



**ANNUAL REPORT ON HUMAN RIGHTS VIOLATIONS IN BURUNDI DURING THE
YEAR 2016**

By SOS-TORTURE / BURUNDI

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SOS - Torture/Burundi

Monitoring sur les cas de torture, les arrestations arbitraires, les disparitions forcées et les exécutions sommaires au Burundi

Annual Report on Human Rights Violations in Burundi in 2016

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I. Acknowledgments

The organization SOS-Torture / Burundi warmly thanks all those who contributed to its activities. In particular, it expresses its appreciation to the international community for its interest in human rights violations in Burundi and its efforts to address them, and particularly the following institutions and organizations:

- The World Organization Against Torture (OMCT)
- ProtectDefenders.eu, the EU's Human Rights Defenders Mechanism implemented by international civil society.
- The Center for Civil and Political Rights (CCPR)
- The International Federation of Christian Action for the Abolition of Torture (FIACAT)

Acknowledgments are also addressed to Ms. Aicha Elbasri, a former UN official and spokesperson for the African Union-United Nations Mission in Darfur, for her continued support and advice.

In spite of difficult working conditions, we acknowledge that SOS-Torture/ Burundi has achieved one of its main objectives of drawing the attention of national and international attention to the serious Violations of human rights in Burundi. The campaign has succeeded in publishing 55 weekly reports on human rights violations in Burundi in 2016.

The Campaign was launched amid the electoral crisis following the 2015 announcement of President Pierre Nkurunziza's candidacy for elections in violation of the Constitution and the Arusha Peace Agreement and Reconciliation in Burundi which ended a decade of



civil war. The initiative was taken by human rights defenders after the attack of four military camps by a group of armed men in Bujumbura city and the neighboring province of Bujumbura rural area on 11 December 2015. During the repression numerous human rights violations were carried out including several cases of extrajudicial executions, torture and arbitrary arrest.

Thus, in the face of the violent abuses that were on the horizon, the human rights promoters of SOS-Torture/Burundi realized that regular monitoring of abuses and violations of human rights was necessary for sustained advocacy with entities capable of putting pressure on the parties to the conflict in especially the Government of Burundi, to respect their commitments to the protection of human rights.

On the methodological level, SOS-Torture/Burundi documents serious human rights violations through the collection of testimonies from victims and ordinary citizens, human rights defenders and testimonies of human rights defenders and state agents including police and military officers, public administration officials, parliamentarians and members of political parties. Data are collected, processed, verified and made public through weekly, quarterly and annual reports.

The reports published by SOS-Torture/Burundi contain an analysis of trends, according to the recurrence of the violations, its timing and geographic distribution.

In order to ensure the wide dissemination of published reports, SOS-Torture/Burundi created a blog on January 2016 (<http://sostortureburundi.over-blog.com/>). By August 2016, it also set up a website (www.sostortureburundi.org) to better disseminate its publications. The reports are thus widely disseminated through the website of international NGOs and media such as the web-based radios "Humura", "Inzamba" as well as online social networking services including facebook and twitter.



II. Acronyms and abbreviations

- ACAT-BURUNDI: Action of Christians for the Abolition of Torture
- APRODH: Burundian Association for the Protection of Human Rights and Detainees
- ICC: International Criminal Court
- FIDH: International Federation for Human Rights
- FNL: National Liberation Forces
- FOCODE: Forum for Conscience and Development
- FORSC: Forum for the Strengthening of Civil Society
- RCP: Network of Citizens
- NIS: National Intelligence Service
- UN: United Nations
- OHCHR: Office of the High Commissioner for Human Rights



III. Introduction

The year 2016 was marked by a considerable decline in the exercise of the rights and freedoms acquired since the democratic opening of the 1990s. The peaceful protests provoked by President Nkurunziza's candidacy for the June 2015 presidential elections were met with violent repression by the authorities. This triggered a series of violent clashes between police forces and demonstrators. The Burundian authorities often accused the peaceful protesters of being insurgents.

Human rights violations documented by SOS-Torture/Burundi over the past year include extrajudicial executions, enforced disappearances, targeted assassinations linked to the crisis, torture and arbitrary arrests. These acts violate both international human rights conventions and the Constitution of Burundi and disclose the climate of absent law and impunity prevailing in the country.

However, the Government of Burundi is paying little attention to allegations of human rights violations and systematically protests against reports of the United Nations, international NGOs or civil society organizations. Therefore, demonstrations were organized by the Government during August 2016 to protest against UN Security Council Resolution 2303 of 29 July of the same year authorizing, among other things, the deployment of 228 UN police in Burundi in order to support the Office of the United Nations High Commissioner for Human Rights in the collection of information on violations of human rights.

At the same time, Minister of Justice Aimé Laurentine Kanyana, who headed the delegation to the UN Committee against Torture in Geneva, surprised her interlocutors with her unjustified absence at the time the Committee was due to continue its examination on 29 July 2016. As soon as the report of the experts of the UN Committee against Torture was published on 20 September 2016, the Burundi authorities organized daily demonstrations in front of the offices of the Office of the United Nations High Commissioner for Human Rights in Bujumbura to denounce the report they describe as "untruthful."

Last year was also marked by the decision of the Government of Burundi to withdraw from the International Criminal Court (ICC) after suspending its cooperation with the Office of the United Nations High Commissioner for Human Rights in Burundi and



striking out of three investigators of the United Nations. Other demonstrations were organized to protest against the report of the International Federation of Human Rights (FIDH) and the Iteka League published on 15 November 2016.

In view of these developments, the Government of Burundi's partners, in particular the United Nations and the European Union, remain deeply concerned about the deterioration of the human rights situation in the country. This was confirmed by the UN experts, by the Human Rights Council in Burundi in March 2016. Their report A / HRC / 33/3720 is overwhelming and leaves no doubt about the responsibility of state agents in the perpetration of the violations of human rights. It was presented at the 33rd session of the Human Rights Council on 27 September 2016, which voted on 30 September a resolution on the serious allegations of human rights violations contained in this report.

During this session, the founder of SOS-TORTURE/ Burundi, Counsel Armel Niyongere was invited to make a presentation to the satisfaction of the human rights defenders involved in the campaign. In addition, various influential figures at the national, regional and international levels regularly call upon Counsel Armel Niyongere and his colleagues to inform them about the human rights situation in Burundi.

This report discloses serious violations of human rights that are committed mainly by Burundian government officials in a systematic manner.



IV. Violations of human rights in 2016

A. Human rights Defenders fell victims to criminalization

In the course of 2016, human rights defenders were subjected to measures that severely affected their freedoms.

The Government of Burundi has deprived the main human rights organizations of a legal framework of operation by definitively banning five main human rights associations in a move that constitutes an unprecedented criminalization since the 1990s..

In effect, on 19 October, 2016, the Ministry of Home affairs and Civic Education definitively banned the associations FORSC, APRODH, ACAT-BURUNDI, RCP and FOCODE. This strike is a retaliatory measure against the important role they played in the protest movement against the third illegal term of President Pierre Nkurunziza. A few weeks later, the Iteka League, one of the oldest human rights organizations in Burundi since 1991, was finally banned on 21st December 2016 after the publication of its report of 15th November 2016 on mass human rights violations in Burundi.

In November 2015, an order to suspend a dozen of organizations was signed. Later on, many among those who were suspended were banned in October 2016.

Regarding the legislation, MPs adopted a restrictive law governing non-profit associations which was adopted on December 28, 2016. According to the explanatory memorandum of the Minister of the Interior and Civic Formation that he presented to the National Assembly, Mr. Pascal Barandagiye, this law stipulates that henceforth "*all the activities of the ASBLs must be endorsed by the Minister having internal affairs in his attributions; in the contrary the said organizations may be sanctioned*". The bill also requires that "*all financial resources of foreign origin must pass through the central bank and be accompanied by a document illustrating its origin and affectation. A copy of this document and of the payment slip must be submitted to the Ministry having the*



management of the NPOs in its attributions and to the sectoral ministry concerned ».¹

Another action aiming at imposing a total blackout of information on serious violations of human rights was the disbarment of four prominent Burundian human rights lawyers. The Bujumbura Bar Council was ordered to strike off the following lawyers:

- **Counsel Armel Niyongere:** President of the Action of Christians for the Abolition of Torture (ACAT-Burundi), Founder and Director of SOS-Torture/Burundi.
- **Counsel Vital Nshimirimana:** President of the Forum for the Strengthening of Civil Society (FORSC) and President of the Campaign Stop the 3rd term.
- **Counsel Lambert Nigarura:** President of the Burundian Coalition for the International Criminal Court (ICC) and Communication Officer of SOS-Torture Burundi.
- **Counsel Dieudonné Bashirahishize:** Vice-President of the East Africa Law Society, and Chairman of the Collective of Advocates for Victims of International Crimes (CAVIB).

