



BURUNDI: RHETORIC VERSUS REALITY

REPRESSION OF CIVIL SOCIETY CONTINUES UNDER
PRESIDENT NDAYISHIMIYE'S GOVERNMENT

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Cover image: A politician addresses a crowd under the banner “Jamais sans les médias” (Never without the media) while journalists are arrested behind the scenes© Amnesty International (Illustration by Victor Ndula)

Four years since the inauguration of President Ndayishimiye, there has been no slowdown in intimidation, harassment, arrests, detention and unfair prosecution of human rights defenders, activists, journalists and opposition members. In this briefing, Amnesty International assesses the challenges and severe restrictions faced by Burundian civil society and offers recommendations for improvement as the 2025 legislative and local elections approach.

1. EXECUTIVE SUMMARY

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.¹

Former Secretary General of the ruling party, the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD), Evariste Ndayishimiye was elected as President of the Republic in May 2020. He took office earlier than planned, in June 2020, following the death of former President Nkurunziza. Many people hoped that this moment of transition would also bring a change of approach to civil society and media freedom. Unfortunately, four years after his inauguration, this has not been the case. Human rights defenders have continued to be criminalized on account of their work, with no slowdown in intimidation, harassment, arrests, detention and unfair prosecution of activists, journalists and opposition members.

In this briefing, Amnesty International assesses some of the specific challenges and severe restrictions Burundian civil society have faced over the past four years, with a particular focus on human rights defenders and journalists who remained in the country throughout or have since returned from exile, and offers some recommendations on how the situation can be improved before, during and after the legislative and local elections scheduled to be held in 2025.

2. METHODOLOGY

While this briefing focuses on developments during the period between 2020 and 2024, it is informed by Amnesty International's monitoring and documentation of cases involving human rights defenders, journalists and others who have faced violations on account of the peaceful exercise of their human rights going back 10 years. It draws on information gathered in regular electronic communications and 30 remote interviews with people close to the cases cited, as well as a close review of legal documents (including court judgements), media reporting, official speeches and statements. On 23 July 2024, Amnesty International sent letters to the Minister of Justice, the Minister of National Solidarity, Social Affairs, Human Rights and Gender, and the Minister of Communication, Information Technology and Media, summarizing the briefing's findings and requesting a response to specific questions. At the time of writing, Amnesty International had received no response to these letters or previous requests for information.

3. BACKGROUND

In the years leading up to the 2015 crisis, while still facing challenges and attacks, Burundi's civil society was known as one of the most dynamic in East Africa. When the political opposition boycotted the 2010 elections, human rights organizations and independent media were left as the main actors questioning government policies and actions. The sort of actions mobilized by civil society with the active engagement of the population before the 2015 crisis and crackdown are unimaginable in the current environment. On 5 March 2015, for example, a collective of 1300 Burundian civil society organizations and trade unions under the banner of the *Campagne contre la vie chère* (Campaign against the rising cost of living) called for a general strike, with significant participation in the then-

¹ Human Rights Watch, "April 2015 – June 2020: A Chronology of Repression of Media and Civil Society in Burundi", 26 May 2021, [hrw.org/news/2021/05/26/april-2015-june-2020-chronology-repression-media-and-civil-society-burundi](https://www.hrw.org/news/2021/05/26/april-2015-june-2020-chronology-repression-media-and-civil-society-burundi)

capital city, Bujumbura.² There was mass mobilization to call for the release of the eminent human rights defender Pierre-Claver Mbonimpa, who was arrested in 2014, and later for the journalist Bob Rugurika in 2015. When Bob Rugurika was released on 19 February 2015, the crowds were so large that they blocked one of Bujumbura's main roads.³ The scale and duration of the protests that began on 26 April 2015 against President Nkurunziza's decision to stand for a third term in office, which continued for several weeks, were unprecedented.

Between November 2015 and December 2016, the authorities initially suspended and then permanently closed down most human rights organizations critical of their record, and many of their staff and leaders fled the country.⁴ In the past, individuals could access the offices of these civil society organizations to report violations in-person – this is no longer possible. However, access to the internet has increased significantly from the start of the crisis, with internet penetration rising from 8.5% in 2016 to 22.9% nationally at the end of 2023.⁵ This improved connectivity has enabled exiled civil society and media workers to continue documenting and reporting on the human rights situation in the country, which they have done through their existing organizations, reestablished in exile, and through the establishment of new groups.

Those human rights defenders and journalists who remained in the country throughout or have since returned from exile, walk a difficult tightrope to continue their important work while trying to avoid reprisals.

