



# **Annual Report on Human Rights Violations in Burundi in 2016**

**By SOS-TORTURE / BURUNDI**

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

## • Introduction

1. The year 2016 was a period of considerable decline in the exercise of the rights and freedoms acquired since the democratic opening of the 1990s. The opposition to President Nkurunziza's candidacy by peaceful demonstrations was violently repressed by the government, resulting in series of overflow and violent confrontations between security forces and protestors ever since presented as insurgent by the public authorities.

2. Human rights violations documented by SOS-TORTURE / Burundi over the past year include extrajudicial executions, forced disappearances, targeted assassinations linked to the crisis, torture and arbitrary arrests. They constitute breach to both international human rights conventions and the Constitution of Burundi and disclose the climate of non-law and impunity that was prevailing in the country.

3. The Government of Burundi is, however, paying little attention to allegations of human rights violations and systematically protest against reports of the United Nations, international NGOs or civil society organizations.

4. Therefore, demonstrations were organized by the Government during August 2016 to protest against UN Security Council Resolution 2303 of 29th July of the same year authorizing, among other things, the deployment of 228 UN police officers in Burundi to support the Office of the United Nations High Commissioner for Human Rights in the collection of information on human rights violations.

5. At the same time, the Minister of Justice, Aimée Laurentine Kanyana, who headed the delegation of the government of Burundi to the UN Committee against Torture in Geneva, surprised her interlocutors by her unjustified absence at the time the Committee was due to continue its examination on 29th 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 qualified as 'untruthful'.

6. 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 by



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

7. In view of this evolution, 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 the State's agents in the perpetration of human rights abuses. It was presented at the 33rd session of the Human Rights Council on 27th September 2009, which voted on 30th September a resolution on the serious allegations of human rights violations contained in this report.

8. During this session, the founder of SOS-TORTURE, Counsel Armel Niyongere was invited to make a presentation to the satisfaction of the human rights defenders involved in the campaign. In addition, he is regularly consulted, like his colleagues, by various influential figures at the national, regional and international levels to inquire about the human rights situation in Burundi.

9. This report discloses serious human rights violations that are committed mainly by Burundian state agents in a systematic manner.

• **Human Rights defenders victim of criminalization:**

10. During 2016, human rights defenders were subjected to criminalization measures which had the effect of narrowing their area of freedom.

11. 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.

12. On October 19th, 2016, the Ministry of Interior and civic training completely canceled five associations namely FORSC, APRODH, ACAT-BURUNDI, RCP and FOCODE. This is a reprisal against the important role they played in the protest movement of 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 in



## SOS - Torture/Burundi

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

turn permanently banned on 21st December 2016 after the publication of its report of 15th November 2016 on mass violations of human rights in Burundi.

13. In November 2015, an order to suspend a dozen of organizations, including those that were permanently banned in October 2016, had been signed and implemented.

14. Regarding the legal framework, Members of the Parliament adopted a restrictive law governing non-profit associations on 28th December 2016.

15. Another action against human rights defenders with a view to establishing a total blackout of information on serious human rights violations has been the start of the process of the disbarment of four human rights Defenders who are Lawyers registered with the Bar association of Bujumbura.

### • **Extrajudicial executions:**

16. SOS-TORTURE / BURUNDI has documented at least 46 extrajudicial killings in 12 provinces of the country in 2016. Occasionally, bodies have been found after they were thrown into rivers or on roadways, arms tied up in the back. This worrying phenomenon is observed while the authorities ensure that security is under control and that there are no armed groups. It is therefore possible that state agents or their accomplices are mainly responsible for these crimes, especially since the Government does not carry out credible investigations to apprehend and prosecute the perpetrators. The City of Bujumbura is the most affected by this phenomenon because it was the stronghold of the protests against the third term of President Nkurunziza and where police repression was particularly intense.

### • **Forced disappearances**

17. Concerning forced disappearances, 74 cases were registered by SOS-TORTURE / BURUNDI in 2016, the vast majority being in the western part of the country. These include the City of Bujumbura, the main opposition stronghold and epicenter of peaceful protests against President Nkurunziza's third term where the police, including the National Intelligence Service(SNR, French acronym), are cited in large numbers as perpetrators of these crimes. As for the provinces of Bubanza and Bujumbura, the often pointed out authors are armed groups who declare themselves fighting against the



## SOS - Torture/Burundi

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

Government. The most known group is that commanded by Major General Aloys Nzabampema, former FNL combatant who had integrated the national defense force retired to eastern Congo since the electoral crisis of 2010.

