



Inter-Parliamentary Union

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## Burundi

*Decision adopted by the Committee on the Human Rights of Parliamentarians at its 167<sup>th</sup> session (virtual session, 30 January to 11 February 2022)*



Norbert Ndiwokubwayo, © IPU, March 2013

BDI-01 - Sylvestre Mfayokurera  
BDI-02 - Norbert Ndiwokubwayo  
BDI-05 - Innocent Ndikumana  
BDI-06 - Gérard Gahungu  
BDI-07 - Liliane Ntamutumba (Ms.)  
BDI-29 - Paul Sirahenda  
BDI-35 – Gabriel Gisabwamana  
BDI-60 - Jean Bosco Rutagengwa

### Alleged human rights violations

- ✓ Murder
- ✓ Other acts of violence (concerning Mr. Ndiwokubwayo)
- ✓ Impunity

### A. Summary of the case

This case concerns, on the one hand, the murders of Mr. Sylvestre Mfayokurera (September 1994), Mr. Innocent Ndikumana (January 1996), Mr. Gérard Gahungu (July 1996), Mr. Paul Sirahenda (September 1997), Mr. Gabriel Gisabwamana (January 2000), Ms. Liliane Ntamutumba (July 1996) and Senator Jean Bosco Rutagengwa in 2002 and, on the other hand, two assassination attempts (September 1994 and December 1995) targeting Mr. Norbert Ndiwokubwayo. These parliamentarians were members of the

#### Case BDI-COLL-01

**Burundi:** Parliament affiliated to the IPU

**Victims:** Eight members (seven men and one woman) of the majority

**Qualified complainant(s):** Section I.(1)(b), (c) and (d) of the Committee Procedure (Annex I)

**Submission of complaints:** August 1994, January and November 1996, February 1997

**Recent IPU decision:** January 2015

**IPU Mission:** [June 2013](#)

**Recent Committee hearing:** Hearing with the delegation of Burundi to the 124th IPU Assembly (April 2011)

#### Recent follow-up:

- Communication from the authorities: Letter from the Speaker of the National Assembly (February 2021)
- Communication from the complainant: February 2021
- Communication to the authorities: Letter to the Speaker of the National Assembly (December 2021)
- Communication to the complainant: January 2022

National Assembly of Burundi elected in 1993. Almost all of them belonged to the Burundi Front for Democracy (FRODEBU), which had won a majority in those elections. The assassinated parliamentarians were reportedly targeted because of their membership of that political party.

These murders have never been examined in court in Burundi. The national authorities have systematically contended that the investigations into these cases fall under the jurisdiction, not of the Burundian courts, but of a transitional justice mechanism. A National Truth and Reconciliation Commission (TRC) was finally established in Burundi in 2014, 14 years after the signing of the Arusha Accords.

According to the complainant, given its legal framework and composition, and the process leading to its establishment, the TRC does not enjoy universal confidence among the Burundian population, or of part of civil society. The lack of financial resources is said to be severely hindering the TRC's work.

In late 2018, the TRC's mandate was extended for four years and its jurisdiction extended to cover all violations committed since 1885. According to the complainant, the issue of the murdered parliamentarians has still not been put on the Commission's agenda, nor have the authorities taken any action to see that justice is served in this case. In February 2021, the Speaker of the National Assembly said that, given the complexity of their mission, the TRC members had not yet started working on the period under consideration involving the assassinated parliamentarians but that the Commission might work on the cases during 2021 and 2022.

On 20 December 2021, the TCR presented its progress report on crimes committed in the period 1972–1973 to parliament's joint session. The assassination of these parliamentarians remains wholly unpunished to date.

## B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Speaker of the National Assembly for the information provided;
2. *Is aware* of the importance and complexity of the task entrusted to the TRC given its mandate under the law; and *expresses the firm hope*, once more, that the TRC will be able to focus in its work on the political violence committed during the 1990s and 2000s, including against the many parliamentarians murdered during that period;
3. *Invites* the National Assembly, once again, to officially refer the cases of the assassinated parliamentarians to the TRC and *requests* it to keep it informed of the latter's response and progress made in its work, especially regarding the cases in question; and *wishes* in particular to receive copies of the TRC's forthcoming progress reports;
4. *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; also *strongly believes* that, beyond the establishment of the truth, justice and reparation are also essential towards reconciliation; and *continues to hope* that a judicial mechanism will also be put in place in the future to punish the perpetrators of the serious human rights violations committed in the past and thus enable victims to obtain justice and reparation in accordance with the international obligations of the Burundian State in this regard;
5. *Recalls* that impunity, by shielding those responsible from justice and accountability, is a decisive factor in encouraging the commission of other serious human rights violations, and that offences against the lives of parliamentarians, when they go unpunished, not only violate the fundamental rights of the parliamentarians concerned and those of their constituents, but also undermine the integrity of parliament and compromise its ability to fulfil its mission as an institution; *requests* the parliamentary authorities to provide information on any developments and on any action taken by parliament to help put an end to impunity in these cases;
6. *Sincerely believes* in the importance of a constant and constructive dialogue with the national authorities, foremost among them the parliament of the country concerned; *encourages* in this respect the Burundian Parliament to maintain dialogue with the Committee in order to ensure a satisfactory settlement of these long-standing cases; *recalls* that the IPU stands ready to

provide targeted human rights-related capacity-building assistance to parliament, if so requested, including with respect to the domestic legislation and procedures applicable in this case; and *requests* the parliamentary authorities to provide more information on how the IPU could best provide such assistance;

7. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the complainants and any third party likely to be in a position to provide relevant information;
8. *Decides* to continue the examination of these cases.