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## **Burundi: Ensure Justice Over Activist's Killing**

A Year After Stabbing Death of Ernest Manirumva, Anti-Corruption Advocate, Truth Elusive

(Bujumbura, April 8, 2010) – The president of Burundi should act to ensure justice in the killing of an anti-corruption activist, Amnesty International, East and Horn of Africa Human Rights Defenders Project, and Human Rights Watch said today. President Pierre Nkurunziza should ask the prosecutor general to accelerate investigations and prosecutions in the case and ensure witness protection, the groups said. The activist, Ernest Manirumva, was stabbed to death a year ago, on April 9, 2009.

One year after the killing, investigations have still not been concluded. Nine suspects, including several police officers, are in pre-trial detention, but with no dates fixed for trial. A judicial investigatory commission has made some efforts since it was formed in October 2009 to establish responsibility for the murder, but, according to civil society organizations, has not adequately followed all available leads and has not concluded its work. Because Burundi has no witness protection program, a number of witnesses are afraid to come forward.

“The government of Burundi should make an unequivocal commitment to deliver justice in this critical case,” said Véronique Aubert, Africa deputy director at Amnesty International. “President Nkurunziza should ask the prosecutor general to investigate the killing fully and promptly, ensure the protection of witnesses, and bring all perpetrators to justice – including those who may hold senior positions in the security forces.”

Manirumva was vice president of the Burundian civil society organization Anti-corruption and Economic Malpractice Observatory (OLUCOME) and vice president of an official body that regulates public procurement. He was found stabbed to death outside his home. An empty, blood-stained file folder found on his bed, and evidence of a break-in at an office he maintained at the Agriculture Ministry, suggested that Manirumva's killers were seeking sensitive documents in his possession. Shortly before his death, according to his colleagues and friends, Manirumva had been investigating cases of police corruption and police attempts to purchase firearms illegally from Malaysia.

“If the Burundian authorities are truly committed to fighting corruption, they should work to identify and bring to justice the perpetrators of this killing, which appears to be linked to Manirumva's anti-corruption work, as soon as possible,” said Hassan Shire Sheikh, executive director of the East and Horn of Africa Human Rights Defenders Project. “The authorities have the obligation to demonstrate that civil society activists can freely criticize the government without risking their lives.”

Some government officials have also attempted to stifle calls for justice by civil society. On two occasions in 2009, Burundian organizations were forbidden by government officials from organizing a march in the capital, Bujumbura, to call for justice for Manirumva. When civil society organizations made statements in

late 2009 suggesting that the government investigatory commission was not pursuing all leads, Interior Minister Edouard Nduwimana summoned them to his office and accused them of “interfering with the work of the justice system.”

Members of organizations that have publicly denounced the killing and the failings of the judicial inquiries into the case have themselves received threats. Two of them, Pierre Claver Mbonimpa, president of the Association for the Protection of Human Rights and Detained Persons (APRODH), and Gabriel Rufyiri, president of OLUCOME, received a tip from an informant in March 2010 that state agents were preparing to assassinate one of them by orchestrating a car accident. In mid-March, Mbonimpa said he was followed in the Carama neighborhood of Bujumbura by a blue Jeep from the national intelligence service (SNR). (Contacted by Human Rights Watch, the deputy director of the SNR said that the service does not own a blue Jeep.) Mbonimpa also received threatening phone calls. He said that one caller told him, “If you don’t stop working on this Ernest Manirumva case, you’ll end up like him.”

Similarly, in November 2009, Pacifique Nininahazwe, delegate general of the Forum for the Strengthening of Civil Society (FORSC), which spearheaded the “Justice for Ernest Manirumva” campaign, received warning of a plot to assassinate him. His organization was then banned by an ordinance issued by the Interior Minister, who cited apparent technical problems with the forum’s official registration documents from 2006. Though the minister subsequently “suspended” the ordinance, FORSC remains in legal limbo.

“Instead of threatening and obstructing civil society organizations, the Burundian authorities should work with them to follow every possible lead to identify Manirumva’s killers,” said Georgette Gagnon, Africa director at Human Rights Watch. “The president should wholeheartedly back these investigations and should stand behind civil society’s call for justice for this brutal murder.”

The organizations called on Nkurunziza and the government of Burundi to:

- Establish a witness protection mechanism that will allow witnesses to provide testimony securely and confidentially, especially witnesses who may hold information implicating members of the security forces;
- Ensure that the commission’s work is concluded fully, speedily, and fairly, and that it identifies and charges all persons against whom there is evidence of criminal responsibility – including those responsible for giving orders for the killing;
- Ensure that the trials against the currently detained suspects proceed swiftly, while allowing evidence gathering against others to continue in full before, during, and after those trials;
- Support civil society activism such as the “Justice for Ernest Manirumva campaign” by permitting marches and rallies and by ceasing harassment of civil society groups;
- Investigate all threats against civil society activists who have called for justice for Manirumva, and bring the perpetrators to justice.

#### Background

The Burundian government has taken some steps to identify the killers. A judicial commission was established on April 22, 2009, to carry out investigations, but took very few steps. After civil society organizations denounced the commission’s inaction and its president’s close relationship with the head of the National Intelligence Service, which was cited by some witnesses as having played a role in the crime, the prosecutor general dissolved the commission. He replaced it in October with a commission whose members were more active in pursuing the investigation and who were seen by civil society groups as having less questionable relationships with members of the security forces.

The government accepted an offer from the US Federal Bureau of Investigation (FBI) to provide technical

assistance in the investigation. Though the first judicial commission stonewalled, the subsequent commission was more cooperative, allowing FBI agents to help interview, fingerprint, and do DNA testing of suspects. The results of the FBI's forensic assistance have not been made public.

Nine suspects have been detained and charged. However, at least three individuals who might have been able to provide information on the case have been killed or have disappeared. On April 15, 2009, an agent of the National Intelligence Service fled to Canada after obtaining a visa on the false premise that he was to participate in a conference in the United States on behalf of a state-run coffee company. Three weeks after Manirumva was killed, on April 30, a police captain, Pacifique Ndikuriyo, was shot dead in Bujumbura. In March 2010, a police officer named Ezéchiel Coyishakiye disappeared from a mental hospital where he was held under armed guard after having been arrested in connection with another crime, and police say they do not know his whereabouts. The investigatory commission is looking into claims by witnesses that all three of these individuals may have been directly involved in, or had knowledge about, the killing.

The judicial commission has instructions from the prosecutor to submit a report of its conclusions as soon as it has collected sufficient evidence to prepare a case for prosecution. To date, however, the commission has not submitted any report.

For more information on the assassination of Ernest Manirumva and threats against civil society groups, please visit:

- The April 2009 news release, Burundi: Find Killers of Anti-Corruption Activist: <http://www.hrw.org/en/news/2009/04/16/burundi-find-killers-anti-corruption-activist>
- The November 2009 news release, Burundi: Reverse Ban on Civil Society Group: <http://www.hrw.org/en/news/2009/11/25/burundi-reverse-ban-civil-society-group>
- The April 2009 Amnesty International document, Urgent Action, Burundi: Unlawful Killing, Ernest Manirumva: <http://www.amnesty.org/en/library/info/AFR16/003/2009/en>