

REPORT ON BURUNDI COUNTRY DAY ON RETHINKING HUMAN RIGHTS: RETROSPECTION AND INTROSPECTION, Hôtel Source du Nil, September 9, 2009

O. Introduction

On september 9, 2009, the Human rights organization Ligue Iteka in collaboration with Akiba Uhaki foundation and Kituo cha Katiba organization held a rethinking day on Human rights defenders situation in Burundi.

15 human rights organizations attended the rethinking day. Those organizations were Ligue Iteka, FORSC: the forum for civil society organization empowerment, ABS, l'OAG, APRODH, the association for homosexual rights defenders, Humure association, APPE, Alert against human and natural disasters, Women Center for Peace, Association for women entrepreneurs in Burundi, PARSEM , Youth without frontiers association , and the association for community development.

I. The objectives of the rethinking day were the following

The main objective of the rethinking day was to provide an opportunity for the HRC to look inward and self-examine itself as well as systematically recall what has happened in the past with a view to strengthening itself and improving its impact.

Specifically, the rethinking day aimed at:

1. providing key human rights leaders in Burundi in the various human rights organizations with space for reflection, networking and exchange of ideas on challenges facing their work
2. bringing in speakers who have examined the issue of threats to human rights defenders to provide some insights into the patterns and trends of violations of human rights (including minority rights) and attacks on human rights defenders that are evident in Burundi today
3. collectively examine the complexity, dilemmas of the issues at hand based on past cases and experiences
4. helping the Human Rights and social justice practitioners and the human rights sector as a whole start taking responsibility for the work it is supposed to do
5. generating general strategies that the Burundi human rights sector can use in responding more effectively to human rights violations emanating from the state and non-

state actors alike.

II. Opening ceremonies

The Ligue Iteka president, Dr David NAHIMANA, after having briefly presented the Ligue Iteka invited the Akiba Uhaki Foundation and Kituo cha Katiba organization to briefly present to the audience their organizations. In addition, he mentioned that the CSO should not remain backward in the EAC regional integration process.

Kepta Ombati, the Akiba Uhaki Foundation programme coordinator, briefly presented the foundation, its creation, the vision, the objectives, scope, and the intervention area. Besides the Civil and political rights, he stressed the fact that the foundation focuses on the social and economic rights.

Ms Edith Kibalama, the Kituo Cha Katiba organisation ED, presented her organization as well. The organizations focuses on research and advocacy mainly in the fields of constitutional issues, good governance, and democratic development. It operates in EAC 6 countries, Zanzibar included. As a matter of fact, Kituo Cha Katiba considers Zanzibar as a state even if part of Tanzania.

III. Theme developed

Human rights defenders situation in Burundi in a degrading state, by Egide NIYONGABO, LDGL coordinator in Burundi

The facilitator gave the definition of human rights defenders, the current situation, the unfavorable and the favorable factors for their work, and the risks related to their work. He went back to the past to give some examples of human rights defenders and journalists who were some killed and jailed while others were threatened following the civil war and the 2005 elections.

1. Unfavorable factors

The facilitator presented the following factors

- The logic of political competition from 2005 up to now with its consequences: violence, arbitrary arrests of journalists, RPA broadcast radio station which was closed, etc.
- Crime impunity, a guide of Ligue Iteka who got killed, journalist assassinated by Burundian army such as Alexis Bandyatuyaga, while the cameraman Hilaire Minani was injured in the same period of the 1994 civil war.
- Lack of capacity for the judicial institution to fight against corruption and economic embezzlement

- Arbitrary imprisonments against human rights defenders
Case of T rence Nahimana, Ruffyiri, president of OLUCOME
- Citizens killed by neighbours for having hidden people who were doomed to be killed, case of the headmaster of ENEFA Kibumbu secondary school killed for having protected this students
- Defenders resignation following threats and political leaders pressure
- The increasing insecurity,
- Weapons in the hands of civilians,
- Former demobilized combatants who continue to commit crimes,
- Transitional justice and the problem of revealing the truth on different kinds of crimes while the perpetrators enjoy the protection of immunity. The case in point; that of the current president of the Burundi Republic who was condemned to capital punishment for mines posing
- Moral values deterioration
- Lack of authority: lack of interlocutors for human rights defenders

2. Favorable factors

Beside the unfavorable factors, there are favorable one which can help in human right defenders. Among which

- The legal framework in Burundi,
- The political and media pluralism
- The political leadership on the defenders side
- A dynamic SC supported by the international community
- Human rights defenders and the population as a whole training,
- The end of the war
- The global and communication environment : (communication capacity in due time.)