4. GOVERNMENT POLICY AND RHETORIC

Evariste Ndayishimiye's election to the presidency in 2020 brought with it tentative hopes that the human rights situation in Burundi could improve in this moment of transition with the change of leadership, if not of ruling party.⁶ His investiture speech on 18 June 2020 gave a very mixed message. On the one hand, he emphasized the importance of dialogue in Burundian tradition and encouraged all Burundians to exercise their right to freedom of expression "without fear or constraint". He committed to "build Burundi on solid foundations, namely: good governance, respect and protection of human rights." However, in the same speech he also dismissed some human rights defenders as acting as "puppets [...] of the colonists."⁷

On a more positive note, in January 2021, President Ndayishimiye met with media representatives and members of the National Communication Council (CNC) and promised to normalize relations,

² Iwacu, "Une grève relativement suivie", 5 March 2015, iwacu-burundi.org/une-greve-relativement-suivie; Telephone interview with Burundian human rights defender, 3 May 2024.

³ Iwacu Web TV, 'Une foule ahurissante pour accueillir Bob RUGURIKA', 19 February 2015, youtube.com/watch?v=aViKtZvdztl

⁴ Minister of Interior and Patriotic Training, Ministerial Order, 23 November 2015; Ministerial Order No 530/1922, 19 October 2016; Ministerial Order No 530/1960, 24 October 2016; Ministerial Order No 530/2256, 21 December 2016.

⁵ Agence de Régulation et de Contrôle des Télécommunications (ARCT), OBSERVATOIRE DU MARCHÉ DES SERVICES DE COMMUNICATIONS VOIX, SMS, INTERNET ET SERVICES FINANCIERS MOBILES AU BURUNDI QUATRIÈME TRIMESTRE 2023, arct.gov.bi/wp-content/uploads/2024/04/OBSERVATOIRE-4eme-TRIMESTRE-2023-valide-par-la-Direction-en-date-du-29-mars-2023.pdf; ARCT, Indicateur du secteur TIC au BURUNDI, 29 April 2016, arct.gov.bi/2016/04/29/indicateur-du-secteur-tic-au-burundi/

⁶ Amnesty International, "Burundi: Human rights agenda for new government", 11 August 2020, amnesty.org/en/documents/afr16/2777/2020/en/

⁷ President Evariste Ndayishimiye, Inauguration speech, 18 June 2020, presidence.gov.bi/wp-content/uploads/2020/06/Discours_Investiture_du_president_de_la_Republique.pdf

under the banner “*Jamais sans les medias*” (“Never without the media”).⁸ Following his speech, restrictions were lifted on several media houses, including Bonesha FM, Isanganiro TV and the BBC.

In the same period, relations with key donor governments began to thaw. The European Union and its member states were negotiating with the government on the eventual lifting of restrictions that had been in place since 2016 on direct bilateral funding. Lifting the restrictions on funding to the Government of Burundi 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.”⁹ Although details of the 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.”¹⁰ 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.”¹¹

Reflecting this expectation of an improvement of the 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 ended the mandate of the UN Commission of Inquiry (COI) on Burundi.¹² 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 Special Rapporteur, telling the Human Rights Council in July 2023 that “the purpose of this country mandate on Burundi is to perpetuate a disinformation campaign.”¹³ The same month, the Burundian 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.

The government did, however, participate in its Universal Periodic Review in May 2023, when they accepted several recommendations to ensure that human rights defenders, journalists and other media workers can exercise their rights to the freedoms of opinion and expression, peaceful assembly

⁸ Burundi Presidency, “Jamais sans les médias: S.E Evariste Ndayishimiye se prononce en faveur d’une reconsidération par le CNC de certaines mesures de restriction”, 28 January 2021, presidence.gov.bi/2021/01/28/jamais-sans-les-medias-s-e-evariste-ndayishimiye-se-prononce-en-faveur-dune-reconsideration-par-le-cnc-de-certaines-mesures-de-restriction/

⁹ Council of the EU, “Burundi: EU lifts existing restrictions under Article 96 of the ACP-EU Partnership Agreement”, 8 February 2022, consilium.europa.eu/en/press/press-releases/2022/02/08/burundi-eu-lifts-existing-restrictions-under-article-96-of-the-acp-eu-partnership-agreement/#:~:text=Since%20the%202020%20elections%2C%20the,further%20improvements%20in%20those%20areas

¹⁰ President Evariste Ndayishimiye, Speech on the occasion of the EU lifting of sanctions, 11 February 2022, presidence.gov.bi/wp-content/uploads/2022/02/Discours-Pdt-Audience-UE.pdf

