

Press Release

Burundian National Assembly elects the 11 Commissioners for the country's Truth and Reconciliation Commission

On the evening of Wednesday 3 December 2014, the Burundian National Assembly elected the 11 Commissioners for the country's Truth and Reconciliation Commission (TRC).

Impunity Watch recognises the important step that has been taken towards a much needed process of transitional justice in Burundi, but raises a number of concerns related to the process of selection and election of the Commissioners.

In electing the 11 Commissioners, the TRC will give pride of place to religious denominations and will exclude figures from civil society, contrary to the wishes of the population consulted during National Consultations in 2009.

Bishop Jean-Louis Nahimana, Bishop Bernard Ntahoturi, member of the National Security Council and the current Minister of Law of the Human Person, and former Minister of Justice, Clotilde Niragira, an influential member of the ruling CNDD-FDD, were elected respectively, President, Vice President and Secretary of the TRC. Among the eight other Commissioners, one is from the ruling CNDD-FDD (Clotilde Bizimana), another is member of the Central Committee of UPRONA (Pascasie Nkinahamira), the former party in power during one-party rule, and another is member of FRODEBU-Nyakuri (Didace Kiganahe). The TRC also includes a person from the Batwa ethnic group, Senator Libérate Nicayenzi.

Among the 11 Commissioners, religious denominations figure prominently. A total of 6 figures from religious denominations were elected among the 11 Commissioners – 4 bishops (two Catholic - Jean-Louis Nahimana and Antoine Pierre Madaraga, and two Protestant - Anglican Bishop Bernard Ntahoturi and Methodist Bishop Onesphore Nzigo), a Jesuit priest (Désiré Yamuremye) and a Muslim cleric (Sheikh Ali Shabani).

Impunity Watch recognises that a number of these elected Commissioners are known for their compassion and stature. For an honest process of transitional justice, it will be necessary to ensure that the Commissioners are able to effectively fulfil their mandate, by guaranteeing the powers and the independence that is necessary for work of such importance in addressing a legacy of violence and impunity.

Nevertheless, Impunity Watch notes the lack of persons from civil society among the Commissioners, in contradiction to the wishes expressed in the National Consultations report. The persons consulted wanted to see, in descending order, representatives from civil society, religious denominations, internationals, government representatives, and political parties among the Commissioners.

Following this failure, Impunity Watch is concerned that it may be difficult to prove in the eyes of the victims and the entire population that the TRC is an institution independent of all powers, national or international, neutral in its functioning, and credible. We recall that one of the Commissioners crystallises the tensions within his church and is presumed responsible for serious economic crimes.

Impunity Watch also notes that the credibility of the TRC is tainted by the election of the Commissioners by a National Assembly that is politically divided. Fourteen UPRONA MPs (out of a total of 17) boycotted the vote – as was the case when the law for the TRC was passed in May of this year – arguing that the TRC law does not take into account the population’s wishes.

Furthermore, Impunity Watch is concerned that the voting process has demonstrated that the *ad hoc* commission charged with the pre-selection of 33 candidates from among the 725 applicants for the position of Commissioner, not only pre-selected 33 candidates, but also chose the 11 Commissioners. This would be a clear violation of the TRC law of 15 May 2014. According to Article 15, the law stipulates that the *ad hoc* commission must pass the final list of 33 candidates to the National Assembly for it to determine by a simple majority the 11 members of the TRC, as well as its executive office.

To be sure, if at first glance the order that each candidate Commissioner presented their case for election before the National Assembly appeared to follow no reasonable logic, two hours later during the vote of the 11 candidates, it became clear that the 11 elected Commissioners were the first 11 on the list of 33 pre-selected candidates!

Following this vote, Impunity Watch warns that the image that citizens and victims will maintain of the National Assembly as its legislative mandate closes, is one of an institution that merely rubber stamps decisions taken elsewhere. In this context the impression is given that the National Assembly follows partisan interests at the expense of the people and the victims who elected them.

Finally, following the selection of a plethora of personalities from the religious denominations to the TRC, Impunity Watch points out that it will be difficult to prove to the general population and to the victims in particular that the TRC does not aim to promote pardon for all crimes, including the most serious, for peace and reconciliation. Before this election process, the same concerns were raised by members of civil society and the opposition, who fear that the ruling party (CNDD-FDD) may use the TRC to persecute the opposition and to protect its own members from future investigations by the Commission.

The 11 elected Commissioners now face the history of Burundi. Never before in Burundi has the process towards the TRC been so far and the establishment of the TRC been so close. Their task is immense and unique: to shed light on serious crimes that have marked the national history since independence and thus guarantee the rights of victims to truth, justice, reparations and the non-recurrence of violence.

Impunity Watch reiterates that a peace that would oblige – even compel – forgiveness and exclude any possibility for criminal prosecution for serious crimes would be a violation of the rights of victims and would lead only to a negative peace.

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