



2 June 2014

Pierre Nkurunziza
Office of the President
Boulevard de l'Uprona
BP 1870
Bujumbura, Burundi

CC: Her Excellency Speciose Nzeyimana
Ambassador for Burundi
340 Albert St, Suite 1301
Ottawa, Ontario K1R 7Y6

Your Excellency,

I am writing on behalf of the Centre for Law and Democracy (CLD), an international human rights NGO that specialises in providing legal and policy expertise to promote foundational rights for democracy, including freedom of expression.

I write to you to express grave concern over the arrest and continued detention of Pierre-Claver Mbonimpa. Mr. Mbonimpa was arrested on 16 May and charged with spreading false rumours to incite revolution and threatening external security, as well as forgery. The charges stem from a radio broadcast in which Mr. Mbonimpa participated on 6 May, and in which he stated that members of the Imbonerakure, the youth wing of Burundi's ruling party, the National Council for the Defense of Democracy - Forces for the Defense of Democracy (CNDD-FDD), are receiving arms and military training in the Democratic Republic of Congo. It is worth noting that Mr. Mbonimpa has offered photographic evidence in support of these allegations, and that Parfait Onanga-Anyanga, UN Secretary-General Ban Ki-moon's Special Representative and Head of the United Nations Office in Burundi, warned the UN Security Council on

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14 May that there was a risk of violence between politically-affiliated youth groups in the upcoming elections in Burundi.

According to Principle 46 of the *Global Principles on National Security and the Right to Information* (Tshwane Principles), the leading international statement on freedom of expression and national security, speech deemed harmful to national security should only be penalised if: a) the person's intent was to harm national security; and b) the disclosure poses a real and identifiable risk of causing significant harm. Mr. Mbonimpa's detention clearly fails this test. He did not act with intent and, far from being harmful to national security, his statements seek to protect Burundi's security by avoiding bloodshed in the upcoming elections.

In the opinion of CLD, Mr. Mbonimpa's arrest, prosecution and continued detention violate international human rights law and in particular Article 19 of the *International Covenant on Civil and Political Rights*, which Burundi ratified on 9 May 1990. CLD calls on the government of Burundi to release Mr. Mbonimpa and to drop all charges against him. Further, CLD calls on Burundi's government to fulfil its obligations under international human rights law, as well as Burundi's own constitution, and guarantee that Mr. Mbonimpa, along with all human rights defenders, are allowed to operate freely in Burundi.

Yours Sincerely,



Toby Mendel
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