

EAST AFRICAN CIVIL SOCIETY ORGANISATIONS' FORUM

Strengthening Civil Society in the Integration Process



P. O. Box 12583 Plot 233, Oloirien Area, Perfect Printers Street. Arusha | Tanzania
Tel: +255 786, 027, 746 / +255 687, 491, 489
Email: info@easof.net / eacsof@gmail.com
Website: www.eacsof.net

28th April, 2017

Hon. Amb. Dr. Libérat Mfumukeko
The Secretary General
East African Community (EAC)
Arusha, Tanzania

Dear Sir,

SUBJECT: THE SECRETARY GENERAL FORUM VENUE IN BURUNDI

Dear Hon. Amb. Dr. Libérat Mfumukeko

Preamble:

EACSOFF (East African Civil Society Organizations' Forum) is the apex body for Civil Society Organizations (CSOs) operating in the East African Community (EAC). It is recognized under the East African Community Consultative Dialogue Framework (CDF) adopted by the Council of Ministers during its 26th Meeting (EAC/CM26/DECISION 06). The Decision was made pursuant to Articles 127, 128 and 129 of the EAC Treaty under which Partner States agreed to create an enabling environment for Private Sector and Civil Society participation in the integration process.

EACSOFF, through its deliberations and engagements, has prioritized peace and security as one of its core areas of intervention. EACSOFF's mission in this area is to ensure that EAC Citizens and States are proactively engaged in seeking peace to secure social and economic progress while safeguarding the rights of all citizens. Following different avenues that EACSOFF has engaged in the Burundi Crisis and Human Right deterioration since 2015, EACSOFF has called for appropriate measures under the EAC Framework to prevent electoral violence in Burundi, EACSOFF and other Civil Society in Burundi gave a message to the Extraordinary Summit of EAC Heads of State on the situation in Burundi in 31st May 2015. In continued efforts toward peace building EACSOFF and other Civil Society involved in a campaign to stop the third term of the Burundian President and condemned the election processes.

In July 2015, EACSOFF and PALU jointly filed a case at the EACJ challenging the Constitutional Court of Burundi's decision permitting president Nkurunziza's third term re-run for elections, in which the case was dismissed by the EACJ later in October 2016, and we managed to file for an appeal early this year which is on going in the EACJ. Furthermore, following the death of late. Hon. Hafsa Mossi on July 13th, 2016 who was the Chair of the Burundi

APPROPRIATE MEASURES TO PREVENT ELECTORAL VIOLENCE IN BURUNDI

Chapter EALA and the Assembly's Women's Caucus, EACSOFF wrote a condolence letter to EALA on the assassination of Hon. Hafsa Mossi and other high-profile Burundians, as well as ordinary Burundian Citizens in the Republic of Burundi.

Hon. Secretary General—

Concerns over the venue of the upcoming Secretary General's Forum in Burundi:

Following the recent regional dialogue committee meeting (RDC) preparation on the SG Forum that took place at the EAC Head Quarters on Monday 10th- April- 2017, that was called by the EAC Director of Social Affairs Mad. Marry Makofu, to inform the Apex bodies on the update of the SG Forum. In this meeting, among other matters discussed, it was presented that the SG Forum was going to take place in Burundi- Bunjumbura on the 22nd -23rd June 2017.

Given the nature of matters in Burundi to which EACSOFF Members are involved in one way or the other. In effect, leading civil society organizations were either banned or suspended. Two cases were filed with the EACJ (Reference n°12 of 2016 and Application n°16 of 2016) as provided above. The file is against the Attorney General of Burundi and the Secretary General and the latter has failed to uphold core provisions regarding civic space in Burundi as provided by the EAC-Treaty. Another controversy issue is with regards to Burundi situation is that so far, following the assassination of Hon Hafsa Mossi, the EALA suspended EAC activities and events in Burundi.

In that regard, EACSOFF tried to raise the concern that, the venue selected for the SG forum is not appropriate for EACSOFF at the moment as to the safety of the Civil Society in Burundi and Rwanda CSOs going to Burundi. (Bearing in mind, EACSOFF at the moment still has a case before the EACJ against the Burundian Government, asking the court of EAC to condemn the political Instabilities and Human Rights situation in Burundi, and further, we are yet to institute another case against the Burundian Government on the De-registering and exile of some of the Civil Societies in Burundi, who most of them happen to be our members).

The following recommendations were given by the Director to be represented to EACSOFF GC and all Members in General that;

- 1. If the problem is only between Rwandan CSOs attending the meeting in Bunjumbura, then ask CSOs from other partner states to attend the Forum that is Kenya, Tanzania and Uganda. (This will mean sidelining Rwanda CSOs to participate in the coming SG's Forum).***
- 2. If the above Suggestion is not possible, then there should be a clear communiqué or notice written and Signed by the president, stating EACSOFF's refusal to attend the Forum and detailed reasons why so.***

Therefore, the fact that EACSOFF is being given limited options with regard to the meeting being held in Burundi EACSOFF feels that:

1. EACSOFF members continue to be affected negatively and a number are in exile for their safety or rendered inactive in Burundi because of deregistration of their organizations.
2. EACSOFF has been undertaking public interest litigation at the EACJ on behalf of those negatively affected by the conflict
3. Burundi CSOs have largely been technically excluded from the peace process by being designated as "oppositionist" and deregistration

Finally, this is EACSOFF Members formal response on our stand regarding the SG Forum Venue. The entire EACSOFF chapters are in solidarity with Burundi chapter/CSOs that they may not consider it appropriate to be represented as parties to the dialogue without assurances of full participation of Burundi and Rwanda CSOs. It should be noted that

it will be difficult for some and impossible to Burundi representatives who fled the country to attend the SG Forum as envisaged.

Hon. Secretary General—

Our humble call to action:

EACSOF calls upon your authority, that of the EAC organs and urge the following:

1. EACSOF and its members do not welcome the decision to hold the Secretary General's Forum in Burundi because of the security issues mentioned above;
2. EACSOF and its entire membership urge the EAC organs to be more involved and advocate in finding a durable solution to Burundi crisis;
3. EACSOF and its entire membership has done its best to be in solidarity with Burundi CSOs particularly by challenging some decisions before EACJ, It is our humble request that other CSOs should also continue to support Burundi CSOs by not participating to a session where part of Burundi and Rwanda CSOs can't be able to participate for security reasons;
4. We appeal to the Burundian government and its authorities to see the importance of behavior change towards their decisions and agree to take in advice provided in terms of security issues, good governance and human rights issues in Burundi from other partner states, stakeholders and international communities;
5. EACSOF being one body, we condemn the proposal of sidelining other partner states participation in any regional meeting. If there is no possibility for the SG Forum to be held in another secured country rather than Burundi, on behalf of all CSOs and Burundi Human Rights defenders in exile, we are of the view that EACSOF will not be able to take part to this session in Burundi; and finally
6. We call upon EAC to take into consideration of CSOs concerns on this matter and deliberate on the same for the good will of the people involved.

We enclose this letter with the **Communiqué of the Annual Civil Society Organizations Forum held in Arusha Tanzania on 30th March 2017 on the Situation on Burundi.**

Please accept, Your Excellency Secretary General, the expression of our highest consideration.

Madam Marie Ingabire
President of EACSOF
28th April 2017

Copies to be served on:

- His Excellency EALA Speaker Rt Hon. Daniel F. Kidega
- EAC Director of Social Affairs Madam Marry Makofu
- EAC Principal Gender and Community Development Officer Madam Generose Minani