3. Risks for human rights defenders

- Physical aggressions preceded by verbal an telephone threats
- Judiciary pressure,
- Destruction of human rights defenders equipments,
- Human rights defenders stress related to their work
- Ignorance of analytical methods, the context , the vulnerability, capacity and threats
- Ignorance of security and communication principles,
- Existence of spies,
- In conclusion, in Burundi, HRD are in a difficult context characterized by a great criminality, the impunity, and the rampant insecurity which are becoming

widespread . Nevertheless, there are opportunities which mitigate their vulnerability.

4. Discussions on the topic

Many question were asked to the facilitator and contributions were given as well

Some of them are the following

:

1. to determine which of the social group is the most affected by human rights violations in Burundi,
2. What the Human rights defenders are doing for the advancement of women rights in Burundi, especially in the 2010 elections;
3. The fact that Human rights defenders themselves might diverge on the women's rights issue,
4. People belonging to both the SC and political parties,
5. The relationships between CSO and the government,
6. The fact that result of the human rights defenders remain minor,
7. The existence or not of a human rights policy in Burundi ,

8. The fact that human rights defenders organization did not do much for the penal code criminalizing the homosexuals;

The facilitator brought clarifications on all the above asked questions

IV. opportunities and challenges of the CSO in the EAC integration process for Human rights defenders community, by Edith Kibalama

Ms Edit Kibalama talked about national at the national and at the regional level. She stressed the fact tha the CS meet the same challenges throughout the whole region

1. Examples of challenges

- The suspicion between the government and C S,
- The government setting up sophisticated ways for CS activity regulation,
- Some CSO working on the behalf of governments,
- CSO and individuals being spies for governments,
- Putting barriers to CS activities: case of Tanzania
- Restrictive regulation allowing the government not to renew the license for the organizations: case of Rwanda,
- Government negatively impacting on human rights: case of HIV funds allocated to other uses,
- People responsible of embezzlement of Human rights funds not sanctioned

Looking at all these challenges, there is a need to share experience, make linkage and set up a regional common strategy

2. Opportunities offered by the integration

- The existence of an EAC civil society organizations forum
- The observers status for the CSO in EAC meetings providing for them a space for expression and an opportunity of information

V. Recommendations

After the presentation and the discussions in groups, some recommendations were made

A. To the Government of Burundi

- Engage a dialogue with the CS in order to avoid suspicions
- Acknowledge the judiciary independence
- Set up mechanisms to protect people denouncing cases of corruption
- Avoid arbitrary detention of Human rights defenders

- Taking into account suggestions made by the CSO, and consider them like partners not opponents
- Punish governmental officers who are authors of Human rights violations
- Allow CSO members to themselves express freely
- Ensure the Human rights defenders protection
- Set up a guide to facilitate collaboration between the Ministry of Human rights and the Human rights defenders
- Implement the provisions of the international instruments ratified by Burundi
- Translate the above instruments in Kirundi and sensitize people on them
- Insure that the security bodies work independently vis-à-vis politics
- Involve CSO in program planning and implementation processes
- Put in place the Human rights commission in Burundi

B. CS organizations commit themselves to:

- Strengthen solidarity among defenders
- Denounce all cases of impunity
- Advocate for the protection of denouncers of cases of corruption
- Information sharing
- Develop intra and extra communication within and between organizations
- Organizational capacity building
- Reinforce commitment and volunteering

- Be pro-active
- Sensitize on the international human rights instruments and national legislation related to human rights

2. Actions to carry out

- Communicate on the existence of the EAC civil society forum
- Organize workshops between SCO and EAC countries to talk about HRD protection
- Set up a common regional program for the protection of HRD
- Encourage the communication between the government and the Civil society
- Develop a partnership between the CSO and governments taking into account the EAC treaties
- Develop a partnership among civil society organizations in the EAC

What is requested

- The conditions related to getting the Observer status for the CSOs should be more flexible

To end the activities of the day Dr David NAHIMANA, president of Ligue Iteka thanked the participants in general and the delegates of Kituo cha Katiba and Akiba Uhaki. He urged the participants to share with other members of their respective organizations. He also asked Kituo cha Katiba and Akiba Uhaki to consider the applications for funds from Burundi CSO so that the latter should be able to contribute to the enhancement of human rights situation in Burundi.

The activities ended at 17h35

Rapporteurs :

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