These lawyers have been serving the victims of the violations of human rights in Burundi. Counsel Armel Niyongere, for example, is part of a team of lawyers representing more than 100 families of victims of extrajudicial executions who have filed a complaint with the ICC. These lawyers have instituted legal proceedings against the State of Burundi before regional and international courts including the East African Court of Justice, the International Criminal Court and the African Commission on Human and Peoples' Rights and participated in the elaboration of alternative reports to the African and UN mechanisms on human rights violations.²

¹ <http://www.assemblee.bi/Analyse-et-adoption-du-Projet-de,1368>

²As of 16 January 2017, the Bujumbura Court of Appeal issued RA No. 11 ruling that Counsel Armel Niyongere, Counsel Vital Nshimirimana and Counsel Dieudonné Bashirahishize were removed from the Bujumbura Bar and Counsel Lambert Nigarura was suspended for One year



B. Extrajudicial executions

1. The concept of extrajudicial executions

According to Ms. Françoise Bouchet-Saulnier's dictionary of humanitarian law, summary or extrajudicial execution is defined as the arbitrary deprivation of a person's life, in the absence of any judgment of a competent, independent court or of any appeal. It is strictly forbidden by international law, in peacetime as well as in situations of conflict.³

Since March 1982, the mandate of the Special Rapporteur on summary or arbitrary executions was established by the UN Economic and Social Council resolution 1982/35. In 1992, the Commission on Human Rights renewed the mandate of the Special Rapporteur for a three-year term by its resolution 1992/72, thus extending the scope of the mandate by adding to its title "extrajudicial" and "summary" or arbitrary. "The mandate thus included all violations of the right to life, as guaranteed by a large number of international human rights instruments."⁴

2. Cases of extrajudicial executions in 2016

During 2016, Burundi experienced cases of extrajudicial executions that could justify the action of the Special Rapporteur on extrajudicial executions. These include "*deaths attributable to attacks by state security forces, paramilitary groups or private forces; deaths due to abuse of force by law enforcement officials and deaths in custody as a result of negligence and cruel, inhuman or degrading treatment*».⁵

However, it is sometimes difficult to identify certain crimes without knowing the perpetrators, especially when corpses are found repeatedly, thrown into rivers or on roads, with their arms tied behind. These practices are strangely similar to those previously observed in many cases of extrajudicial executions. It should be noted that in a country where the authorities ensure that security is under control and there are

³<https://www.amnesty.be/decouvrir-nos-campagnes/peine-de-mort/la-peine-de-mort-c-est-quoi/article/definition>

⁴ <http://www.ohchr.org/FR/Issues/Executions/Pages/overview.aspx>

⁵ <http://www.ohchr.org/Documents/Publications/FactSheet11Rev.1fr.pdf>

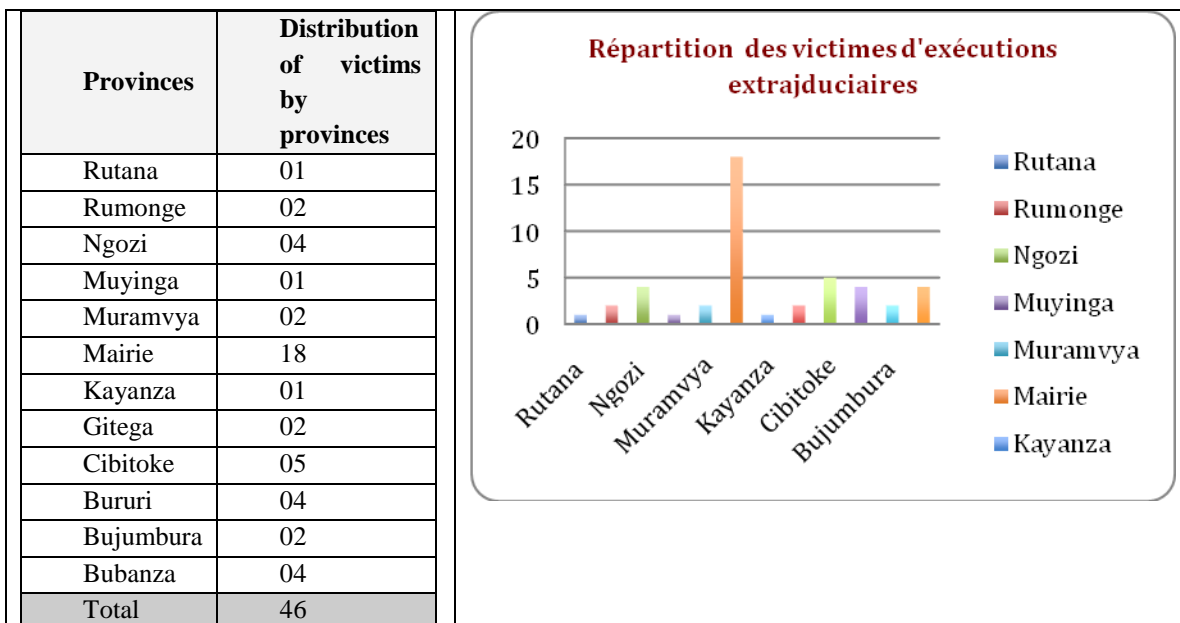
no armed groups, it is quite possible that state agents or their accomplices are responsible for these crimes in as much as the Government does not carry out credible investigations to apprehend and prosecute the perpetrators.

In 2016, SOS-Torture/Burundi recorded at least 46 extrajudicial executions in 12 provinces of the country. It is important to note that the victims of the military repression of December 2015 were not considered in this report.

3. Distribution of cases of extrajudicial executions by provinces\

As shown in the table below, the City of Bujumbura is the most affected by the phenomenon of extrajudicial executions compared to other provinces. This is mainly due to the fact that the City of Bujumbura was the main opposition stronghold and the epicenter of the epicenter of anti-third term protests of President Nkurunziza and where the police repression was particularly intense.

Chart N°1 Distribution of Victims of Extrajudicial Executions by Province in 2016

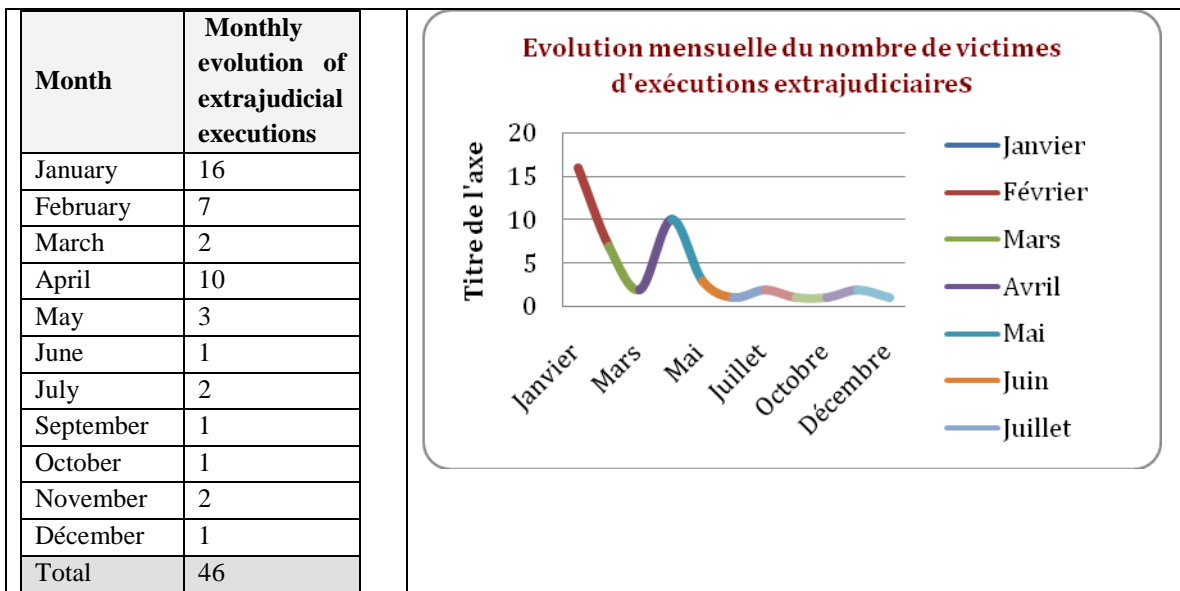


Source : SOS-TORTURE / BURUNDI Reports

4. Evolution of cases of extrajudicial executions in the year 2016

Data collected by SOS-Torture / Burundi show that the number of victims was high at the beginning of the year compared to the end. The first half totaled 38 of the 46 cases which represent 83% of cases. This situation can be explained by the fact that during the first months of the year, clashes between security forces and the armed groups which took place in December 2015 following the attack on the military camps continued during the first months of 2016.

