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BURUNDI: THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS CALLS FOR MECHANISMS TO COMBAT IMPUNITY FOR EXTRAJUDICIAL EXECUTIONS

On the 12th anniversary of the first assassination attempt on the late Audace Vianney Habonarugira, who was killed in a second attempt four months later, the complainant NGOs in the case make public the African Commission's decision establishing that Mr Habonarugira's death was the result of an act by Burundian State agents coupled with the latter's inaction.

7th March 2023 – ACAT-Burundi, APRODH, FOCODE, FORSC and TRIAL International all welcome the African Commission on Human and Peoples' Rights' decision (hereafter the African Commission) in the case of the late Audace Vianney Habonarugira.

Habonarugira, a former demobilised colonel of the *Forces nationales de libération* (FNL), had been threatened on several occasions before being subjected to an [assassination attempt](#) by Burundian State agents on the 7th March 2011. After falling into a coma, he was released from hospital only in late June 2011 and began living in hiding, still wanted. However, this did not save his life. Tricked by an impostor who had given him an appointment on the 14th July 2011, he was found dead the next day. His body had bullet wounds.

The judicial investigation opened in Burundi into the assassination attempt never led to concrete results. The same applies to the alleged investigation into his extrajudicial execution. *"It is evident that no effective and impartial investigation has been carried out by Burundian authorities,"* says Arnel Niyongere, President of [ACAT-Burundi](#). *"Through its decision, the African Commission urges Burundi to finally carry out a thorough investigation into the execution of the late Habonarugira and the other violations he suffered,"* continues Niyongere. *"The African Commission also clearly states that the family of the late Habonarugira was itself a victim of psychological torture,"* argues Vital Nshimirimana, President of [FORSC](#), *"and is entitled to adequate and sufficient reparation"*.

The African Commission even goes a step further. *"It calls on Burundi to put in place mechanisms to combat widespread impunity for extrajudicial executions and violations of the right to life,"* explains Pierre-Claver Mbonimpa, President of [APRODH](#). *"This is an important result for us, as the Commission recognizes that the case of the late Habonarugira is far from being an isolated one in Burundi,"* states Mbonimpa.

Indeed, extrajudicial killings of current or former opponents of the Burundian government and other [politically motivated assassinations](#) have continued since 2011, as shown in numerous [reports](#) on the human rights situation in Burundi. In most cases, neither the direct perpetrators nor the masterminds behind these crimes have been prosecuted.

"This is why an institutional response that goes well beyond this emblematic case is necessary," indicates Pacifique Nininahazwe, President of [FOCODE](#). *"In this regard, the*

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African Commission also requests the Burundian authorities to adopt all necessary measures to guarantee that such events do not recur, all while ensuring the full implementation of the 2016 Law on the Protection of Victims, Witnesses and Other Persons at Risk,” adds Nininahazwe.

In its decision on the *Habonarugira* case, the African Commission also revisits the recommendations it made in the [report](#) on its 2015 fact-finding mission in Burundi and calls for their implementation. At the time, the African Commission had recommended “*the establishment of a special tribunal in Burundi with the support of the international community whose mandate would include holding the perpetrators of human rights violations and other abuses criminally accountable*” (unofficial translation). This recommendation is still very relevant but has never been implemented. Since then, the International Criminal Court (ICC) [opened an investigation](#) – which is still ongoing – into serious crimes committed in Burundi between 2015 and 2017, a time frame which can be extended if certain conditions are met.

“A strong message against impunity in Burundi has been sent by the decision of the African Commission,” concludes Pamela Capizzi, Head of Pool of Legal Expertise for [TRIAL International](#). *“The Burundian authorities must now demonstrate goodwill by promptly implementing the recommendations addressed to them and by committing themselves to a credible and sustainable justice process”.*