¹¹ European Union, EU Intervention – UN General Assembly 3rd Committee: Interactive dialogue on Human Rights in Burundi, 26 October 2023, eeas.europa.eu/delegations/un-new-york/eu-intervention-%E2%80%93-un-general-assembly-3rd-committee-interactive-dialogue-human-rights-burundi_en

¹² Amnesty International and 42 others, ‘Burundi: The Human Rights Council should continue its scrutiny and pursue its work towards justice and accountability’, 18 August 2021, amnesty.org/en/documents/afr16/4618/2021/en/

¹³ Statement by representative of Burundi, UN Human Rights Council, 6 July 2023, webtv.un.org/en/asset/k1k/k1kzj036y?kalturaStartTime=10691

and association, without fear of reprisals, prosecution or intimidation, and to refrain from criminalizing their lawful activities.¹⁴

Burundi's media law is in the process of being revised, for the fourth time since 2013. The bill was unanimously adopted by the National Assembly on 7 May 2024 and was sent to the Senate. The Minister of Communication, Information Technology and Media explained that the proposed new law sought to enlarge the democratic space and public freedoms, and to adapt to the evolution of new technologies. One of the bill's more significant reforms is said to be the partial decriminalization of press offences. Under the new law, anyone who publishes or broadcasts information constituting the offences of insult, harmful imputation, contempt, dissemination of false news, public outrage against good morals, slanderous denunciation, invasion of privacy, attack on the presumption of innocence, and revelation of the identity of a victim of sexual violence would be punished by a fine of 500,000 to 1,500,000 Burundian francs (equivalent to 174 – 521 USD at the time of writing).¹⁵ However, the proposed law still falls short of international human rights standards. The provisions of the proposed law on these offences are included in a section entitled "criminal sanctions", and so it is fair to assume that these cases would be heard by courts with criminal jurisdictions unless otherwise stated. It was reported in the media that the National Communication Council (CNC) prevented four private radio stations from broadcasting a media synergy discussion on the draft law, stating that it was not yet time to comment on a law that had not yet been promulgated by the President of the Republic.¹⁶ However, for consultation on the contents of the law to be meaningful it should take place before the president assents to the final text.

5. INDIVIDUAL CASES

The following overview of key individual cases highlights how initial positive developments at the start of President Ndayishimiye's rule have quickly given way to the old repressive tactics over the past four years. When Evariste Ndayishimiye took office, his administration 'inherited' the cases of two human rights defenders and four journalists in prison on account of their work. All six were released during his first year in office. 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. Journalist Floriane Irangabiye was arrested on a visit home to Burundi in August 2022. Five human rights defenders were arrested in February 2023.

RESOLUTION OF OUTSTANDING CASES

Between late 2020 and mid-2021, there were signs that President Ndayishimiye was seeking to loosen the stranglehold over civil society and the media. In addition to positive comments about human rights, including the right to freedom of expression and the work to reopen media houses and a civil society organization that had been suspended for two years, six human rights defenders and journalists who were in prison at the time he became president were released within a six-month period. Coinciding with efforts to reestablish diplomatic relations with key international partners, particularly the EU and its member states, it was hoped then that these releases were an indication of a renewed commitment to upholding the rights to freedom of expression and association.

¹⁴ UN Office of the High Commissioner for Human Rights, Universal Periodic Review – Burundi, 4th cycle List of Recommendations, ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session43/bi/UPR43_Burundi_Thematic_List_of_Recommendations.doc

¹⁵ Draft law on the press 2024, Article 81.

¹⁶ SOS Médias Burundi, "Burundi : le CNC, organe régulateur ou oppresseur ?", 14 June 2024, sosmediasburundi.org/2024/06/14/burundi-le-cnc-organe-regulateur-ou-oppresseur/

NESTOR NIBITANGA

Human rights defender Nestor Nibitanga was arrested at home in Gitega in November 2017. Nestor Nibitanga was a former regional representative of the Association for the Protection of Human Rights and Detained Persons (APRODH) but stopped working for the organization in 2014. His lawyer told the media that a USB stick with reports on the situation in Gitega, Ruyigi and Cankuzo provinces was presented as evidence that he was still working for APRODH, a banned organization, and served as the basis for his conviction in August 2018 of “undermining internal state security”. However, at the time of his arrest, Nestor Nibitanga was working for the National Network of Human Rights Observers (RNODH), a network that was operating legally in Burundi, and the reports presented in evidence had been prepared for this network.¹⁷ His arrest and conviction was a reprisal for his peaceful human rights activities and his past affiliation with APRODH. He was released from prison in April 2021 after receiving a pardon from President Ndayishimiye, having served four years of his five-year sentence.¹⁸