Chart N°2 : Monthly evolution of the phenomenon of extrajudicial executions in 2016



Source : SOS-TORTURE / BURUNDI Report

5. Some illustrative cases

- On 3 January 2016, the body of William Nimubona was found near the Secondary Technical School of Carama (north of Bujumbura). The victim was tied up before execution. According to several witnesses, the victim was an opposition activist in the FNL party of Mr. Agathon Rwaswa. He headed the section of the Kavumu neighborhood (Kamenge zone) of this party.



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On 3 January, 2016, Pascal Trésor Nshimirimana, a hairdresser nicknamed Lisuba, was executed in Musaga (southern Bujumbura) by a policeman from the API unit responsible for the protection of the institutions. This young leader of a traditional group had been arrested while responding to a call from a policeman who was his client. According to witnesses, the policeman in question is the driver of a high-ranking police officer named Gervais Ndirakobuca. The young Pascal Trésor Nshimirimana was shot in the back according to witnesses of the scene.

On 8 February 2016, Lionel Nishemezwe (Ngozi province) was found dead in the morgue of the Kayanza hospital on Monday 8 February 2016. This 21-year-old, a student of 4th Year, was repeatedly tortured by the agents of the national intelligent service when he was arrested with some 15 other young people in the same neighborhood during a search operation (see point 1 of this report). Witnesses testified that Nishemezwe was beaten by the same agents in the vehicle that transported him from Ngozi to the city of Bujumbura. The young student finally succumbed to his injuries. According to witnesses in Kayanza (neighboring province of Ngozi), agents of the National Intelligence Service (NISNIS) deposited the body at the morgue of the hospital before leaving without giving any information.

- On 17 March, 2016, the body of Salvator Ndayikengurukiye, a native of Gihogazi commune in Karuzi province in the east of the country was discovered riddled with bullets on the Cimibare hill, in the Buruhukiro zone of the District of Rumonge. Witnesses testified that his body was thrown there by armed men and police officers from Burundi who fired shots the day before at about 10 pm. The victim was wearing a knit, a beret, a boot and a police raincoat. As regards the NIS's mode of operation, it is an extrajudicial execution: the victim was abducted elsewhere, as the use of Probox-branded Toyota vehicles is often cited in NIS kidnappings.
- Three men were murdered in unspecified circumstances and their bodies were taken to the mortuary of the hospital of Cibitoke in the western part of the country. The online "Humura" broadcast of the radio RPA revealed on 16 May 2016 the presence of these bodies in the mortuary for at least 3 weeks. The bodies of the three victims had been taken to the mortuary by police and intelligence agents working with the District of Rugombo. The witnesses quoted indicate that the three young men killed have unfortunately not been identified. Most disturbing is that the Chief of the District of Rugombo, Mrs. Beatrice Kaderi, immediately supervised the funeral of the



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three bodies on 18 May 2016 when they had still not been identified to know their origins and or to inform the families. Accordingly, no police investigation was carried out into the circumstances of their death and the perpetrators.

- Claver Ntunga, nicknamed 'Kanuma', was shot dead by police agents in the Musaga zone (southern Bujumbura) on 20 June 2016 in the afternoon. Witnesses reported that the victim was accompanied by two others people on 2nd street when police disembarked and began shooting, killing Mr. Ntunga on the spot. This is the second person killed by police in a week in Musaga. The previous victim is Emmanuel Nahimana, executed on 14 June 14, 2016 after having been illegally removed from his dungeon by the police.
- On 14 September 2016, Non commissioned officer Eddy Claude Nyongera, assigned to the Army Headquarters transmissions, died during his detention at the NIS. The spokesperson of the Burundian national police, Pierre Nkurikiye, announced that the non commissioned officer committed suicide with a grenade during an interrogation at the NIS. SOS-Torture/ Burundi has approached some members of the security forces who claim that Nyongera was horribly tortured on 14 September 2016 after his arrest in the morning of the same day. However, he had been arrested by the military police, which had the power to conduct arrests within the army. Paradoxically, the Burundian army has the Military Prosecutor, the War Council, the General Auditorate and the Military Court, which are the only judicial bodies competent to prosecute the members of the Army but have remained ineffective. It is either an astonishing dysfunction or a complicity of the military police which delivered the non-commissioned Nyongera at the National intelligence services instead of bringing him before the magistrates of the military auditorate.
- The SOS-Torture/ Burundi organization documented three cases of death in prison due to negligence. This is Jean Claude Nduwayezu, in detention at Mpimba Central Prison, who died on 17 November, 2016 for lack of proper medical care for his condition. The others are Gervais Sinabakize and Elias Nishemezwe, who were both detained and ill at Muyinga prison and eventually died on 30th and 25th July, respectively, as a result of negligence on the part of the prison authorities, who had delayed to bring the patients to the hospital.



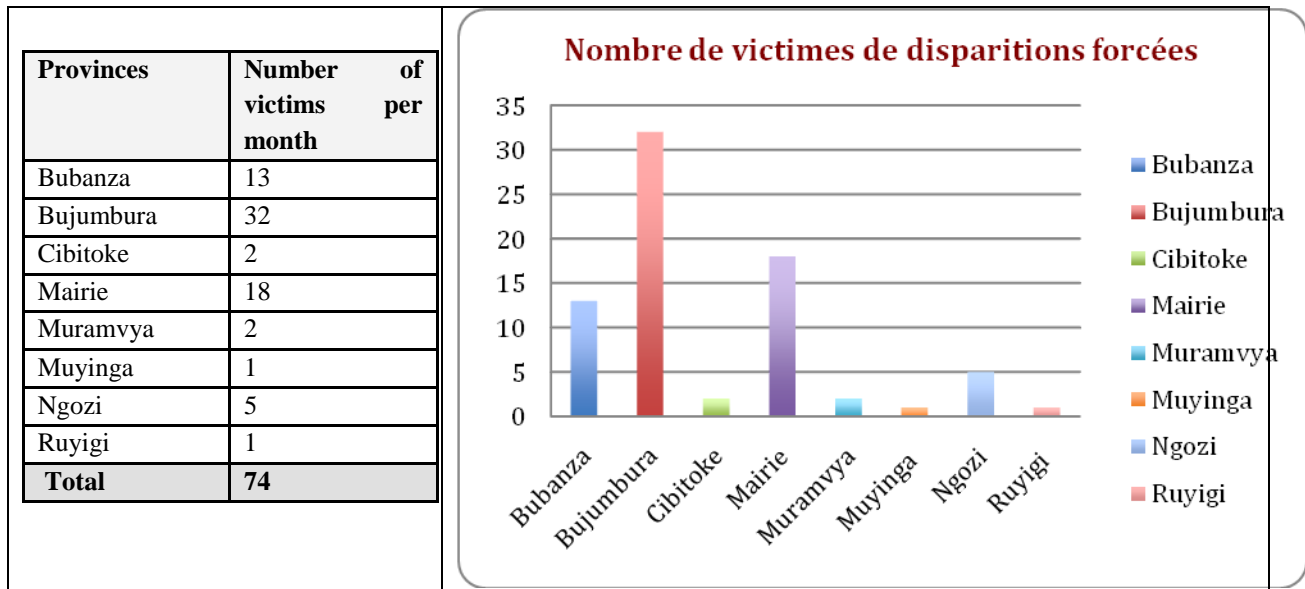
C. Forced disappearances

According to the International Convention for the protection of all Persons against forced disappearances, "forced disappearance" means the arrest, detention, abduction or any other form of deprivation of liberty by State agents or Persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by denial of recognition of the deprivation of liberty or concealment of the fate of the missing person or where it is located, exempting it from the protection of the law. Burundi signed the Convention on 6 February 2007 but has not yet ratified it.

