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Burundi: Verdict in activist's Killing Fails to Deliver Justice

The verdict on 22 May, 2012 in the trial of those accused of killing Ernest Manirumva, a Burundian anti-corruption activist, has been a missed opportunity to deliver justice, 20 Burundian and international non-governmental organizations said today in a joint statement. The outcome was a grave disappointment to those who have campaigned for his killers to be held to account, as potentially important evidence in the case was not pursued.

Manirumva had been investigating several sensitive cases at the time of his killing in 2009, including allegations of large-scale police corruption and illegal weapons purchases. Human rights defenders and journalists work in difficult conditions in Burundi and are regularly harassed and intimidated because of their work.

“The Public Prosecutor willfully ignored calls to investigate senior figures within the Burundian security services and national police who may have been involved in the killing of Manirumva,” said Hassan Shire Sheikh, Executive Director of the East and Horn of Africa Human Rights Defenders Project.

On 22 May, the Higher Instance Court of Bujumbura sentenced 14 individuals to lengthy prison terms for the murder of Manirumva. Early reports have stated that eight individuals were sentenced to life imprisonment for the murder of Manirumva, three individuals to 20 years' imprisonment for complicity to murder and three individuals to 10 years' imprisonment for failure to inform public authorities/non-assistance to persons in danger. After procedural delays of one year and nine months, the trial was completed in just three days, between 5 and 11 April. The Public Prosecutor did not consider important leads and recommendations from reports by the United States Federal Bureau of Investigation (FBI), which assisted in investigations, and a commission of inquiry established by the Burundian authorities.

Ernest Manirumva, Vice President of the civil society organization Anti-corruption and Economic Malpractice Observatory (Observatoire de lutte contre la corruption et les malversations économiques, OLUCOME) and Vice President of an official body that regulates public procurement, was found stabbed to death outside his home in the capital, Bujumbura, on 9 April 2009.

“Since 2009, the Burundian authorities have left the family of Ernest Manirumva and Burundian civil society wondering if light would ever be shed on this crime,” said Erwin van der Borgh, Amnesty International's Africa Programme Director. “The court's ruling today fails to uncover the truth and leaves possible perpetrators at large.”

The Burundian government established three commissions of inquiry to investigate the killing and accepted an offer from the FBI to assist in investigations. The first two commissions were criticized by Burundian civil society organizations for lacking independence and being inactive. A third commission was more effective and led to a number of arrests. The FBI report called on the Burundian government to carry out additional investigations, including questioning and taking DNA samples from individuals cited in the FBI report.

“The judicial authorities have at every stage in the proceedings disregarded the FBI’s recommendations, and none of the police or military officials mentioned in the FBI report have even been investigated,” said Pacifique Nininahazwe, delegate general of the Forum for the Strengthening of Civil Society (FORSC).

The trial opened in July 2010 but was postponed numerous times. On 15 June 2011, the prosecution requested that the case file be investigated further without specifying why. The lawyers for the partie civile (the party representing the victim’s family and OLUCOME) asked for these investigations to include questioning, cross-examination, phone record checks and DNA tests of individuals named in the FBI and the third commission of inquiry reports.

Nine months later, when the public hearing re-opened on 30 March 2012, the court rejected the request of the partie civile on the grounds that the substantive hearing should start as soon as possible.

“Unless all credible leads are investigated, some of the perpetrators will continue to enjoy immunity from prosecution,” said Mary Lawlor, Director of Front Line Defenders. “After years of campaigning, today’s result is a serious blow to civil society.”

Lawyers for the partie civile also asked the court on 30 March 2012 to admit recordings and a transcript of a police officer’s statement as evidence. Gilbert Havyarimana, a former police officer who said he had witnessed Ernest Manirumva’s murder, spoke to a Burundian radio station, African Public Radio (Radio Publique Africaine, RPA) in February 2012 about the crime, claiming that certain members of the security services were involved, potentially exculpating some of the defendants on trial.

In a demonstration of loss of faith in the judicial process, the partie civile said that they would not ask for damages because the court had not considered all available evidence.

“The court’s failure to accept the partie civile’s requests compromises its judicial independence.” said Gabriel Rufyiri, the President of the Anti-corruption and Economic Malpractice Observatory. “There is still a burning need for the authorities to investigate all credible leads, no matter how sensitive.”

Several defendants were unlawfully held in pre-trial detention for almost three years. The court failed to renew their preventative detention every 30 days, as required under article 75 of the Burundian Criminal Procedure Code, and to notify suspects of the charges against them when they were arrested.