GERMAIN RUKUKI

Human rights defender Germain Rukuki was arrested in Bujumbura on 13 July 2017. At the time of his arrest, he was president of a community-based organization called Njabutsa Tujane and was working for the Burundian Catholic Lawyers Association (ACJB), but the charges against him were based on his former employment by the anti-torture organization, ACAT-Burundi, which was suspended in November 2015 and permanently closed in October 2016. From 2011 until ACAT-Burundi’s suspension in 2015, Germain Rukuki was in charge of the organization’s finance and administration. Following ACAT-Burundi’s closure, he took on a similar role in a project run by ACJB in partnership with Protection International.¹⁹

He was initially charged with “threatening internal state security” and “rebellion”. Further charges of “assassination”, “destruction of public and private buildings” and “participation in an insurrectionist movement” were added to the docket when his trial began on 13 February 2018. The prosecution’s case against him was based on his work for ACAT-Burundi (for which he was accused of receiving money to fund the “insurrectional movement”) and lacked convincing evidence. For example, the evidence presented against him included an email exchange dating from a period when ACAT-Burundi was still legally registered.

On 26 April 2018, the anniversary of the start of the protests in 2015, he was convicted on charges of “participation in an insurrectional movement”, “threatening internal state security”, “attack on the authority of the state” and “rebellion” and handed a heavy 32-year prison sentence.

His first appeal, which was heard in November 2018, was unsuccessful, despite numerous irregularities and fair trial violations, including his arrest without a warrant and initial interrogation at the National Intelligence Service (SNR), without legal representation. In June 2020, his cassation request was successful and the Supreme Court ordered the Ntahangwa Appeal Court to reconsider the matter. In June 2021 the appeal court overturned his conviction on three charges, although the conviction on the charge of “rebellion” was upheld. His sentence was reduced to one year plus a fine of BIF 50,000 (US\$17) and he was released after almost four years in detention.²⁰ He was later

¹⁷ Iwacu Burundi, ‘Cinq ans de prison ferme pour Nestor Nibitanga’, 20 August 2018, iwacu-burundi.org/cinq-ans-de-prison-ferme-pour-nestor-nibitanga/

¹⁸ Amnesty International, “Burundi: Further Information: Human rights defender held in pre-trial detention: Nestor Nibitanga”, 30 April 2018, [amnesty.org/en/documents/afr16/8292/2018/en/](https://www.amnesty.org/en/documents/afr16/8292/2018/en/); Front Line Defenders, ‘Human rights defender Nestor Nibitanga released from prison’, 27 August 2021, [frontlinedefenders.org/en/case/human-rights-defender-nestor-nibitanga-released-prison](https://www.frontlinedefenders.org/en/case/human-rights-defender-nestor-nibitanga-released-prison)

¹⁹ Protection International, “Protection International Interviews Burundian Human Rights Defender Germain Rukuki after Judicial Victory”, 21 October 2021, [protectioninternational.org/news/interview-germain-rukuki/](https://www.protectioninternational.org/news/interview-germain-rukuki/)

²⁰ Amnesty International, “Burundi: Germain Rukuki’s prison sentence cut from 32 years to one”, 22 June 2021, [amnesty.org/en/latest/press-release/2021/06/burundi-germain-rukukis-prison-sentence-cut-from-32-years-to-one/](https://www.amnesty.org/en/latest/press-release/2021/06/burundi-germain-rukukis-prison-sentence-cut-from-32-years-to-one/)

reunited with his family who had fled the country fearing reprisals, and finally met his youngest son, born just weeks after his arrest.

IWACU JOURNALISTS AND DRIVER

Journalists Agnès Ndirubusa, Christine Kamikazi, Egide Harerimana and Tércence Mpozenzi, along with their driver Adolphe Masabarakiza, were arrested on 22 October 2019, when they went to report on clashes between security forces and an armed group in Bubanza province. Employees of Iwacu media house, they were arrested on arrival despite having informed the provincial authorities of their intention to travel there. They were charged with complicity in threatening the internal security of the state, but during the trial, the prosecution presented no evidence of the journalists having any contact with the armed group and instead relied on a joke that one of them shared with another colleague via WhatsApp saying they were “going to help the rebels”. Ndirubusa, Kamikazi, Harerimana and Mpozenzi were convicted in January 2020 of the lesser criminal offence of attempting to commit the crime. All four were sentenced to two and a half years in prison and fined one million Burundian francs (approximately 348 USD, at the time of writing). Masabarakiza, who had been provisionally released in November 2019, was acquitted. The Ntahangwa Court of Appeal upheld the verdict on appeal on 4 June 2020. They received a presidential pardon and were released on 24 December 2020.²¹