1. Distribution of forced Disappearances by Provinces

In the year 2016, SOS-Torture/Burundi reported 74 cases of forced disappearances. Cases of forced disappearances are mostly observed in the western part of the country. These include the City of Bujumbura, the main venue for protests against President Nkurunziza's third term, including polices especially the NIS, are cited in large numbers as perpetrators of these crimes. As for the provinces of Bubanza and Bujumbura, the authors often pointed out are armed groups who declare themselves fighting against the Government. The best known group is Major General Aloys Nzabampema, a FNL veteran who has integrated the army and eventually defected to retire to eastern Congo and formed an armed group since the electoral crisis of 2010

Chart no 3 : Distribution of forced Disappearances in the Provinces in 2016



Source : SOS-TORTURE / BURUNDI Reports

2. Illustrative cases of forced disappearances

- Hugo Haramategeko, president of the opposition political party "New Alliance for the Development of Burundi" (NADEBU), was arrested at his home in Cibitoke on 9 March 2016. Police raided his home around 6 am, arrested him and taken him to the custody of the Cibitoke zone without informing him of the reason for his arrest. The police denied that the political opponent was arrested by the security forces despite statements made by his relatives confirming the facts. Since then, the fate of the victim remains unknown.

- Simon Masumbuko, an OPP2 police officer, Deputy Chief of the Air, Border and Foreign Police (PAFE) in Muyinga, in the north of the country, has been reported missing since 27 March 2016. Witnesses indicate that on the evening of his disappearance he was seen in the company of his hierarchical superior, with whom he had tense relations following the harassment of soldiers and policemen of the former Burundian Armed Forces (FAB) before the integration of the former rebels. OPP2 Masumbuko was himself a former police and gendarmerie unit before the creation of the Burundi National Police (PNB). Witnesses said he was abducted and placed on a pick-up board of a NIS agent named Claude who had been staying for two days in the same hotel with the victim.



- Another police officer, named Savin Nahindavyi, has been reported missing since Monday, 2 May 2016. He worked at the NIS in Bujumbura. According to his relatives, he had reported to his work since Sunday and had to return the next day to his home. Since 2 May 2016, family and relatives have not heard from him despite having seized his superiors. The last person to see him are colleagues from the NIS. His relatives suspected that he had been arrested by agents of the NIS and his wife testified in the media that her husband had been detained for one month and tortured throughout his detention by intelligence officers and former colleagues of the victim. Mr. Nahindavyi was subsequently executed on 31 May and buried in Ruziba the next day, according to the wife, who also revealed that her husband had received specific threats from her superiors who accused her of not collaborating to fight insurgents ". This forced disappearance followed by the summary execution allegations was never investigated by the police and the prosecution service. This was interpreted as evidence of the complicity of the judicial bodies in the assassinations committed by the State security services.

- Another young man named Polycarpe Mpundu has been missing since 23 May 2016. Witnesses report that he was arrested by agents of the National Intelligence Service in the Cibitoke zone (north of Bujumbura) who were traveling in a registered van H 3838 A. The missing person is from the Ruhinga hill, Nyagasasa zone, Mugamba commune (south of the country), a town that is regularly targeted by security agents who arrest young men every day. The family of the missing man said he had come to Bujumbura for medical check.

- On 22 July 2016, a journalist named Jean Bigirimana was arrested by men in civilian dress on National Road N ° 1 (RN 1) at Bugarama, 34 kilometers north of Bujumbura. The journalist was working with the Iwacu group of press that investigated on the incident and discovered that the journalist had been arrested by NIS agents who had embarked on a van to Muramvya. The police and the intelligence service continue to deny arresting the journalist who is still missing.

- In a survey published on 29 July 2016, the Iwacu newspaper claimed that a man named Abel Ahishakiye had been missing since 11 August 2016. The newspaper maintained that Mr. Ahishakiye was an informer and the suspect of having participated in the kidnapping of the journalist Jean Bigirimana mentioned above.



It is important to recall that those abducted during the month of December 2015, cited by SOS-Torture / Burundi are not yet known until the publication of this report.

It is:

- **Ms. Marie Claudette Kwizera**, Treasurer of the Human Rights Association, Iteka League, who was abducted on 10th December 2015 by agents of the National Intelligence Service;
- **Charles Mutoniwabo and Pascal Ndimurukundo**, who have been missing since 22nd December 2015 after the arrest at the Mutanga North neighborhood in the city of Bujumbura. According to several witnesses, they had been arrested by Mr. Mathias Joseph Niyonzima aka Kazungu, an NIS agent. Pascal Ndimurukundo is a member of the opposition party MSD and was head of the legislative list in Cibitoke province. Later, the families of the two missing persons learned of their execution.
- **Christa Benigne Irakoze** has been reported missing since 29 December 2015. Witnesses testified that the woman was seen for the last time ever in the car of the Commander of the military camp called Combat Engineer in Mutimbuzi not far from his place of residence. The victim was the political leader of the FRODEBU opposition party and chairman of the Party Women's League in Bujumbura province. At the time of her arrest by Colonel Ikurakure (Combat Engineer Camp Commander), Mrs. Irakoze was reportedly beaten by the Colonel's guards, according to several witnesses in Mutimbuzi before being executed.

D. Targeted assassinations

The cases of targeted assassinations recorded by SOS-Torture/Burundi show that the victims are members of political parties including CNDD-FDD and other political parties such as the FNL or the MSD. Victims are also counted among militaries ex-FAB in activity or retired. High-ranking politicians were also murdered. But other people whose political affiliation and function are not known have also been murdered.

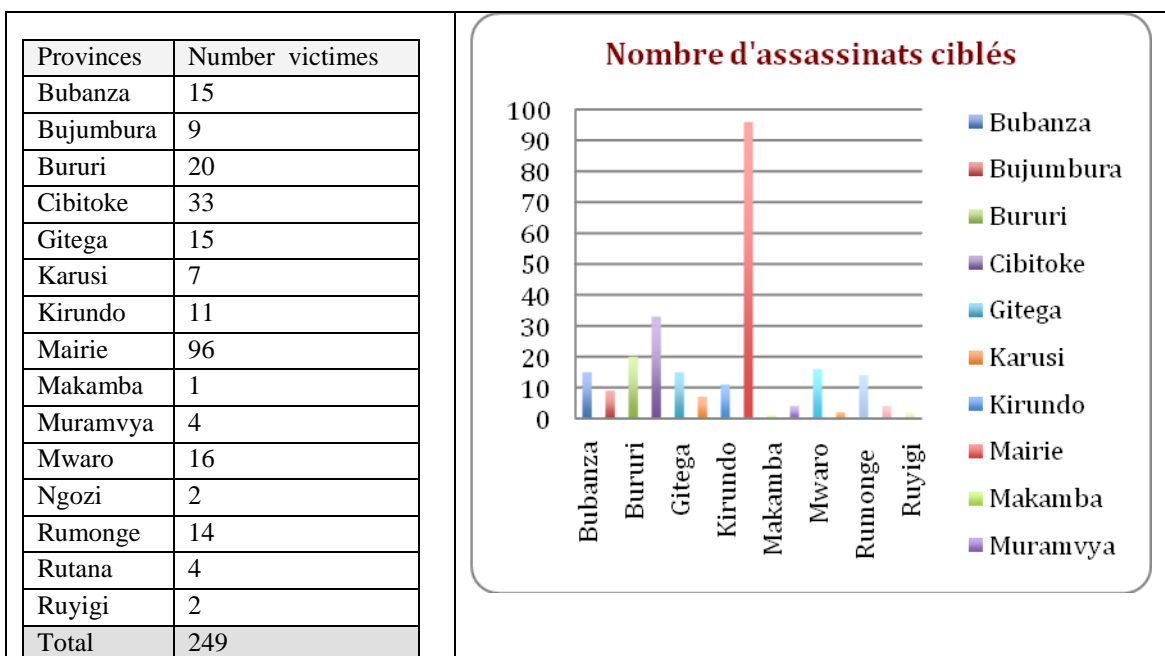
For some cases, the hypothesis of extrajudicial execution is not to exclude given the fact that victims were tied up arms behind their backs and thrown into open space. This is the case, for example, of the body of a young man who was found on Buringa hill, Gihanga commune, Bubanza province (western part of the country) on 9th June 2016. This man

had his hands tied behind his back and traces of stabs at the head. He was discovered in the Rukoko Reserve not far from a national road. No witnesses were able to identify him, but such a practice was repeatedly observed among the victims of extrajudicial executions before the 2015 crisis. Then, such a crime where the perpetrators are rarely identified and prosecuted are difficult to explain in as much as the administrative and police authorities regularly assert that security is ensured throughout the national territory.

