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To the attn. of:

Mr Josep Borrell Fontelles

EU High Representative for Foreign Affairs and Security Policy / Vice-President European External Action Service (EEAS)

18 October 2024

Dear High Representative Borrell,

THE EU MUST CHAMPION CIVIC SPACE IN BURUNDI AHEAD OF NEXT YEAR'S ELECTIONS

In light of the European Union's leadership in ensuring the renewal of the mandate of the United Nations (UN) Special Rapporteur on Burundi at the current 57th session of the Human Rights Council, Amnesty International is writing to urge you to lead EU and member state efforts to champion civil society space in Burundi. Against the background of forthcoming elections in Burundi, the EU and its member states have a crucial role to play in engaging the Burundian authorities up to the highest level to end the ongoing crackdown, release detained individuals and make sustained and systemic human rights progress in line with the country's long-standing, stated commitments.

Published in late August 2024, Amnesty International's research briefing [Burundi: Rhetoric versus reality: Repression of civil society continues under President Ndayishimiye's government](#) assesses the specific challenges and severe restrictions Burundian civil society has faced over the past four years, with a particular focus on human rights defenders (HRDs) and journalists who remained in the country throughout or have since returned from exile. Our briefing offers recommendations on how the situation can be improved before, during and after the legislative and local elections scheduled in 2025.

A concerted crackdown by Burundian authorities over the past decade has left the country's once vibrant civil society a shadow of its former self. Following widespread protests in 2015 against former President Pierre Nkurunziza's bid for a third term in office and a failed coup attempt, the government closed down most critical non-governmental organizations and private media houses, and scores of human rights defenders and journalists fled the country. Following the death of former President Nkurunziza, Evariste Ndayishimiye took office in May 2020, emphasizing in his [inauguration speech](#) the importance of dialogue in Burundian tradition, encouraging people to exercise their right to freedom of expression "without fear or constraint", and committing to "build Burundi on solid foundations, namely: good governance, respect and protection of human rights."

Many people hoped that this moment of transition would also bring a change of approach to civil society and media freedom. Between late 2020 and mid-2021, we found emerging signs of a reduction in restrictions on civil society and the media, with the reopening of some media houses and the civil society organization PARCEM that had been suspended for two years, and the release of six HRDs and journalists from prison (Germain Rukuki, Nestor Nibitanga, Agnès Ndirubusa, Christine Kamikazi, Egide Harerimana and TERENCE MPOZENZI).

During the same period however, in October 2020, lawyer Tony Germain Nkina was arrested apparently on account of his previous human rights work, and former parliamentarian Fabien Banciryanino, who had spoken on human rights violations, was also arrested. In February 2021, the Supreme Court's June 2020 decision to convict five HRDs and seven journalists *in absentia* was made public.¹ Journalist Floriane Irangabiye was arrested on a visit home to Burundi in August 2022.

¹ The people concerned are Marguerite Barankitse, Dieudonné Bashirashize, Arcade Havyarimana, Patrick Mitabaro, Innocent Muhozi, Patrick Nduwimana, Pacifique Nininahazwe, Armel Niyongere, Gilbert Niyonkuru, Anne Niyuhire, Vital Nshimirimana and Bob Rugurika.

In February 2023, twenty-four people were arrested while participating in a civil society workshop in Gitega, and an additional five HRDs were arrested elsewhere the same month. Civil society organizations PARCEM and OLUCOME faced interference in their activities, for example police shutting down their press conference in March 2022.

While all the people mentioned above have since been released from detention, Amnesty International is deeply concerned to witness, more than four years on from the promises at President Ndayishimiye's inauguration, the continued crackdown and criminalization of Burundi's HRDs and journalists on account of their work, with no slowdown in intimidation, harassment, arrests, detention and unfair prosecution. State security charges, such as "rebellion" and "threatening internal state security", are being misused to silence peaceful dissent and undermine the rights to freedom of expression, association and peaceful assembly. As documented in our briefing, there has been a troubling revolving door effect – when one HRD or journalist is released, new arrests often follow.

Our analysis also demonstrates an apparent correlation between the timing of short-term improvements in civic space, such as the authorities' release of detained individuals or the re-opening of media houses, with key decision-making moments by the UN and the EU. While these positive steps are welcome, to date the Burundian government has failed to adopt the long-term, systemic measures needed to truly uphold the country's stated human rights commitments and to fully and effectively re-open civil society space.

