Burundi: the case of Bob Rugurika


The European Parliament,

- having regard to its previous resolutions on Burundi, especially that of 18 September 2014 on Burundi, in particular the case of Pierre Claver Mbonimpa¹,
- having regard to the Cotonou Agreement,
- having regard to the UN Security Council statement of 10 April 2014 on the situation in Burundi,
- having regard to the Arusha Peace and Reconciliation Agreement,
- having regard to the Council conclusions of 22 July 2014 on the Great Lakes Region,
- having regard to the reports of the UN Office in Burundi (BNUB),
- having regard to the EU Guidelines on Human Rights Defenders (HRDs) and on Freedom of Expression, as well as the June 2014 Council conclusions committing to intensify work on HRDs,
- having regard to the Universal Declaration of Human Rights,
- having regard to the African Charter on Democracy, Elections and Governance (ACDEG),
- having regard to the opinion of 25 April 2013 of the National Consultative Commission on Human Rights (CNCDH),
- having regard to the statement of 10 September 2014 by the EU delegation to Burundi,
- having regard to the International Covenant on Civil and Political Rights,

having regard to the African Charter on Human and Peoples’ Rights,

having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas on 20 January 2015 the Burundian authorities arrested and detained the human rights defender Bob Rugurika, director of Radio Publique Africaine (RPA), following his refusal to reveal his sources days after his radio station broadcast a series of investigative reports concerning the killing in September 2014 of three elderly Italian nuns, Lucia Pulici, Olga Raschietti and Bernadetta Boggian, in Kamenge, a town north of Bujumbura;

B. whereas the broadcasts included allegations of the involvement in the killings of senior intelligence officials, who were offered the right to comment prior to the broadcasts;

C. whereas the Burundian authorities have produced no evidence to justify detaining Mr Rugurika on grounds of ‘public solidarity breaking, infringement of confidentiality of inquiry, harbouring a criminal and complicity in murder’; whereas this arrest forms part of a pattern of government attacks on freedom of expression, targeting journalists, activists, and members of political parties; whereas such attacks have escalated in the run-up to the elections due to be held in Burundi in May and June 2015;

D. whereas international human rights law, including the African Charter on Human and Peoples’ Rights and the International Covenant on Civil and Political Rights, both ratified by Burundi, clearly states that pre-trial detention should be based on credible and legally founded charge; whereas the Burundian authorities have not produced any evidence of the need to detain Mr Rugurika;

E. whereas this is not the first attempt of the Burundian government to stop the media and human rights groups from publishing sensitive information and reporting on alleged government abuses; whereas despite this persistent harassment, journalists have not shied away from documenting and reporting on controversial subjects, among their number being Pierre Claver Mbonimpa, a leading human rights defender who was arrested in May 2014 for remarks made on Radio Publique Africaine, only later to be released, although the charges against him have not been dropped;

F. whereas in June 2013 Burundi adopted a restrictive press law curbing media freedoms, limiting the subjects on which journalists are allowed to report, and potentially criminalising reporting on subjects such as public order and security; whereas Burundi’s journalists’ union has taken the matter to the East African Court of Justice;

G. whereas the adoption of a series of restrictive laws ahead of the 2015 elections, including the media law of April 2013, has compounded the harassment and threats suffered since 2010 by journalists and others whose critical voices denounce political assassinations, corruption and poor management of the country;

H. whereas Burundi is ranked 142nd out of 180 countries in the 2014 Reporters Without Borders press freedom index;

I. whereas the Special Rapporteur on Human Rights Defenders in Africa, Reine Alapini-Gansou, has condemned this arrest and demanded the immediate release of Bob Rugurika, and has recalled the responsibilities of the Burundian authorities arising from the Declaration of Principles on Freedom of Expression in Africa and from the Declarations of Kigali and Grand Bay;
J. whereas the right of freedom of expression is guaranteed by the Burundian Constitution and by international and regional treaties ratified by Burundi, and is also part of the National Strategy for good governance and the fight against corruption, as well as being an essential condition for the holding of free and fair elections in 2015 and for their results to be accepted by all participants;

K. whereas a free, fair, transparent and peaceful electoral process in 2015 will enable the country, which is still in a post-conflict situation, to emerge from the political impasse created by the electoral process of 2010;

L. whereas, following the resolution of Parliament of 18 September 2014, and in particular the reference therein to Article 96 of the Cotonou Agreement, EU representatives have insisted on the need for inclusive participation in the electoral process by all political forces in the country, in line with the Roadmap and the Code of Conduct;

M. whereas the Burundian Government has confirmed its commitment to act to ensure that negotiations with all political forces in the country respect the above two documents, and has repeated its request to the EU and its Member States to provide material and financial support for the current electoral process and send observer missions to Burundi before, during and after the elections;

N. whereas the EU has recently allocated EUR 432 million to Burundi from the European Development Fund 2014-2020, inter alia to assist with improving governance and civil society;