PARCEM

Civil society organization Words and Actions for the Awakening of Consciences and the Evolution of Mentalities (PARCEM) was suspended in June 2019, accused of “tarnishing the image of Burundi” and its leaders with the aim of disturbing “peace and public order”.²² PARCEM’s executive director, Faustin Ndikumana, attributed the suspension to a campaign they were running at the time to highlight the economic challenges faced by Burundians and which featured troubling statistics from both national institutions, such as the Institute of Statistics and Economic Studies in Burundi (ISTEEBU), and international bodies, including the World Bank.²³ The organization was permitted to reopen in April 2021.

A NEW WAVE OF REPRESSION

Even as human rights defenders and journalists arrested during Pierre Nkurunziza’s presidency were being released, others were arbitrarily detained and convicted on similar charges as before. This continued wave of repression has undermined hopes of a meaningful change in approach by the authorities and the ruling party towards civil society and allowing open discussion of human rights issues in the country.

TONY GERMAIN NKINA

Lawyer Tony Germain Nkina was arrested in October 2020, alongside his client, while working in Kabarore commune, Kayanza province, shortly after armed attacks in the area. In June 2021 he was convicted by the High Court of Kayanza of “collaboration with rebels who attacked Burundi” and

²¹ Amnesty International et al, “Burundi: Sixty-five organizations call for immediate release of Iwacu journalists”, 22 October 2020, [amnesty.org/en/documents/afr16/3244/2020/en/](https://www.amnesty.org/en/documents/afr16/3244/2020/en/); Burundi Presidency, “Iwacu Journal journalists released following presidential pardon”, 24 December 2020, presidence.gov.bi/2020/12/24/iwacu-newspaper-journalists-released-following-presidential-pardon

²² Amnesty International, *Human Rights in Africa: Review of 2019*, www.amnesty.org/en/wp-content/uploads/2021/05/AFR0113522020ENGLISH.pdf, p23.

²³ Iwacu Burundi, “«Suspension de la Parcem, refus du droit d’association et d’expression», réagit Gabriel Rufyiri”, 19 June 2019, iwacu-burundi.org/suspension-de-parcem-refus-du-droit-dassociation-et-dexpression-reagit-gabriel-rufyiri/; PARCEM Burundi, “CAMPAGNE UKURI KU BIDUHANZE : état de la pauvreté au Burundi”, 10 April 2019, parcem.org/index.php/actualites/economies/campagne-ukuri-ku-biduhanze-etat-de-la-pauvrete-au-burundi; “UKURI KUBIDUHANZE : La place du Burundi dans les différents classements fâche !”, 3 March 2019, parcem.org/index.php/actualites/economies/ukuri-kubiduhanze-la-place-du-burundi-dans-les-differents-classements-fache

sentenced to five years in prison and a fine of BIF 1 million (approximately US\$348, at the time of writing).

Several elements in the case strongly suggested that it was motivated by his former work with civil society, dating back more than six years. Tony Germain Nkina had been the Kayanza representative of APRODH until the organization was suspended in 2015. During the trial, the prosecution alleged that he had travelled to Rwanda to give information to Pierre-Claver Mbonimpa, APRODH founder and president (who lives in Europe not Rwanda), and to the armed opposition group, RED-Tabara (Resistance for the Rule of Law), without any evidence to substantiate these allegations.

Tony Germain Nkina's conviction and sentence were upheld by the Court of Appeal of Ngozi in September 2021, but in December 2022 the Supreme Court overturned his conviction and sent the case back to the appeal court. The Ngozi Court of Appeal quashed his conviction, and he was released from prison on 27 December 2022.²⁴

HON. FABIEN BANCIRYANINO

National Assembly member Fabien Banciryanino was one of very few parliamentarians who had openly criticized the government's human rights record during the 2015-2020 legislature. The Justice Minister at the time had attempted in 2018 to have the President of the National Assembly initiate proceedings against him. He was arrested on 2 October 2020, after his term had ended and he no longer enjoyed parliamentary privileges. In a letter to the National Independent Human Rights Commission (CNIDH) on 7 October 2020, Fabien Banciryanino noted that he had been interrogated in relation to speeches made during sessions of the National Assembly. He had been planning to hold a press conference on the day of his arrest, but permission had been denied.²⁵