1. Geographical distribution of targeted assassinations

The cases of murders are numerous in the City of Bujumbura, in the province of Cibitoke and in the province of Bubanza. As in the case of forced disappearances, it is noted that this phenomenon predominates mainly in the city of Bujumbura and the areas close to the border with eastern DRC where armed groups are conducting incursions into the Bubanza and Cibitoke provinces. However, cases of settlement of accounts are not excluded in a context of dysfunction of the judiciary and impunity.

Chart N°4 : Distribution of murder cases by provinces in 2016



Source : SOS-TORTURE / BURUNDI Report



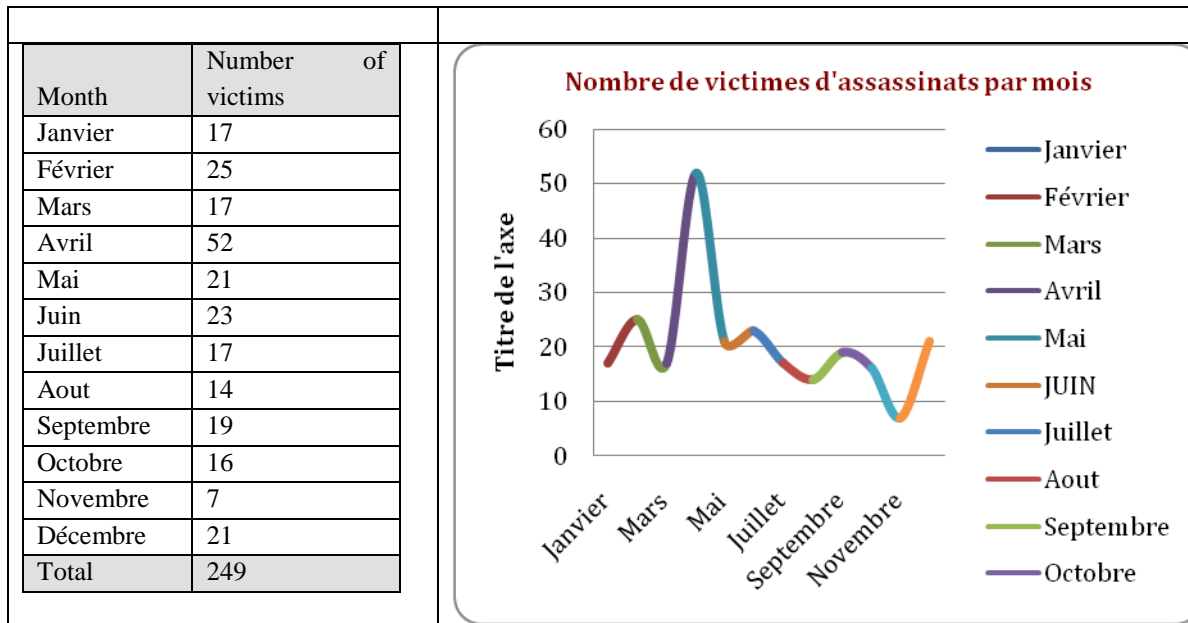
2. Cases of murder in 2016 by month

From an evolutionary point of view, the cases of murder were high during the first half of 2016, with a strong predominance from March to May 2016. During this period, clashes between armed groups and police agents still prevailed in certain neighborhoods of the City of Bujumbura.

The scale of the crime was highlighted during the press conference of 19 July 2016, which was organized by the Minister of Public Security, Mr. Alain Guillaume Bunyoni. The latter reported that during the previous six months, the police had seized 164 rifles of various categories, 199 grenades, 10 bombs, 5 mines and 12,626 rounds. According to the same Minister, the police dismantled residual foci "of insurrection especially in the District of Mugamba" and apprehended 2,176 criminals. More than 12,000 criminal records of perpetrators were under investigation and 418 criminal gangs were disbanded, according to the Minister.

Towards the end of 2016, a recurrence in crime in the western part of the country, notably in Cibitoke.

Chart No 5: Number of targeted assassination victims per month in 2016



Source : SOS-TORTURE / BURUNDI Report

3. Some examples of targeted assassinations

- Lieutenant-Colonel Darius Ikurakure was shot three times by another soldier on 22nd March 2016 in the compound of the Headquarters of the Burundian army in Bujumbura. He was the head of the Muzinda Combat Genius camp, and was regularly pointed out in repressive acts of repression, sometimes bloody, in the northern districts of Bujumbura, including arbitrary arrests, torture, forced disappearances and summary executions.
- Brigadier General Athanase Kararuzza and his family were the target of a violent attack on the morning of 25 April, 2016. He succumbed immediately with his wife Consolate Gahiro. His young daughter, Daniella Mpundu, whom he took to school, also succumbed to his wounds three days after the attack. Witnesses testified that the attackers used rockets and machine guns and wore military trusses. Brigadier General Kararuzza was Security Advisor to the Cabinet of the First Vice-President of the Republic and former second in command of the MINUSCA peacekeeping force in the Central African Republic.



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- Remy Nsengiyumva, Emmanuel Ndekatubane and Donatien Manirakiza were assassinated during an attack on the Numbwe hill, Burambi commune, Rumonge province (South of the country) on the evening of 9 May, 2016. The first two victims were retired soldiers of the Burundian Armed Forces Ex-FAB). They had been jailed in early April after the attack on a bar in Murago where the head of the District of Burambi police station had died.
- Venant Hakizimana and Melchior Ntakirutimana, militants of the ruling party CNDD-FDD were killed on the evening of 25 June 2016, in Ndava commune, Mwaro province (center of the country). Relatives say the two victims were returning from the capital of Mwaro province when they were shot dead by a group of armed men.
- Ms. Hafsa Mossi, a Burundian member of the East African Legislative Assembly (EALA), was shot dead on 13 July 2016 in the Mutanga north quarter (north of Bujumbura) when she had just left her home. Witnesses testified that the assailants were in a vehicle and ambushed her. The victim received two bullets in the chest and died in the hospital after her evacuation. Ms. Hafsa Mossi was a member of the ruling CNDD-FDD party. Former colleagues of the victim have testified to the persistent threats Hafsa Mossi has been receiving for some months by some high Burundian authorities. This attack has not yet been elucidated.
- A female dead body who was identified as Mrs. Liberate Mpfagutunga was found on 1st August 2016 in the Rukeco zone, Busiga commune, Ngozi province (north of the country). Relatives suspect that she was murdered because of her political affiliation to the MSD, an opposition party whose militants are regularly persecuted.
- Amedee Niyorugira, an accountant in the District of Mpanda and Innocent Busoni, a youth leader of the CNDD-FDD "Imbonerakure" militiamen in the same district were shot dead by a group of armed individuals in Mpanda commune, Province Bubanza on 4 September 2016. The perpetrators of these crimes were not apprehended.



- Romuald Bizindavyi, director of the Ruteme Fundamental School in the District of Bugarama in the province of Rumonge, Grégoire Havyarimana one of the teachers of the same establishment and Edouard Sindatunga were shot dead on the evening of 10 October 2016 by unidentified armed men.
- Côme Niyokindi was murdered on Gitukura Hill in Mabayi commune, Cibitoke province, on 8 December 2016. The police have not yet identified the perpetrators of the crime or the motive for the murder.
- Joroam Bizimana was murdered with machetes and his body was thrown into a field of eucalyptus on 13 December 2016. Bizimana, aged 55 and father of 7 children, was an opposition activist belonging to FNL party pro-Agathon Rwaswa. The latter case brought to ten (10) the number of persons murdered in a week in Cibitoke Province, in circumstances not elucidated for each victim.

E. Torture and other cruel, inhumane or degrading treatment or punishment

Burundi ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in February 1993 and signed the instrument of accession to its Optional Protocol on 6th September 2013. The Constitution of Burundi stipulates that " *None Shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment* ". Law No. 1/05 of 22 April 2009 revising the Burundi Penal Code establishes acts of torture as an offense punishable under articles 205, 206 and 207. Since the crisis of April 2015, acts of torture and cruel treatment inhuman or degrading treatment have increased with impunity in the context of the repression of demonstrations against the third term of President Pierre Nkurunziza.

The Government failed to explain the numerous allegations of torture raised by human rights organizations. For example, Minister of Justice and Attorney General Aimé Laurentine Kanyana, who headed the Burundian delegation to the UN Committee against Torture in Geneva, was absent at a meeting to Committee on 29 July 2016 to the disagreeable surprise of its interlocutors.