O. whereas Burundi continues to face its worst political crisis since it emerged from a 12-year civil war in 2005, and whereas this is once again posing threats not only to the country’s internal stability, but also to that of its neighbours in an already volatile region of the African continent;

1. Condemns the unjustified detention of Bob Rugurika and calls for his immediate and unconditional release; calls on the authorities at the same time to continue their investigations into the tragic killing of the three Italian nuns and to bring those responsible to justice; calls equally for the setting-up of an independent inquiry into the killing of the three nuns;

2. Denounces all human rights violations in Burundi and the introduction of restrictive laws ahead of the country’s 2015 presidential and parliamentary elections, in particular those having a damaging impact on the opposition, the media and civil society by restricting the freedoms of expression and association and the freedom to hold meetings;

3. Calls on the Burundian authorities to ensure an appropriate and fair balance between freedom of the media, including the freedom of journalists to investigate and report on crimes, and the need to ensure the integrity of criminal investigations;

4. Calls on the Burundian Government to allow a genuine and open political debate in the run-up to the 2015 elections and to respect the Roadmap and Code of Conduct negotiated under UN auspices and signed by all Burundian political leaders; recalls that the Burundian constitution states: ‘The President of the Republic is elected for a five-year term renewable once. No one can serve for more than two terms as president’;
5. Calls on the Burundian Government to respect the electoral calendar, and to include the opposition parties in the monitoring of the elections, including the phase of partial registration of new voters as agreed between the Independent National Electoral Commission (CENI) and the political parties at the voters’ registration evaluation meeting of 29-30 January 2015;

6. Expresses its deep concern at the interference by the government in the internal management of the opposition parties, the lack of freedom for those parties to campaign, and the increasing tendency for the judiciary to exclude opposition leaders from the electoral process;

7. Urges the Burundian Government to take measures to control the youth wing of the CNDD-FDD party and prevent it from intimidating and attacking perceived opponents, and to ensure that those responsible for abuses are brought to justice; calls for an independent international investigation into the claims that the CNDD-FDD is supplying its youth wing with arms and training; urges the leaders of the opposition parties to prevent violence against their opponents;

8. Underlines the importance of respecting the Code of Conduct in Electoral Matters (Code de bonne conduite en matière électorale) and the UN-brokered election roadmap which was signed by political actors in 2013, and fully supports the activities of the UN and the international community aimed at preventing a further increase in political violence in the run-up to the 2015 elections and helping restore long-term security and peace;

9. Encourages all those involved in the electoral process, including the bodies responsible for organising the elections and the security services, to respect the commitments made in the Arusha Agreement, recalling that this agreement put an end to the civil war and is the foundation on which the Burundian Constitution is based;

10. Underlines the leading role the EU should play in monitoring the pre-electoral situation so as to avoid any going back on commitments which could have a serious effect not only on the democratisation process but also on peace and security in Burundi and throughout the Great Lakes Region;

11. Reiterates that Burundi is bound by the human rights clause of the Cotonou Agreement, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples’ Rights, and therefore has an obligation to respect universal human rights, including freedom of expression; calls on the Government of Burundi to allow genuine and open political debate to take place ahead of the elections in 2015 without fear of intimidation, by refraining from interfering in the internal management of the opposition parties, by not placing restrictions on campaigning that affect all parties, especially in rural areas, and by refraining from abusing the judiciary to exclude political rivals;

12. Calls on the Commission, the Vice-President/High Representative and the Member States to continue working towards a clear and principled EU policy vis-à-vis Burundi that addresses the ongoing serious human rights violations, in line with the EU Strategic Framework on Human Rights; calls on the Commission to consider launching consultations with Burundi under Article 96 of the Cotonou Agreement with a view to its possible suspension from the Agreement and to take any appropriate measures while those consultations are being conducted;
13. Calls on the Vice-President/High Representative to make use of the intensified political dialogue provided for under Article 8 of the Cotonou Partnership Agreement with the Burundian Government to concretely address the closure of the political space in Burundi and to establish clear and concrete benchmarks to measure developments and a strategy for responding to them;

14. Call on the Burundian Government, the opposition party leaders and civil society activists to do their utmost to support the Peace and Reconciliation Commission (PRC) in a democratic and transparent way in order to deal with past crimes and move forward to prepare the future;

15. Calls on the European Union and the Member States to release the funds required to address the humanitarian situation in this part of the world and to work in collaboration with UN bodies in particular on the chronic malnutrition situation;

16. Asks the Commission to allocate its funds for the 2014-2020 period as a matter of priority to the NGOs and international organisations that work directly with the people and to bring pressure to bear on the Government of Burundi to implement the reforms needed to consolidate the state;

17. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Government of Burundi, the governments of the countries of the Great Lakes Region, the African Union, the Secretary-General of the United Nations, the Co-Presidents of the ACP-EU Joint Parliamentary Assembly, and the Pan-African Parliament.