



Inter-Parliamentary Union

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## Burundi

BDI/26 - Nephtali Ndikumana  
BDI/36 - Mathias Basabose  
BDI/37 - Léonard Nyangoma  
BDI/40 - Frédérique Gahigi  
BDI/42 - Pasteur Mpawenayo  
BDI/43 - Jean Marie Nduwabike  
BDI/45 - Alice Nzomukunda  
BDI/46 - Zaituni Radjabu

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

The Committee,

*Referring* to the cases of the above-mentioned Burundian parliamentarians and to the resolution adopted by the Governing Council at its 193<sup>rd</sup> session (October 2013),

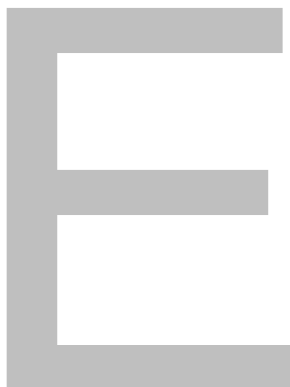
*Referring also* to the letters of 28 November 2013, 11 March 2014 and 7 January 2015 from the Speaker of the National Assembly and to the information conveyed by the complainants,

*Bearing in mind* the report (CL/193/11(b)-R.1) on its President's on-site mission to Burundi, which took place from 17 to 20 June 2013,

*Recalling* that these cases, which have been before it for many years, concern grenade attacks carried out on 19 August 2007 and on 6 March 2008 against eight deputies sitting in the previous legislature belonging to the breakaway arm of the National Council for the Defence of Democracy- Forces for the Defence of Democracy (CNDD-FDD), which had caused material damage but left no casualties,

*Recalling also* the following information on file: the attacks were never punished; most of the investigations were closed after having been mishandled from the outset, the investigators having worked on the hypothesis that the victims had themselves organized the attacks; according to the authorities, it then became difficult to reconstruct the circumstances and identify the perpetrators; in the cases of Ms. Nzomukunda and Mr. Basabose, the investigations had led to the arrest of suspects who were later released, a decision appealed by the prosecutor on the grounds that the suspects had acted on the orders of other people who remained to be identified by pursuing the investigation,

*Recalling finally* that, during his visit to Burundi in June 2013, the Committee President was unable to ascertain what action had been taken on the prosecutor's appeal or the status of the judicial files concerning Ms. Nzomukunda and Mr. Basabose, but had met with some of the victims, who said that they were discouraged by the suspects' release and the absence of judicial action on their files by the prosecution, that they had never been notified of the reasons for the suspects' release and that they had finally stopped keeping track of developments in their cases as it seemed pointless to do so in the absence of any investigation of their complaints,



*Considering* that, in November 2013, the National Assembly stated that it continued to devote attention to the grenade attacks, but that there was little it could do given the lack of new information in the relevant investigations, that the victims were not actively following developments in their cases and that the Speaker of the National Assembly had written to the victims in September 2013 with a view to reactivating the file, but had never received a response,

*Considering also* that, in January 2015, one of the complainants said that the victims were doubtful that a judicial solution would be forthcoming in the case and that there was no longer any point in having the Committee continue its examination thereof,

*Bearing in mind* Article 25(a) and (b) of its Procedure for the examination and treatment of complaints, on the closure of cases,

1. *Observes* that the victims of the grenade attacks do not believe that a satisfactory solution will be found in the case and consider that there is no point in having the Committee continue its examination thereof; *also observes* that the National Assembly and the complainants have confirmed that the victims stopped keeping track of judicial developments in their cases several years ago;
2. *Considers*, therefore, that it is no longer in a position to examine the case to any effect and therefore *decides* to close it, but *deplores* the fact that the perpetrators of the attacks have gone unpunished despite the evidence brought to light by the judicial investigations and the prosecution's conclusions in the cases of Ms. Nzomukunda and Mr. Basabose;
3. *Requests* the Secretary General to convey this decision to the Speaker of the National Assembly and to the complainants.