In May 2021 he was convicted of "rebellion" and "threatening state security." He was released in October 2021 after serving a one-year prison sentence.²⁶

HRDS AND JOURNALISTS CONVICTED IN ABSENTIA

In February 2021, the conviction in absentia, of five human rights defenders and seven journalists who had been involved in the 2015 protests was made public - although the Supreme Court had ruled on the case in June 2020. Marguerite Barankitse, Dieudonné Bashirahishize, Arcade Havyarimana, Patrick Mitabaro, Innocent Muhozi, Patrick Nduwimana, Pacifique Nininahazwe, Armel Niyongere, Gilbert Niyonkuru, Anne Niyuhire, Vital Nshimirimana and Bob Rugurika were falsely accused of participating in the failed 2015 coup d'état and sentenced to life imprisonment on charges of undermining state authority, murder and damage to property.²⁷ They had no legal representation during the trial.

INTERFERENCE IN NGO ACTIVITIES

In March 2022, police shut down a press conference organized by PARCEM and the Anti-Corruption and Economic Malpractice Observatory (OLUCOME) to discuss their concerns about the Ministry of Interior's ban on bicycles, tricycles and motorcycles from entering Bujumbura city centre. The police said that the organizations did not have permission to hold the press conference. Burundi's 2013 law on public gatherings requires organizers to submit prior notification to the relevant authorities, rather

²⁴ Human Rights Watch, "No Reprieve in Burundi: Human Rights Defender Still Detained Despite Acquittal", 22 December 2022, [hrw.org/news/2022/12/22/no-reprieve-burundi](https://www.hrw.org/news/2022/12/22/no-reprieve-burundi)

²⁵ Amnesty International, "Burundi: Release outspoken opposition politician", 16 October 2020, [amnesty.org/en/documents/afr16/3230/2020/en/](https://www.amnesty.org/en/documents/afr16/3230/2020/en/)

²⁶ Human Rights Watch, *World Report 2022, Country Chapter Burundi*, [hrw.org/world-report/2022/country-chapters/burundi](https://www.hrw.org/world-report/2022/country-chapters/burundi)

²⁷ Notification of Supreme Court decision, 2 February 2021.

than requesting authorization.²⁸ The organizers and several observers disputed whether even this notification was required for a press conference.²⁹

FLORIANE IRANGABIYE

Journalist Floriane Irangabiye was arrested in Bujumbura on 30 August 2022 while on a visit home to Burundi from Rwanda, where she had been living since 2010. She was held for more than a week at the SNR, where she was questioned without the presence of a lawyer, before being transferred to Mpimba Prison.³⁰ In late September 2022, she was transferred to Muyinga Prison where it has been reported that the damp and smoky conditions of detention aggravated her asthma and her health deteriorated badly. After official requests for a transfer and international pressure, Floriane was transferred in October 2023 to Bubanza Prison, which is closer to Bujumbura.³¹

She was convicted by the Mukaza High Court in Bujumbura on 2 January 2023 of endangering the integrity of the national territory, sentenced to 10 years in prison and received a fine of 1 million Burundian francs (approximately US\$348, at the time of writing). The prosecution failed to provide credible evidence during her deeply flawed trial, with her conviction based on comments made during a radio show for Radio Igicaniro, an online platform in exile, in which she and other guests were highly critical of the Burundian government.³² During the show, Floriane Irangabiye said: “wherever we’ve seen a revolution, there were those who sacrificed themselves, although maybe we don’t have to go that far.”³³ The court referred to this statement (although, in the appeal court judgement, omits the qualifying statement about not going that far)³⁴ and produced no evidence of her calling for the use of violence to overthrow the government. Photos of her posing with President Paul Kagame of Rwanda and the late former President Pierre Buyoya at public events were also presented as evidence. She was also accused of participating in meetings held by Burundian youths in exile in Rwanda.³⁵

On 2 May 2023, the Court of Appeal of Mukaza upheld the conviction. The court found that her initial interrogation by the SNR violated the Criminal Procedure Code because it was conducted without a lawyer present and without informing her of her right to remain silent, but it did not offer a remedy because interrogation by the SNR was not one of the circumstances in which the law explicitly provides for nullifying the procedure.³⁶ Her lawyers filed a further appeal at the Cassation Chamber of the Supreme Court, but the court ruled against her on 13 February 2024 and upheld the conviction. Following the Supreme Court’s February decision, a request for revision was lodged with the Minister of Justice.³⁷ On 14 August 2024, Floriane Irangabiye received a full presidential pardon, and was released from prison on 16 August 2024.³⁸