For instance, following President Ndayishimiye's inauguration in 2020, relations with key donor governments had begun to thaw. The EU and its member states negotiated with the government on the eventual lifting of Article 96 restrictions on direct bilateral funding that had been in place since 2016. Lifting the restrictions on funding to the Burundian government in February 2022, the Council of the European Union [stated](#) that "[s]ince the 2020 elections, the EU has acknowledged the progress made by the Burundian government with respect to human rights, good governance and the rule of law, as well as commitments taken in its roadmap ('feuille de route') towards further improvements in those areas." Although details of these commitments were not made public, there was hope that this moment would be accompanied by a reopening of civic space and openness to the work of human rights actors. In a speech to diplomats in Burundi, President Ndayishimiye [affirmed](#) that "[t]hese commitments are therefore ours and it is our duty to assume and implement them without evasion, in strict compliance, of course, with national legislation and sovereignty." However, 18 months later, in an October 2023 statement to the UN General Assembly, the EU [noted](#) that "[t]he space given to civil society and media professionals remains restricted, and we condemn the government's reprisals against them."

Reflecting this expectation of an improved human rights situation and a reopening of space, and despite [calls](#) from Burundian and international civil society not to relax its scrutiny, in October 2021, the UN Human Rights Council (HRC) ended the mandate of the UN Commission of Inquiry (COI) on Burundi. In a resolution led, as in previous years, by the EU, the COI was replaced with a Special Rapporteur on Burundi – a mandate with fewer staff and resources. However, as with the COI before, Burundi continues to refuse to engage with the UN Special Rapporteur, [telling](#) the HRC in July 2023 that "the purpose of this country mandate on Burundi is to perpetuate a disinformation campaign." The same month, Burundi's delegation walked out of the country's review by the UN Human Rights Committee [citing](#) the presence of "convicted criminals", referring to human rights defender Armel Niyongere who had been convicted *in absentia* by Burundi's Supreme Court on trumped-up charges.

With legislative and local elections scheduled for 2025, the EU and its member states must adopt an ambitious and strategic approach to engage the Burundian authorities up to the highest level to take immediate and effective action to end repression of civic space and ensure respect for the human rights of everyone in Burundi, including to:

- End arbitrary arrest, detention, and prosecution of human rights defenders, or any other form of reprisals;
- In this spirit, act on key individual cases of concern including:
 - Quashing the convictions of the 12 HRDs and journalists tried and convicted *in absentia* following an unfair trial, and solely for peacefully exercising their human rights;
 - Dropping the appeal lodged by the public prosecutor against the five HRDs, Sonia Ndikumusabo, Marie Emerusabe, Audace Havyarimana, Sylvana Inamahoro, and Prosper Runyange;
 - Lifting the ban against Burundian human rights organizations and facilitating their return to Burundi through an effective and inclusive dialogue process; and likewise lifting the ban on Radio Publique Africaine (RPA) and Télé Renaissance;
- Allow civil society organizations to freely carry out their activities without any interference or reprisals;

- Facilitate meaningful consultations with journalists and other stakeholders on the new media law and fully decriminalize media offences.

In parallel, the EU and its member states should act with other international partners of Burundi to:

- Maintain a pro-active and robust approach to engage Burundi on human rights, including in both public and private diplomacy, at bilateral, EU and multilateral human rights fora – in the knowledge that international scrutiny can positively influence the human rights situation in the country and with a view to achieving longer-term, systemic human rights change;
- [Throw their full support and political backing behind the indispensable work of the UN Special Rapporteur](#) on Burundi following the extension of his mandate at the 57th session of the UN Human Rights Council:
 - Reaffirm that Burundi as a member of the Human Rights Council should uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council and its mechanisms, including by granting the UN Special Rapporteur unfettered access to the country and by providing him with all the information necessary to properly fulfil his mandate;
 - Urge the Burundian government to constructively cooperate with the Office of the United Nations High Commissioner for Human Rights (OHCHR), in particular its regional office for Central Africa, and to present a timeline for the reopening of its country office in the country.
- Continually assess Burundi's concrete progress on commitments made on human rights at the country's Universal Periodic Review (UPR) and in the agreed roadmap, holding the authorities to account for their (in)action on human rights;
- Pro-actively engage Burundian civil society in this process to ensure meaningful local ownership and accountability;
- Reassess and refresh the EU and member state approach to supporting human rights defenders in Burundi in line with the EU Guidelines on Human Rights Defenders to ensure that HRDs receive effective protection and support in a timely manner;
- Where it is deemed unsafe for HRDs, journalists and their family members to remain in Burundi or neighbouring countries, member states should promptly issue visas on humanitarian grounds to facilitate their emergency relocation in line with the guidance provided in the recently revised [Visa Code Handbook](#). The Handbook offers visa and migration officers guidance on providing HRDs and their families facilitated visa access drawing on the existing flexibility afforded to EU member states under the EU Visa Code.

We thank you in advance for your action for human rights in Burundi and welcome the opportunity to meet and discuss with you and your colleagues in near future.

Yours sincerely,



Eve Geddie
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Amnesty International