



Inter-Parliamentary Union
For democracy. For everyone.

Burundi

BDI01 - Sylvestre Mfayokurera
BDI02 - Norbert Ndiwokubwayo
BDI05 - Innocent Ndikumana
BDI06 - Gérard Gahungu
BDI07 - Liliane Ntamutumba
BDI29 - Paul Sirahenda
BDI35 - Gabriel Gisabwamana
BDI60 - Jean Bosco Rutagengwa

***Decision adopted by the Committee on the Human Rights of Parliamentarians
at its 146th session (Geneva, 24-27 January 2015)***

The Committee,

Referring to its examination of the cases of the above-mentioned Burundian parliamentarians and to the resolution it adopted at its 194th session (October 2014),

Referring to the letter from the Speaker of the National Assembly of 7 January 2015 and to the information provided by the complainants,

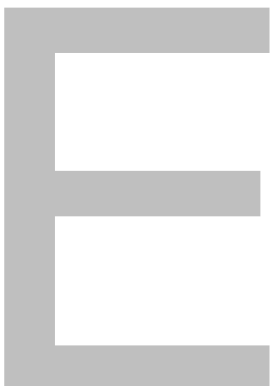
Recalling that the cases, which the Committee has been examining for many years, concern the assassinations of seven members of the National Assembly between 1994 and 2002, namely Mr. Sylvestre Mfayokurera (September 1994), Mr. Innocent Ndikumana (January 1996), Ms. Liliane Ntamutumba and Mr. Gérard Gahungu (July 1996), Mr. Paul Sirahenda (September 1997), Mr. Gabriel Gisabwamana (January 2000) and Mr. Jean Bosco Rutagengwa (2002), and two assassination attempts on Mr. Norbert Ndiwokubwayo (September 1994 and December 1995), all of which remain unpunished to date,

Recalling that the Arusha peace and reconciliation agreements signed in 2000 provided for the establishment of three transitional justice mechanisms in Burundi, namely an international commission of judicial inquiry, a national truth and reconciliation commission (TRC) and an international criminal tribunal,

Recalling that the Burundian authorities have been saying for many years that they consider that the cases of the assassinated parliamentarians should be dealt with by the Truth and Reconciliation Committee (TRC), given their complexity and political nature,

Considering that a law establishing the TRC was finally adopted by the Burundi Parliament and promulgated on 15 May 2014, and that the 11 TRC commissioners were appointed in early December 2014 following a selection process undertaken by the National Assembly,

Considering that the TRC will have jurisdiction to investigate and establish the truth about the serious human rights violations committed during the period from Burundi's independence in 1962 to 4 December 2008, and that field investigations and the gathering of evidence from victims will only start once legislation has been enacted on victim and witness protection,



Considering that the Speaker of the National Assembly stated that the law adopted had been the outcome of a process, all stages of which had been participative, inclusive and transparent; that the commissioners appointed to the TRC benefited without exception from indisputable legitimacy and the Commission would be assisted in its functions by an international advisory board; that all the concerns raised by the people had been taken into account; that the crises experienced by Burundi were essentially political in nature and that any solution therefore also had to be essentially political rather than judicial; that, pursuant to the law adopted, the final TRC report would be submitted "for all intents and purposes" to the Government, the National Assembly, the Senate and the United Nations at the end of its term, which implied that judicial proceedings could be instigated on that basis in accordance with modalities that remained to be defined; that the law on the TRC empowered the Commission to draw up its own rules of procedure, which would in all likelihood comprise provisions on the protection of witnesses and victims,

Considering also that, according to information provided by various sources of information, there are outstanding concerns over the protection of victims and witnesses; that the United Nations and civil society regretted that the process to draft and adopt the law had not been wholly transparent and inclusive and that certain provisions of the law did not conform to applicable international standards; that the political opposition boycotted the adoption of the law and the election of the commissioners on the grounds that the TRC, as it was configured in the law as adopted, would be the product of the party in power alone and would therefore not promote effective reconciliation; that, as a result, there is still fear that the TRC may be used for political ends and would not act independently, and would therefore not be legitimate and credible in the eyes of the people of Burundi, in particular given the political and security tensions with the approach of the 2015 elections; and that, 14 years after the Arusha agreements, no action has been taken by the Burundi courts to punish the perpetrators of war crimes and no judicial mechanism has been put in place for that purpose,

1. *Thanks* the Speaker of the National Assembly for the information provided;
2. *Welcomes* the adoption of the law and the appointment of the TRC commissioners, and *notes with particular satisfaction* the positive contribution to this process by the National Assembly;
3. *Is aware* of the importance and complexity of the task before the TRC given its mandate under the law, and *hopes* that it can include a focus in its work on the political violence during the 1990s and 2000s, including against the many parliamentarians murdered during that period;
4. *Calls on* the National Assembly to formally refer the cases of the assassinated parliamentarians to the TRC through an official referral and *requests* it to keep it informed of the latter's response and progress made in its work, especially regarding the cases of the assassinated parliamentarians; *also wishes* to receive information from the National Assembly on the timetable for the adoption of a law on the protection of victims and witnesses, given that the TRC field investigations cannot start before its adoption;
5. *Strongly believes* that the search for and establishment of the truth are prerequisites for enabling all segments of the Burundian population without distinction to move towards reconciliation; *considers* that the success of the TRC's work will depend largely on the ability of the latter to convince the general public of its independence and impartiality; *also believes* that, beyond the establishment of the truth, justice is an essential step towards reconciliation; and *continues to hope* that a judicial mechanism will be put in place in the future to punish the perpetrators of the serious violations of human rights committed in the past, and thus enable victims who so wish to seek justice;
6. *Requests* the Secretary General to forward this decision to the parliamentary authorities, the complainants and any third party who is likely to be in a position to provide relevant information;
7. *Decides* to continue examination of these cases.