²⁸ Law on Public Gatherings 2013, Article 4

²⁹ Iwacu, “Suspension de la conférence de presse de Parcem et Olucome/ Circulez, il n’y a rien à voir !”, 21 March 2022, iwacu-burundi.org/suspension-de-la-conference-de-presse-de-parcem-et-olucome-circulez-il-n-y-a-rien-a-voir/

³⁰ Amnesty International et al, “Burundi: One year on, fresh calls for journalist’s release” 30 August 2023, amnesty.org/en/latest/news/2023/08/burundi-one-year-on-fresh-calls-for-journalists-release/

³¹ Amnesty International, ‘Burundi: Further information: Detained journalist’s health at risk: Floriane Irangabiye’, 17 August 2023, amnesty.org/en/documents/afr16/7120/2023/en/

³² Judgment of High Court of Mukaza, 2 January 2023.

³³ Transcript of Radio Igicaniro show, 22 August 2022 (on file with Amnesty International).

³⁴ Decision of the Court of Appeal of Mukaza, 2 May 2023.

³⁵ Judgment of High Court of Mukaza, 2 January 2023.

³⁶ Decision of the Court of Appeal of Mukaza, 2 May 2023.

³⁷ Iwacu Burundi, ‘Burundi/Médias: Une petite lueur d’espoir pour la journaliste Floriane Irangabiye malgré le maintien de sa peine de 10 ans de prison’, 16 February 2024, iwacu-burundi.org/burundi-medias-une-petite-lueur-despoir-pour-la-journaliste-floriane-irangabiye-malgre-le-maintien-de-sa-peine-de-10-ans-de-prison/; Online communication with source familiar with the case, May 2024.

³⁸ Presidential decree no. 144 of 14 August 2024 on presidential pardon; <https://x.com/NtareHouse/status/1824155928838672394>

ARREST OF FIVE HRDS IN FEBRUARY 2023

On 14 February 2023, human rights defenders Sonia Ndikumasabo, president of the Association of Women Lawyers in Burundi (*Association des femmes juristes du Burundi*, AFJB); Marie Emerusabe, AFJB general coordinator; Audace Havyarimana, legal representative of the Association for Peace and the Promotion of Human Rights in Burundi (*Association pour la paix et la promotion des droits de l'Homme*, APDH) and Sylvana Inamahoro, APDH's executive director, were arrested at the airport on their way to Uganda for a meeting. Prosper Runyange, APDH's land project coordinator, was also arrested in Ngozi on 14 February and transferred to Bujumbura the next day.³⁹

The five human rights defenders were charged with rebellion, undermining internal state security and undermining the functioning of public finances. The Minister of Interior, Martin Niteretse, told the media on 16 February 2023 that the arrests were motivated by the HRDs' collaboration with an international non-governmental organization, which had withdrawn from Burundi. He said: "Curiously, we came to understand that these non-profit organizations work with this foreign NGO, which is why we proceeded to arrest these four people at the airport as they were heading to Kampala for a meeting organized by this same NGO."⁴⁰ He referred to funds received by the organizations from the foreign NGO and suggested that there was a risk of terrorist financing. The organizations' bank accounts were frozen.⁴¹

In late April, the Ntahangwa High Court acquitted Sonia Ndikumasabo and Marie Emerusabe on all charges. The three others were found guilty of rebellion and given one-year suspended sentences. All five were released from detention. On 23 May 2023, the public prosecutor appealed the court's decision.⁴²

ARRESTS AT GITEGA NGO WORKSHOP

On 22 February 2023, 24 people were arrested in Gitega, the political capital, as they attended a workshop on economic inclusion organized by an organization focusing on HIV/AIDS. They were accused of "homosexuality" under Article 590 of the Penal Code, and several members of the group were also accused of "inciting debauchery" (Article 562). Two other people were later added to the casefile during the trial without being interrogated or officially charged.⁴³

On 21 August 2023, the court acquitted 19 defendants and found seven people guilty, including two in absentia. Ten of the people acquitted had already been provisionally released in the pre-trial period between March and May 2023, but there were serious delays in releasing the nine other defendants who were acquitted. One of those acquitted, Mevain Shurweryimana, died before the prosecutor agreed to sign his release papers. His health had deteriorated in detention.⁴⁴

Both the prosecution and defence lodged appeals against the court's decision. In January 2024, the Court of Appeal of Gitega acquitted all 26 of the defendants on the charge of "homosexuality". Five people were found guilty of inciting debauchery and sentenced to one year in prison and a fine.⁴⁵ They completed their sentence on 21 February and were finally released.

