

February 24, 2023

To

His Excellency Evariste Ndayishimiye

President of the Republic of Burundi

Your Excellency Mr. President,

We the undersigned, Burundian Civil Society Organizations in exile, in solidarity with other African and International non-governmental organizations, address you this correspondence, in your capacity as President of the Republic of Burundi. We call upon Your Excellency to take all necessary measures to redress the human rights situation and eradicate the hate speech, which is contrary to your legislature's slogan: "Leta Mvyeyi, Leta Nkozi" (a parent Government for all, a hard-working Government).

Your Excellency, we salute your expressed desire to build a system of rule of law as stated in your various speeches and more particularly in your Inaugural speech, where you solemnly declared: "we intend to build Burundi on solid foundations, namely: good governance and respect and protection of human rights. We also appreciated your statement that "All those who commit crimes, whether members of the government or other dignitaries, will be taken to Court. All offenses must face judgement if we want to avoid falling back into the mistakes of the past." You also declared that you shall know "Burundi is truly an independent State the day all Burundians will be allowed to express freely their opinion on any issue concerning national life."¹

Subsequently, we followed with great appreciation the positive results of your reassuring speeches, particularly the return of a large number of refugees from neighboring countries, the release of the detained journalists from the IWACU Press Group, the release of human rights defenders like Germain Rukuki from Acat-Burundi, Nestor Nibitanga from APRODH. We equally appreciated the release of more than 5,000 prisoners, majority of whom were in arbitrary detention, the release of the Honorable Fabien Banciryanino and Mrs. Christa Kaneza, the recent release of Me Tony Germain Nkina from APRODH as well as the arrest and imprisonment of some police, SNR and Imbonerakure agents involved in crimes, including kidnappings and enforced disappearances.

Nevertheless, allow us to draw your attention to the correspondences sent to you by various Burundian organizations. The first one is the letter dated June 8, 2021 from Ligue Iteka on the rule of law in Burundi. The second was addressed to Your Excellency by the organization

¹ <https://www.presidence.gov.bi/2020/06/19/discours-de-son-excellence-general-major-evariste-ndayishimiye-a-loccasion-de-son-investiture/>

FOCODE on 29 August 2022, with a list of 80 cases of forced disappearances documented by the NDONDEZA Campaign over the two-year period of your Government from June 18, 2020 to June 18, 2022. The last one came from 18 Burundian civil society organizations, on October 17, 2022, requesting you as Chair of the EAC Heads of State and Government Summit, to ensure implementation of the EAC Court of Justice Judgment No. 1 of 2020. We support these messages and we have no doubt your judicious action on them would allow the country to recover more speedily and establish a conducive environment for peace, security and development for all. You will have thus joined action to your word and the Burundian people will find satisfaction in it.

On the other hand, Your Excellency, we remain concerned by the persistence of human rights violations, including assassinations, kidnapping and enforced disappearances, gender-based violence, arbitrary and illegal arrests and imprisonment, cases of torture and inhuman and degrading treatment, cases of social injustice such as illegal expropriations, corruption and unpunished economic embezzlement, spoliations and ransoms, recurring demands for forced financial contributions.

More specifically, we would like to draw your attention on the three issues which seem to be of great concern for human rights defenders:

1) The hate speeches, manipulation and trivialization of crime, as well as the militarization of youth through the creation of the Force de réserve et d'appui au développement (Reserve and Development Support Force) (FRAD), which seems to be a parallel army of the CNDD/FDD.

The positions taken by the Secretary General of the CNDD-FDD ruling party, Révérien Ndikuriyo, are too worrisome. Several times, he has called upon the Youth wing of the party to stand vigilant to ensure they do not lose power. He promised them impunity for any crimes they will commit against those he calls enemies of peace, emphasizing that: *"If you kill a person who sows terror, it is not a sin"*.

As an illustration, you certainly know that during his raid on January 13, 2023 in Nyanza-Lac commune, Makamba province, he publicly intimidated and threatened of death certain inhabitants of the area, after summoning all the participants in the meeting to switch off their telephones in these words: *"Turn off your cell phones. No one is permitted to record what is said here. Anyone trying to record can be killed. If we want, we can here eliminate whoever misbehaves, this is between us. As you must have heard, I have always been accused of having killed Kaburimbo. Where is the harm in killing that one? Even in the Bible, Peter killed someone, defending Jesus Christ, the pillar of the Catholic Church. So eliminating a criminal to protect the rest is not a sin"*. Such statements of hate and murder incitement are likely to jeopardize the security and rule of law in Burundi. It is in this same line that several groups of Internet users respond to these calls, obsessed by the ideology of ethnic exclusion, spreading hate messages with total impunity.