This incident clearly led to the already mentioned procedure of disbarring the Lawyers of the Bujumbura Bar Association namely Armel Niyongere, Vital Nshimirimana,



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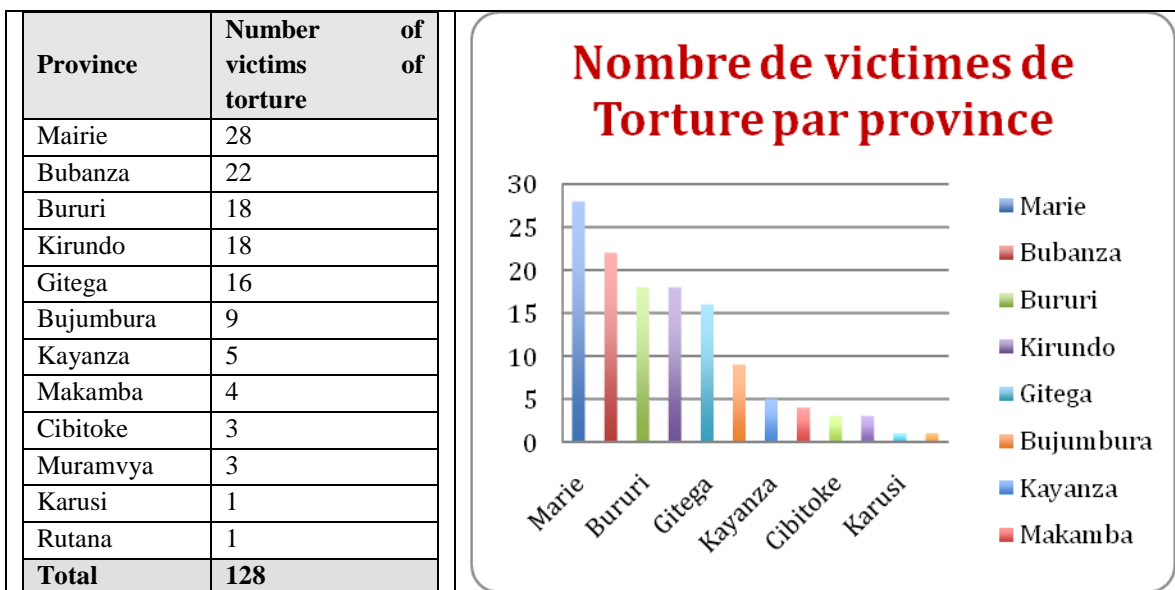
Monitoring sur les cas de torture, les arrestations arbitraires, les disparitions forcées et les exécutions sommaires au Burundi

Dieudonné Bashirahishize and Lambert Nigarura who had taken part in the drafting of the alternative report submitted to the Committee.

1. Distribution of Torture by Province

128 cases of torture were recorded in 2016. The torture cases are higher in the City of Bujumbura and in the provinces of Bubanza, Bururi and Kirundo and Gitega.

Chart No 6: Number of victims of torture by province in 2016



Source :SOS-TORTURE / BURUNDI Report

Concerning the province of Bubanza, the number of cases of torture is high due to an incident which occurred on 16th July 2016 in the Buringa zone, Gihanga commune, Bubanza province (a few kilometers west of Bujumbura). About 20 targeted households were searched and the occupants gathered in the same space for hours. Witnesses testified that the people gathered were beaten and stripped of their belongings by police agents accompanied by soldiers.

Concerning the province of Kirundo, a similar case took place where 16 persons known as activists of the opposition party FNL-Independent were arrested on 12th March 2016 in Busoni commune of Kirundo province (north of the country) By NIS agents. Witnesses



allege that the NIS agents beaten up the militants at the time of their arrest.

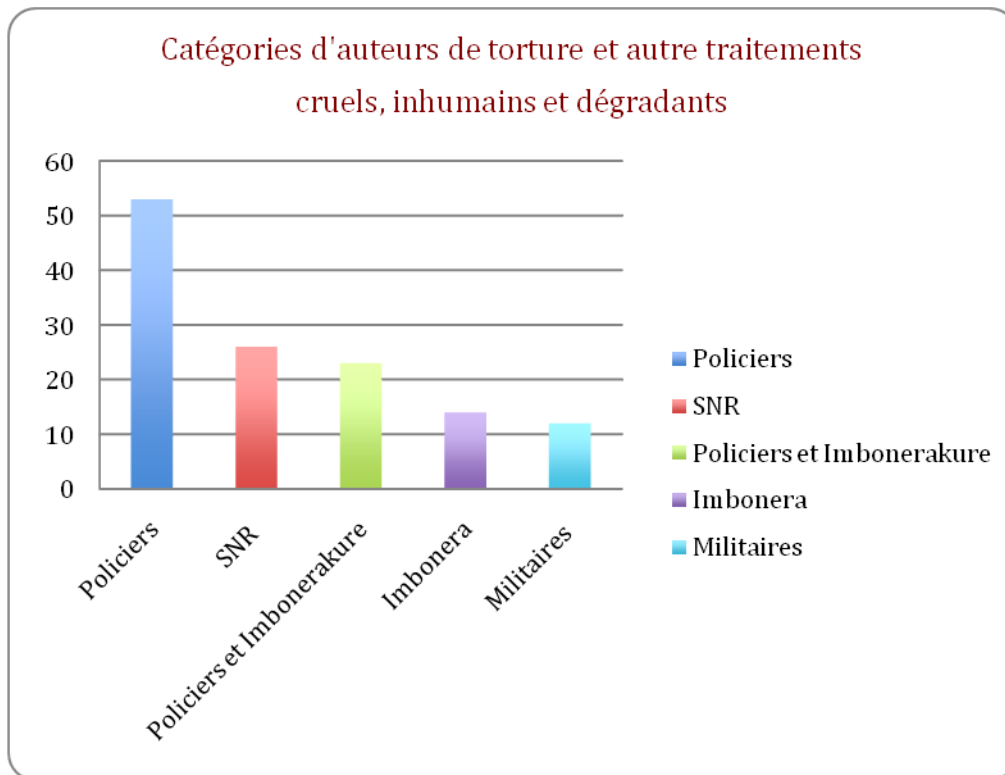
In the province of Bururi, the majority of cases of torture and other cruel, inhuman or degrading treatment are concentrated in Mugamba commune where police raids have been regularly reported. The commune has also been the scene of violence by armed groups.

In the city of Bujumbura, the municipalities concerned were those whose inhabitants actively participated to demonstrations against the third term of President Nkurunziza including Musaga, Nyakabiga and Mutakura. Numerous police raids and arrests resulted in several cases of arbitrary arrests documented and reported above.

2. Distribution of torture cases per perpetrators categories

Among the 128 cases of torture recorded, police officers are primarily in the category of perpetrators (53 cases) followed by NIS agents (26 cases), police officers together with the Imbonerakure militiamen (23), members of the militia Imbonerakure alone (14) and the military (12).

Chart No7: Number of victims per category of perpetrators in 2016



Source : SOS-TORTURE / BURUNDI Reports

1.1 Cases of allegations of torture attributed to police officers

A local administrative official in Mugamba, known as Emmanuel Nizigiyimana, was arrested by the police of the Mobile Intervention Group of Rapid Intervention (GMIR) on 19 April 2016. This is the chief of zone Kivumu, commune Mugamba of Bururi province (South of the country). Witnesses said he was severely beaten by the police during his arrest, to the point of being injured. He was arrested at the same time as another women. The inhabitants of Mugamba claim of being a special target of the repression.

- Jeanne a woman living in the Nyagasasa zone of the District of Mugamba in the southern province of Bururi, was tortured by police officers on 25 April 2016.



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Monitoring sur les cas de torture, les arrestations arbitraires, les disparitions forcées et les exécutions sommaires au Burundi

These agents were looking for her husband and tortured her for the purpose of extracting information about where her husband was. The victim was evacuated to the Muramvya hospital for medical treatment. Witnesses indicate that the perpetrators of the beatings are recently assigned policemen in the Nyagasasa zone and the local population accuses them of being extremely violent.