³⁹ Amnesty International et al, "Burundi : Release detained human rights defenders", 14 March 2023, [amnesty.org/en/latest/news/2023/03/burundi-release-detained-human-rights-defenders/](https://www.amnesty.org/en/latest/news/2023/03/burundi-release-detained-human-rights-defenders/)

⁴⁰ Iwacu Burundi, "Cinq défenseurs des droits humains arrêtés : réaction du ministre de l'Intérieur", 16 February 2023, iwacu-burundi.org/arrestation-de-5-defenseurs-des-droits-humains-le-ministre-de-linterieur-reagit/

⁴¹ Amnesty International et al, "Burundi : Release detained human rights defenders", 14 March 2023, [amnesty.org/en/latest/news/2023/03/burundi-release-detained-human-rights-defenders/](https://www.amnesty.org/en/latest/news/2023/03/burundi-release-detained-human-rights-defenders/)

⁴² Notice of appeal, 23 May 2023

⁴³ Online communication with source familiar with the case, October 2023.

⁴⁴ Amnesty International, *Africa: We are facing extinction: Escalating anti-LGBTI sentiment, the weaponization of law and their human rights implications in select African countries*, 9 January 2024, [amnesty.org/en/documents/afr01/7533/2024/en/](https://www.amnesty.org/en/documents/afr01/7533/2024/en/)

⁴⁵ Online communication with source familiar with the case, January 2024.

6. CONCLUSION AND RECOMMENDATIONS

Despite tentative yet well-founded hopes that Evariste Ndayishimiye's presidency and government would bring an end to the era of repression, Burundi has witnessed a relentless crackdown on past and present members of civil society and those who question the government narrative on human rights. This includes individuals facing reprisals for their former human rights activities, those suspected of continuing to share information with people outside the country (especially those with connections to Rwanda), and those openly expressing their concerns about government policy choices and the human rights situation in the country. Particularly worrying is the imprisonment of community actors working to fight HIV/AIDS and to improve the economic conditions of marginalized groups, especially in the context of President Ndayishimiye's repeated use of violent and inflammatory rhetoric against the LGBTQ+ community.⁴⁶

Although the government leaders have changed, the same questionable state security charges continue to be brought against human rights defenders and journalists, in particular the crimes of "rebellion" and "threatening internal state security". The way these charges are being used to silence peaceful dissent represents an affront to human rights including the rights to freedom of expression, association and peaceful assembly.

With legislative and local elections scheduled for 2025, Amnesty International urges President Ndayishimiye and his government to take immediate and effective action to end repression of civic space and ensure respect for the human rights of everyone in Burundi.

Amnesty International calls on the Burundian authorities to:

- quash the convictions of the 12 human rights defenders and journalists tried and convicted in absentia following an unfair trial, and solely for peacefully exercising their human rights;
- drop the appeal lodged by the public prosecutor against the five human rights defenders, Sonia Ndikumasabo, Marie Emerusabe, Audace Havyarimana, Sylvana Inamahoro, and Prosper Runyange;
- facilitate meaningful consultations with journalists and other stakeholders on the proposed revised media law and fully decriminalize media offences;
- lift the ban against Radio Publique Africaine (RPA) and Télé Renaissance;
- lift the ban against Burundian human rights organizations and facilitate their return to Burundi through an effective and inclusive dialogue process;
- end arbitrary arrest, detention, and prosecution of human rights defenders, or any other form of reprisals;
- allow civil society organizations to freely carry out their activities without any interference or reprisals.

Amnesty International calls on the European Union, its member states and other international partners of Burundi to:

- engage with the Burundian authorities up to highest level to protect, uphold and fulfil their stated human rights commitments;

⁴⁶ During his 8 March 2024 speech for International Women's Day, President Ndayishimiye stated in Kirundi: "I've said it and I repeat it, homosexuals should be publicly stoned." presidence.gov.bi/2024/03/11/discours-du-chef-de-letat-se-evariste-ndayishimiye-lors-de-la-journee-internationale-de-la-femme/

- continually assess Burundi's concrete progress on commitments made on human rights at the country's UPR and in the agreed roadmap, pro-actively engage Burundian civil society in this process to ensure meaningful local ownership and accountability;
- reassess and refresh their approach to supporting human rights defenders in Burundi in line with the EU Guidelines on Human Rights Defenders to ensure that they receive effective protection and support in a timely manner;
- where it is deemed unsafe for human rights defenders, journalists and their family members to remain in Burundi or neighbouring countries, member states should promptly issue humanitarian visas to facilitate their emergency relocation.

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