Even more worrisome are the speeches propagating hate and intolerance, which are regularly disseminated through online radio broadcasts, produced in total impunity on Burundian territory in the total indifference of the National Communication Council (CNC).

Two illustrative cases constitute a sad demonstration of this: the first is that of the organization “Bimenye Burundi Communication Center» (B.B.C.C)² led by “Thaddée Nzigamasabo and Kenny Claude who produces several audio programs conveying the ideology of politico-ethnic hate on his official Facebook page³.

It is worth emphasizing that for its part, the UN International Commission of Inquiry on Burundi has confirmed that « remarks of ethnic ideology, considered by some as carrying a hatred dimension, are being heard in various circumstances, particularly during commission of abuses or even during debates on the history of Burundi, revisited by certain members of the Government and the CNDD-FDD. Such speeches reveal a desire to instrumentalize the feeling of ethnic belonging for political ends, and in particular to guarantee the support of the CNDD-FDD by the Hutu community, to allow it to stay in power»⁴.

Your Excellency Mr. President, such messages of terror and hate conveyed by the highest authorities of the country, incite violence and undermine social cohesion and tolerance. As the United Nations Secretary General António Guterres stated in 2021, hate is a danger for everyone and therefore fighting it must be the work for everyone. We therefore urge **you to take adequate measures to put an end immediately to such speeches, which are likely to drive the country back into chaos.**

2) The closing of civic space that worries more than one

The essential element of any genuine democracy is the freedom of people to exercise basic rights without interference from the government. These rights include freedom of expression, freedom of association and freedom of assembly. However, for having expressed their opinion and denounced human rights abuses, civil society organizations and certain media are still under sanctions of either suspension or deregistration, while hundreds of human rights defenders and journalists are still in exile. In addition, twelve (12) of these exiled human rights defenders were arbitrarily sentenced to life imprisonment for alleged participation in the 2015 Coup d'Etat in criminal case RPS 100, issued by the Supreme Court on June 30, 2020 while the concerned people were only informed on February 2, 2021.

Moreover, Your Excellency, we were all dismayed by the arrest and imprisonment of the journalist Floriane Irangabiye, on baseless charges. Arrested on August 30, 2022, the latter was sentenced to 10 years of imprisonment and a fine of 1,000,000 BIF. She is currently detained in Muyinga prison, Muyinga province, in the north of the country. Her only crime was to be a

² <https://www.facebook.com/people/Bimenye-ntaco-bitwaye/100064015604868/>

³ https://www.youtube.com/channel/UCzvq_MoAkfNPkYhXkHXyEBQ

⁴ https://trialinternational.org/wp-content/uploads/2020/12/Burundi_Overview-of-the-judicial-sysytem_long-version_FR.pdf

journalist, hence to inform. Another case worth mentioning is the recent arrest of the 5 human rights defenders, namely Me Sonia Ndikumasabo and Marie Emerusabe respectively Chair and General Coordinator of the Association des Femmes Juristes du Burundi (AFJB), Audace Havyarimana, Legal Representative of APDH, Sylvana Inamahoro, Executive Director and Prosper Runyange, Coordinator of the land project of the same association. They are held in preventive detention, arbitrarily accused of undermining the country's internal security, rebellion and undermining the functioning of public finances.

We urge you to reopen civic space, the cornerstone of any democracy, and to put in place protective mechanisms for anyone who has the courage to speak out against human rights abuses in Burundi.

Immediate and unconditional release of these human rights defenders would be highly appreciated.

3) Implementation of EAC Court of Justice Decision No. 1 of 2020 rendered in Bujumbura on November 25, 2021, in a case between the State of Burundi and the organization "East African Civil Society Organizations' Forum (EACSOF).

This Judgment is indeed of capital importance for the restoration of the spirit of reconciliation, national harmony and rule of law imparted by the Arusha Agreement for Peace and Reconciliation in Burundi. Indeed, in paragraph 97 of the said judgment, the EAC Court of Justice considered that, by endorsing the third term of Pierre Nkurunziza, the Judgment of the Constitutional Court of Burundi of May 05, 2015, that caused death threats to the Vice-President of this Court and eventually forced him into exile, violated the Constitution of Burundi, the Arusha Peace and Reconciliation Agreement as well as the Treaty establishing the East African Community.