2.2. Cases of allegations of torture attributed to NIS agents

- Seven young men were arrested on 18 April 2016 in the District of Mugamba Bururi province by the police, two days after the assassination of four CNDD-FDD militants in the same District Three of them were arrested on the Kigina-Mugomera hill in the Vyuya zone, two others in the Nyagasasa zone and the last two in the Nyatubuye zone; all of whom were beaten during their arrests. Witnesses said the operation was carried out by police under the commandment of an NIS officer Mathias Joseph Niyonzima, known as "Kazungu", who has been cited in numerous arbitrary arrests, torture and forced disappearances since the beginning of the crisis.
- NIS agents abducted a young man named Emmanuel Haragakiza on 6 November 2016 in the Ruziba quarter, Muha commune (south of Bujumbura). Relatives reported that the young man, who lives in the Mutakura quarter (north of Bujumbura) had gone to the area to collect the money from the sale of his plot of land. SOS-Torture Burundi learned from relatives that the young man was taken to the premises of the Riot Brigade (BAE) in downtown Bujumbura, in the compound of the "Palais des martyrs", commonly known as Chez Ndadaye. Emmanuel Haragakiza was severely tortured by NIS agents. The same agents attempted to hide the body as they thought the victim was dead and they throw him in the locality of Nyaruhongoka in the heights of Bujumbura City (periphery with the province Bujumbura). The agonizing victim was rescued by people who were passing by the area.



2.3 Cases of allegations of torture attributed to police officers in complicity with Imbonerakure

- National police officers arrested fourteen (14) persons in the Rwisabe zone, in the District of Mutaho of the province of Gitega (center of the country) on 14 September 2016. These arrests occurred after clashes between the youths of the party's Imbonerakure militiamen of CNDD-FDD and those of the opposition parties. Police agents were supported by the same young militiamen to arrest the militants of the opposition parties, including the FNL and FRODEBU political parties, all accused of assaulting a hill-elected official. Several of the victims of these arbitrary arrests were beaten by the militiamen Imbonerakure the accomplice look of the police.
- Five persons were arrested early in the morning of 20 March 2016 in the Musaga zone (south of Bujumbura). According to witnesses, the operation was carried out by police agents accompanied by young Imbonerakure militiamen, some of whom were armed with rifles. Witnesses report that the group of policemen and young militiamen Imbonerakure raided the houses, beat the occupants and stole money, telephones and other valuables.

2.4 Cases of allegations of torture attributed to Imbonerakure

- Police officials in the Burarana zone, Matongo commune, Kayanza province (north of the country) arrested four civilians on Butuhurana Hill on 30 October 2016. These men had been seriously wounded with clubs by the previous day. Imbonerakure militiamen of the locality who also murdered a fifth victim. These were Zephyrin Nisabwe, Gervais Bitariho, Jan Nduwimana and Abel who were detained in the Matongo police cell while they were still receiving treatment after the assault.
- Young militiamen Imbonerakure beat Emile on the 13th cross-section, Maramvya zone, Mutimbuzi commune, Bujumbura province on 16 December 2016. This is an inhabitant who had fled the area fearing for his safety and who had decided to return home. The militiamen violently beat him at the time of his return without any reason.



2.5 Cases of allegations of torture attributed to military personnel

- Several young students were tortured while they were arrested in Cibitoke zone (north of Bujumbura) on 5 February 2016. Witnesses indicated that it was Lieutenant-Colonel Darius Ikurakure and his men who led the operation. Traces of beatings and thongs are visible on the bodies of persons arrested, tied up and tortured.
- On 19 June 2016, soldiers arrested a young man by known as Alain Cristal Dushime from Mutakura neighborhood (north of Bujumbura) as he paid a visit to his family. Witnesses testify that he was tortured by soldiers assigned to the Sector, who arrested him and tied him violently and made his arms and legs attached to his back for hours. The young man was subsequently taken away by agents of the national intelligence service who subsequently handed him over to the military in Mutakura. The young man was put in the cell of the Cibitoke zone on the evening of 20 June 2016 and bore traces of the ill-treatment suffered.

F. Arbitrary arrest

The International Covenant on Civil and Political Rights, in article 9, paragraph 1, is very clear: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on the grounds and in accordance with the procedure laid down by law ". Furthermore, Article 25 of the Constitution of Burundi of 18th March 2005 also stipulates that "*Every woman, every man has the right to freedom of his person, including physical and psychological integrity and freedom of movement*" Article 39 adds that "*No one shall be deprived of his liberty, except in accordance with the law. No person shall be charged, arrested, detained or tried except in cases determined by law promulgated before the offense charged*".

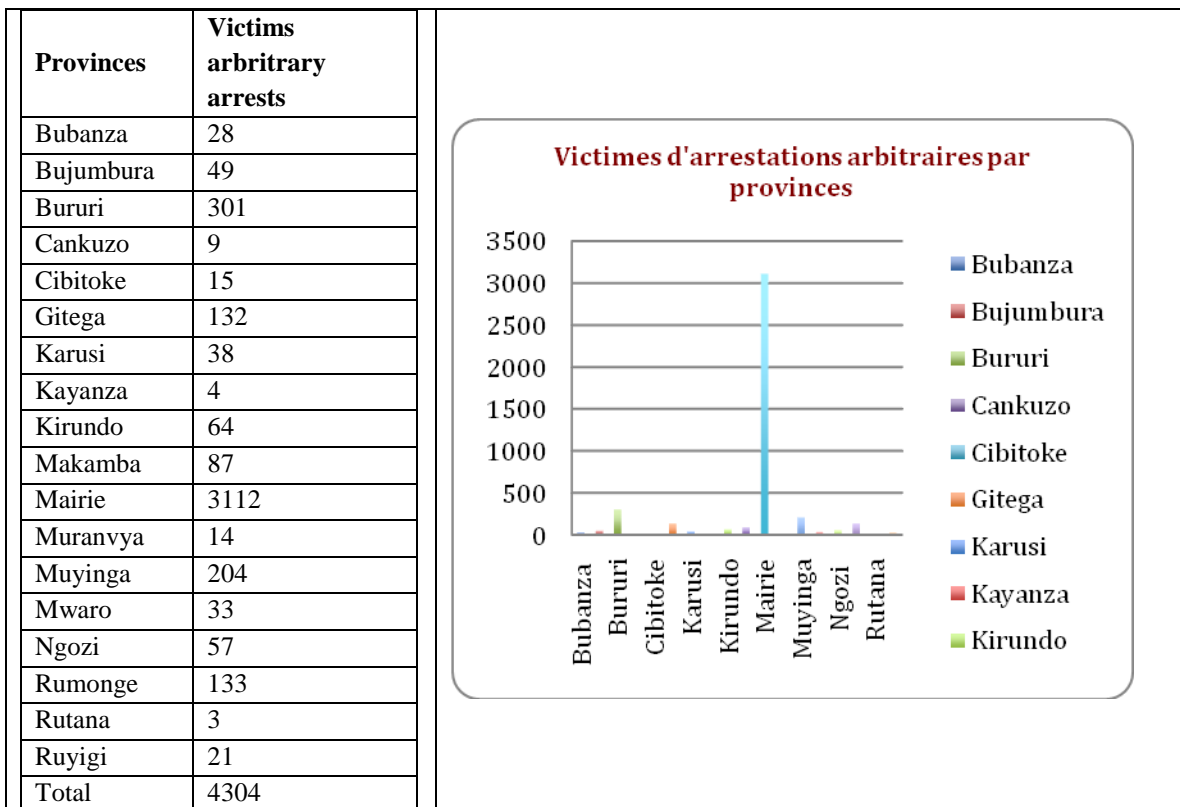
During 2016, the organization SOS-Torture/Burundi recorded 4,334 cases of arbitrary arrests, particularly in the city of Bujumbura in the neighborhoods that actively participated to peaceful demonstrations against the third term of office of President Nkurunziza. The cases are characterized by a systematic violation of the Code of

Criminal Procedure, where the police make arbitrary arrests with members of the Imbonerakure militiamen and without any warrant. During these arrests, the police routinely use search notices to arrest people while these documents are not recognized by the Code of Criminal Procedure.

1. Distribution of Arbitrary Arrests by Provinces in 2016

As can be seen in the chart below, the city of Bujumbura is on top in the record of mass arrests in the opposition strongholds where police officers are demanding household notebooks where residents of the latter are registered. Those who do not have these illegal documents are ransomed by police agents who release them after giving bribes.

