



Inter-Parliamentary Union

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Burundi

Decision adopted by the Committee on the Human Rights of Parliamentarians at its 164th session (virtual session, 8 to 20 March 2021)

BDI-42 – Pasteur Mpawenayo

Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of fair trial proceedings
- ✓ Excessive delays
- ✓ Abusive revocation or suspension of the parliamentary mandate

A. Summary of the case

This case originally involved 22 parliamentarians who were arbitrarily stripped of their parliamentary mandates. Some of them were subsequently held in pretrial detention for years and some were later convicted. This situation followed a split of the majority party, the *Conseil National Pour la Défense de la Démocratie–Forces pour la Défense de la Démocratie* (National Council for the Defence of Democracy–Forces for the Defence of Democracy, CNDD-FDD) in 2007, which was then led by Mr. Hussein Radjabu. Mr. Radjabu, who was also a parliamentarian at the time, was ousted, arrested and convicted. The Committee on the Human Rights of Parliamentarians denounced the termination of the parliamentary mandates and the serious irregularities in judicial proceedings over several years. Mr. Pasteur Mpawenayo's case was the last case examined by the Committee in this long-standing file.

Mr. Mpawenayo was close to Mr. Radjabu at the time of the party split. He was stripped of his mandate, arrested and prosecuted along with other parliamentarians. The proceedings have been marked by excessive slowness and serious irregularities. According to the complainant, these proceedings were politically motivated. Mr. Mpawenayo was finally acquitted at first instance and released on 31 May 2012 after four years in pretrial detention. However, the prosecution have appealed. In 2015, the authorities stated that Mr. Mpawenayo refused to attend the hearings, which prevented the appeal process from moving forward. According to the complainant, Mr. Mpawenayo did not respond to the court summons for fear of being re-arrested or becoming a victim of extrajudicial execution.

In February 2021, the Speaker of the National Assembly reported that the relevant Burundian courts had ruled on the case and that Mr. Mpawenayo had been released.

B. Decision

The Committee on the Human Rights of Parliamentarians

1. *Thanks* the Speaker of the National Assembly for the information provided and his cooperation; *notes*, however, that this information has not clarified whether Mr. Mpawenayo is no longer being subjected to intimidation; *urges* the relevant authorities, therefore, to take the necessary measures to ensure his security;

Case BDI-42

Burundi: Parliament affiliated to the IPU

Victim: An opposition member of parliament

Qualified complainant(s): Section I.(1)(a) of the [Committee Procedure](#) (Annex I)

Submission of complaint: June 2008

Recent IPU decision: February 2017

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 2017
- Communication addressed to the authorities: Letter addressed to the Speaker of the National Assembly (February 2021)
- Communication addressed to the complainant: February 2021

2. *Notes* that Mr. Mpawenayo has not been a member of parliament since 2008 and that he was acquitted at first instance in May 2012 and subsequently released; *takes note*, in addition, of the fact that the complainant has failed to provide any further information on Mr. Mpawenayo's situation since 2017, despite repeated requests to do so; *considers* that it cannot continue examining his case, or find a satisfactory solution under these circumstances; and *decides* to close the case in accordance with section IX, paragraphs 25(a) and (b) of its Procedure for the examination and treatment of complaints; *recalls*, however, that the Committee reserves the right to re-open the case should any new information be subsequently provided by the complainant to show that Mr. Mpawenayo is still being subjected to acts of intimidation directly linked to the previous exercise of his mandate parliamentary mandate;
3. *Requests* the Secretary General to convey this decision to the parliamentary authorities and the complainant.