We therefore request its implementation to restore peace and serenity in the country through the reparation of the harmful consequences of this violation in the country. This includes lifting all individual and collective sanctions taken against individuals and legal entities who fought against this illegal mandate.

Finally, we encourage Your Excellency to agree to cooperate with the African Union and United Nations mechanisms for the promotion and protection of human rights, and more particularly to welcome the Human Rights Commission's Special Rapporteur on Burundi as well as the mechanisms of the African Commission on Human and Peoples' Rights.

We, the undersigned organizations, would like express our gratitude for your kind attention to the above concerns, which fall within the scope of your mission to build a Burundi based on values of good governance, respect and protection of human rights!

As Martin Luther King said: *"Injustice anywhere is a threat to justice everywhere"*

Please accept, Your Excellency President of the Republic of Burundi, the expression of our highest consideration.

Annex: Signatory organizations

1. Association Burundaise des Journalistes en Exil (ABJE)
2. ACAT-Burundi ;
3. APRODH
4. Coalition Burundaise pour la CPI (CB-CPI)
5. Coalition Burundaise des Défenseurs des Droits Humains (CBDDH)
6. Coalition de la Société Civile pour le Monitoring Electoral (COSOME)
7. Collectif des Avocats des Victimes des crimes de droit international commis au Burundi (CAVIB) ;
8. Ensemble pour le Soutien des Défenseurs des Droits Humains en Danger (ESDDH)
9. Forum pour la Conscience et le Développement (FOCODE)
10. Forum pour le Renforcement de la Société civile (FORSC)
11. Light for All
12. Ligue ITEKA
13. Mouvement des Femmes et Filles pour la Paix et la Sécurité au Burundi (MFFPS) ;
14. Mouvement INAMAHORO
15. Réseau des Citoyens Probes (RCP) ;
16. SOS-Torture
17. Tournons la page Burundi (TLP-Burundi) ;
18. Union Burundaise des Journalistes (UBJ)
19. Organisation guinéenne de défense des droits de l'homme et du citoyen (OGDH)
20. Association Justice, Paix et Démocratie (AJPD)
21. ASADHO (Association Africaine de défense des droits de l'Homme)
22. Ligue Togolaise des droits de l'Homme (LTDH)
23. Organisation Guinéenne de Défense des Droits de l'Homme et du Citoyen – OGDH
24. Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO) du Sénégal
25. RADDHO
26. Zimbabwe Human Rights Association (ZimRights)
27. La LIDHO
28. DITSHWANELO - The Botswana Centre for Human Rights
29. Organisation guinéenne de défense des droits de l'homme et du citoyen (OGDH)
30. LSDH (Ligue Sénégalaise des Droits humains),
31. Association Rwandaise pour la Défense des Droits de la Personne et des Libertés Publiques (ADL),
32. Le Groupe LOTUS,
33. AMDH Mauritanie,
34. L'association Tchadienne pour la Promotion et la Défense des Droits de l'Homme ATPDH ;
35. Association Justice, Paix et Démocratie (AJPD)
36. Réseau Nigérien des Défenseurs des Droits Humains(RNDDH)
37. Human Rights Defenders Coalition Malawi.

38. Southern Africa Human Rights Defenders Network (SouthernDefenders)-
Johannesburg
39. Human Rights Defenders Network-Sierra Leone
40. The Ethiopian Human Rights Defenders Center
41. Foundation for Socio-Economic Justice in Swaziland
42. Coalition Togolaise des Défenseurs des Droits Humains (CTDDH)
43. Institut des Médias pour la Démocratie et les Droits de l'Homme (IM2DH)-Togo
44. Réseau des Défenseurs des Droits Humains en Afrique Centrale (REDHAC)
45. Réseau Ouest Africain des Défenseurs des Droits Humains (West African Human Rights
Defenders' Network)
46. Coalition Ivoirienne des Défenseurs des Droits Humains (CIDDH)
47. Mozambique Centre for Democracy and Development (CDD)
48. AfricanDefenders
49. Mozambique Human Rights Defenders Network (RMDDH)
50. Ligue tunisienne pour la défense des droits de l'homme (LTDH)
51. Community Empowerment for Progress Organization (CEPO)- South Sudan.
52. Civicus
53. Action des Chrétiens pour l'abolition de la Torture et la peine de mort] (ACAT-RCA)-
République Centrafricaine
54. Gender Centre for Empowering Development (GenCED)-Ghana
55. Fédération internationale des ACAT (FIACAT)
56. Fédération Internationale des Ligues des droits de l'homme, FIDH