Chart No 8: Distribution of Arbitrary Arrests by Provinces in 2016



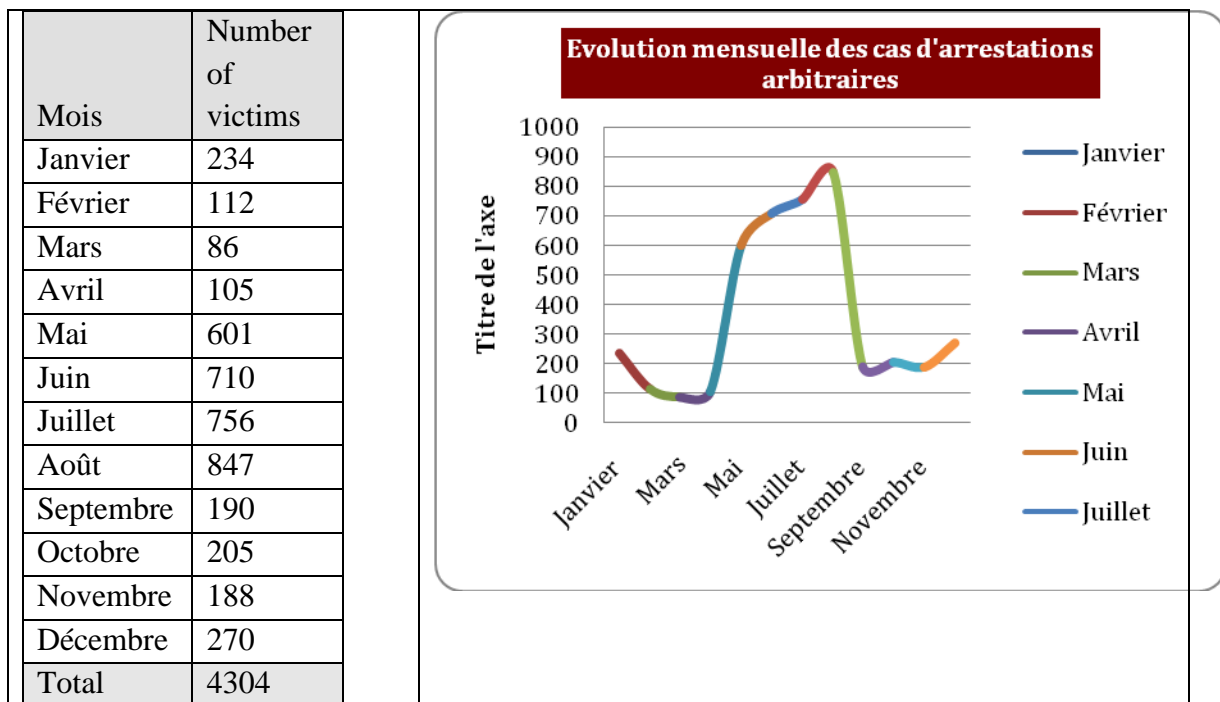
Source : SOS-TORTURE / BURUNDI Report

2. Monthly evolution of arrests

The period covering April through September 2016 registered numerous expeditions of police agents in the neighborhoods that demonstrated against the third presidential term of Pierre Nkurunziza. There is a strong intervention by the police in search of combatants in a justified or unjustified manner. It is noteworthy that the first quarter of the year was characterized by a high assassination rate (see Chart 5).

Members of the Burundian police carried out "punitive expeditions" against the civilian inhabitants of mass protest neighborhoods. In addition, the police required bribes to release them; a practice aimed to impoverish those already economically vulnerable. Another major source of concern is that a small number of "defendants" are kept in jail without informing their relatives on the charges pressed against them.

Chart No 9 Monthly evolution of cases of arbitrary arrests in 2016



Source : SOS-TORTURE / BURUNDI Report



3. Cases illustrating arbitrary arrests

The police arrested four young men in Maramvya zone, in the District of Burambi, in the southern province of Rumonge on 11 June 2016. The families of these young men were never been informed of the place of detention. Those arrested were: Patrick Kwizera, Jean Marie Ninyumvire, Jean Ntagumuka and Pacifique Ngabirano. During their arrests, witnesses identified Imbonerakure militiamen alongside the police who indexed the people to be arrested.

Police arrested three persons in Musaga zone (southern Bujumbura) on 30 June, 2016 including a mother of family, Yvonne and two young men. According to eyewitnesses, they were arrested after the police in partnership with Imbonerakure selected militiamen among dozens of other Musaga residents. These are arbitrary arrests which are based on allegations that concerned belong to armed groups. Yet the same is not supported by any evidence. In the case of Yvonne, she was accused by the police of giving information to the radios (Humura and Inzamba) organized by Burundian journalists in exile.

Police arrested five persons Musaga zone (south of Bujumbura) on 7 September 2016 between 1st and 2nd street. The arrest was the consequence of a raid carried out in all the households of the two streets around 6 o'clock in the morning. Witnesses report that an estimated number of a hundred of persons were gathered on the grounds of a local church where a selection was operated.

Police raided a bar named 'Kukaguru' located on Uprona Boulevard in downtown Bujumbura on 20 August 2016. Fifty-four (54) persons were arrested: bar guests and Family members gathered around a reception in one of the bar rooms. The police released a large number of those arrested the following day. But eight persons remained in detention for defamation (spreading rumors according to the police). Relatives of detainees indicated that they were arrested for their social networking, especially messages that pass through their 'whatsapp' groups.

Police agents raided Gitaramuka hill of the District of Burambi, in the province of Rumonge on 29 October 2016. The police arrested an estimated number of 30 persons, all of whom were responsible for households in the locality. Witnesses report that the operation was aimed at checking the notebooks of households where the names and identities of the occupants of each house must be taken over. These notebooks have



begun to be required of households since the crisis of 2015. The police very often abuse these controls to extort money from the populations.

Police agents arrested Egide Hakizimana a young man on 12 December, 2016 in the District of Matana in Bururi province (south of the country). The young man was then jailed in the police premises of the District of Mugamba, which is also situated in Bururi province. Witnesses reported that no warrant was presented to him during the arrest. SOS-Torture/ Burundi learned that a search notice was issued by Mugamba police against the young man. However, this "Search Notice", which is commonly used by the police, is not provided for in the Code of Criminal Procedure and the reason has not been specified by the police either.

V. Conclusion

The repressive authorities have used excessive force since the end of 2015 and throughout 2016. This resulted in a wide range of serious human rights violations from the gravest violations of the right to life to depriving the society from basic individual and collective freedoms. Several human rights organizations were initially suspended in 2015 and subsequently dissolved the following year. Private radio stations were sacked in May 2015 in the wake of the military putsch attempt. However, those who were allowed to resume work, remain under strict Government control and no longer enjoy their freedoms and independence.

The State of Burundi also refuses to cooperate with international human rights protection mechanisms such as the UN Human Rights Council, the Committee Against Torture, the UN High Commissioner for Human Rights. In a very troubling move, Burundi has withdrawn from the ICC, thus promoting impunity for serious crimes in the country.

It is against this background that SOS-Torture / Burundi has been documenting the most serious violations of human rights affecting thousands of victims. The organization redouble its efforts to overcome the obstacles and difficulties and to continue advocacy at the national, regional and international levels. Its ultimate goal is to help the international community to persuade the Government and its opponents to respect human rights.



VI. Recommendations

A. To the Government of Burundi

- Immediately stop human rights violations involving law enforcement and security officers, in particular extrajudicial executions, enforced disappearances, arbitrary arrests torture and other cruel, inhuman or degrading treatment or punishment ;
- Objectively conduct investigations to prosecute those responsible for these human rights violations regardless of their status;
- Effectively cooperate with international mechanisms for the protection of human rights by facilitating investigations by UN on human rights violations in Burundi;
- Review the decision to withdraw from the ICC and to suspend cooperation with the Office of the High Commissioner for Human Rights in the interest of the people of Burundi;
- Engage in an inclusive dialogue in order to find a just and lasting solution to the crisis that has plagued Burundi since April 2015.



B. Political parties

- Choose dialogue instead of violence as a means of political demand; promote the values of peace, good governance and democracy within their political parties
- To refrain from manipulating young people and enlist them in life-threatening acts of violence.

C.To the international community

- Continue to use its influence to bring the Government of Burundi to respect its commitments to protect human rights;
- Follow-up the Security Council Resolution 2303 in connection with the deployment of 228 UN police officers in Burundi to monitor the security situation and to support the Office of the United Nations High Commissioner for Human Rights in the collection of Information on human rights violations committed in the country;
- Initiate prompt and thorough investigations within the framework of the ICC to identify those responsible for serious human rights violations in Burundi and to institute international legal proceedings against persons and entities found guilty of these crimes.