### • Targeted assassinations

18. SOS-TORTURE / BURUNDI has recorded 249 cases of targeted killings during 2016. The victims members of political parties including the CNDD-FDD and other political parties such as the FNL or the MSD. Victims also include ex-FAB soldiers in service or retired. High-ranking politicians were also murdered. But other people whose political affiliation and function are not known were also murdered. In some cases, the hypothesis of extrajudicial execution is very high taking into account how they were tied up, arms behind their backs and thrown into untrained places. The cases of murders are numerous in the City Council of Bujumbura, in Cibitoke province and in Bubanza province. As in the case of forced disappearances, it can be seen that this phenomenon predominates in the areas of Bujumbura, Bubanza and Cibitoke close to the borders with eastern DRC where armed groups are conducting incursions into the Bubanza and Cibitoke provinces. However, cases of accounts settlement are not excluded in a context of malfunction dysfunction of the judiciary and impunity.

### **Torture and other cruel, inhuman or degrading treatments or punishment**

19. 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 22nd 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. During the year 2016, 128 cases of torture were recorded mainly in the City of Bujumbura as well as in the provinces of Bubanza, Bururi, Kirundo and Gitega.



## SOS - Torture/Burundi

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

20. It is important to note that in August 2016 the Government proved incapable of explaining itself in the face of the numerous allegations of torture raised by Organizations for the protection of human rights. Thus, Minister of Justice and Attorney General Madam Aimée Laurentine Kanyana, who headed the Burundian delegation to the UN Committee against torture in Geneva, was absent at a meeting to Committee on July 29th, 2016 to the disagreeable surprise of its interlocutors.

### • Arbitrary arrests

21. During the year 2016, the SOS-TORTURE organization recorded four thousand and thirty-four (4034) cases of arbitrary arrests, particularly in Bujumbura City, in the neighborhoods that actively participated to the scene of protests against the third term of President Nkurunziza. The cases are characterized by a systematic violation of the Code of Criminal Procedure, where the police make arbitrary arrests accompanied by the members of the Imbonerakure militiamen and without presentation of any arrest 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.

22. The City Council of Bujumbura comes first in the record of mass arrests in opposition strongholds that protested against the President Pierre Nkurunziza's third term. Policemen often require household notebooks as proof of registration of occupants of the households. Those who do not have these illegal documents are ransomed by the police who release them after giving bribes.

### • Conclusion

23. The repressive machinery of the Government has used excessive force at the end of 2015 and throughout 2016, resulting in numerous human rights violations in terms of infringement of the right to life, physical integrity and individual and collective freedoms. Human rights organizations were suspended initially in 2015 and subsequently banned in 2016. Private radio stations sacked in May 2015 in the wake of the military putsch attempt worked online abroad and those who have been allowed to reopen, are under control and no longer fully enjoy their freedoms.



## SOS - Torture/Burundi

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

24. The State of Burundi has barely works with human rights protection mechanisms such as the UN Human Rights Council, the Committee against Torture, the Office of the High Commissioner for Human Rights of the United Nations. More worryingly, Burundi has withdrawn from the International Criminal Court, thus promoting impunity for serious crimes in the country.

25. It is in this environment that the defenders of SOS-TORTURE / BURUNDI document violations of human rights where thousands of victims are counted. They redouble their efforts to overcome the difficulties and continue advocacy at the national, regional and international levels to convict the Government and the opposition to respect human rights by avoiding violence as a form of governance or political claim.

### • Recommendations

- To the Government of Burundi
  - Immediately stop human rights violations involving law enforcement and security officials, in particular extrajudicial executions, forced disappearances, torture and other cruel, inhuman or degrading treatment or punishment , arbitrary arrests;
  - To objectively investigate and prosecute the perpetrators of these human rights violations regardless of their duties;
  - Effectively collaborate with international mechanisms for the protection of human rights by facilitating investigations by United Nations experts on human rights violations in Burundi;
  - Review the decision to withdraw from the ICC and suspension of cooperation with the Office of the High Commissioner for Human Rights in the interest of all the people of Burundi;
  - Engage itself in an inclusive dialogue in order to find a just and lasting solution to the crisis that has plagued Burundi since April 2015.
- To Political Parties



## SOS - Torture/Burundi

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

- Privilege dialogue instead of violence as a means of political demand;
- Promote the values of peace, good governance and democracy at the level of their political formations;
- Be careful not to manipulate young people and to enlist them in acts of violence without future benefits.
- **To the International Community**
  - Continue to use its influence to persuade the Government of Burundi to respect its commitments to protect human rights;
  - Follow-up 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.