is rendered even more necessary following the cessation of the mandate of the UN Independent Expert on Burundi in September 2011. Despite the end of the mandate, it would be valuable to monitor the implementation of his recommendations, such as to combat impunity and respect freedom of expression.

VIII. Conclusions and Recommendations

45. Despite some positive developments since Burundi’s first UPR (most notably the establishment of the CNIDH), the operating environment for human rights defenders in the country since 2008 has been characterized by state-imposed restrictions on HRDs work and repeated acts of intimidation and violence, often apparently at the hands of state actors. Institutional weaknesses and a lack of independence in Burundi's justice system allow impunity for such acts to prevail.

Overall, the role and space of HRDs in Burundi is highly contested, and in the long-term a fundamental shift in this dynamic is required and for the value of HRDs' oversight role in building a pluralistic and democratic society to be recognized.

46. In the shorter term, the East and Horn of Africa Human Rights Defenders Project, Protection International and Front Line Defenders recommend the following steps to be taken by the Government of Burundi:

Attacks and threats of violence:

- a) Intensify efforts to uphold the respect for the rule of law by ensuring an independent and well-functioning judicial system. Burundi accepted a similar recommendation during its first cycle review but this has not yet been implemented;
- b) Ensure that reported cases of attacks, harassment and threats against HRDs are promptly, thoroughly and independently investigated; and perpetrators prosecuted in trials that meet international fair trials standards;
- c) Put in place concrete measures to ensure the protection of witnesses (such as in the Manirumva case) and establish a national protection mechanism for HRDs;
- d) Reform the security sector institutions and ensure officers are trained in human rights;

Judicial and administrative harassment:

- e) State officials as well as non-state actors (such as the media) should refrain from statements maligning HRDs, and instead protect and promote their rights as contained in the UN Declaration on HRDs;
- f) Take measures to ensure the cessation of any form of harassment, judicial and other, against journalists and HRDs and allow them to operate freely in full compliance with the UN Declaration on HRDs;

Freedom of expression, opinion, assembly and association:

- g) Consult with civil society and all interested stakeholders during the development of new legislation, such as the media bill currently under consideration;

Independent human rights reporting:

- h) Provide adequate financial support for the National Independent Human Rights Commission and allow the CNIDH to fulfill its mandate independently without interference or intimidation;
- i) Keep the UN Human Rights Council informed of steps taken to implement recommendations of the Independent Expert on Burundi, especially as regards combating impunity and respecting freedom of expression;
- j) Extend standing invitations to the Special Mechanisms of the African Commission on Human and Peoples' Rights (ACHPR), including the Special Rapporteur on Human Rights Defenders in Africa and the Special Rapporteur on Access to Information and Freedom of Expression in Africa, as well as to all UN Special Procedures, including the Special

Rapporteur on the Situation of Human Rights Defenders, the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, the Special Rapporteur on the Right to Freedom of Expression and Opinion, the Special Rapporteur on the Independence of Judges and Lawyers and the Special Rapporteur on the Use of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment.