



Human Rights Watch Statement

UPR outcome report of Burundi

18 March 2009

Human Rights Watch welcomes the UPR report on Burundi, which includes important recommendations concerning the proposed criminalization of homosexual conduct; the establishment of a national human rights commission; arbitrary and illegal detention; the possibility of election-related violence; and freedoms of association and expression.

In this respect, we condemn the recent National Assembly's decision to advance an amendment to the criminal code that would criminalize homosexuality, contrary to the recommendation by Belgium, Chile and Slovenia (Paragraph 81.5). Criminalization of homosexuality has been interpreted by the UN Human Rights Committee to be in violation of the International Covenant on Civil and Political Rights and will also likely hinder Burundi's efforts in fighting HIV/AIDS by marginalizing a vulnerable group. We encourage President Nkurunziza to veto such a law.

We welcome steps taken to establish a National Independent Human Rights Commission and the support of the Government for the relevant UPR recommendations (Paragraph 80.4). However, we contest Burundi's claim that the draft bill passed by the Government in November 2008 is consistent with the Paris Principles. We encourage Parliament to undertake substantial revisions to the draft bill, giving the commission the powers to subpoena witnesses, access all official documents, request police cooperation in investigations, and submit cases to the Public Prosecutor's office.

Human Rights Watch is deeply concerned about the prevalence of illegal, arbitrary arrests, many of which are politically motivated. Between July and December 2008, we documented over 85 politically motivated arrests. Most victims were local representatives or members of opposition parties. Many were arrested by local administrative officials and demobilized combatants, who have no legal authority to arrest. Some were detained in clandestine jails. During early 2009, such arrests have continued at a similar rate. Burundi should accept France's recommendation to ban all secret places of detention (Paragraph 81.2), and we deeply regret that the Government of Burundi rejected the recommendations of Italy, Switzerland and other member states to take all measures to guarantee freedoms of association and expression (Paragraph 32(b); Paragraph 35(d)).

The judicial system has been abused for prosecutions of opposition leaders and others who speak out against the government. We note in particular the arbitrary detention of Juvenal Rududura, Pasteur Mpawenayo, Gérard Nkurunziza, and Jean Claude Kavumbagu. Their ongoing detention, and the procedural violations in all five dossiers, is evidence of further violation of the freedom of expression and association for critics of the government. It also calls into question the independence of the judiciary, a subject for concern for Azerbaijan (Paragraph 57), the Netherlands (Paragraph 25), and the UK (Paragraph 27).

Human Rights Watch is concerned that in the lead-up to the 2010 elections, members of CNDD-FDD's youth league, have attempted to intimidate opposition members by marching through the streets chanting slogans to the effect that "Those who are not with us will be sent into exile or killed." Some are reported to be armed. Burundi should act immediately to put an end to such activities, thereby implementing Japan's recommendation supported by the Government of Burundi to do its utmost to ensure that political parties are safeguarded in the elections (Paragraph 80.28).

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