

**REPORT No. 117OF SOS-TORTURE / BURUNDI PUBLISHED ON MARCH 10, 2018**

This report of SOS-Torture covers the period from March 3 to 10, 2018 concerning the cases of violations and human rights violations in Burundi.

At least fourteen (14) persons were arrested during the period, including thirteen (13) teachers detained in Kayanza after being arrested by members of the imbonerakure militiamen of the ruling CNDD-FDD party. Members of the same militiamen routinely commit human rights violations, including unlawful arrests or torture, and enjoy total impunity.

Sos-Torture Burundi welcomes the demotion of the National Independent Human Rights Commission of Burundi (CNIDH) to status B. This decision sanctions a finding of failure and complacency of this Commission which claims independence vis-à-vis human rights violations committed by members of the security forces and members of the imbonerakure militia affiliated to the ruling CNDD-FDD party, among others.

**1. The National Independent Commission on Human Rights (CNIDH) retrograde status due to serious failings**

SOS-Torture Burundi welcomes the decision to demote the Independent National Human Rights Commission, which has been ineffective, incapable and complacent in the violation of human rights in Burundi.

The National Independent Commission on Human Rights (CNIDH) was demoted to B status at the November 2017 session of the Subcommittee on Accreditation of National Human Rights Institutions (SCA). The CNIDH was formally notified by correspondence on November 24, 2017.

According to the rules of procedure, all appeals must be exhausted after 48 days from the date of notification of the decision to the institution. As the CNIDH was notified on 24 November 2017, the deadline has expired since January 2018.

This decision was taken because the CNIDH was unable to defend human rights in accordance with the Paris Principles that characterize an independent and effective national institution for the protection and promotion of human rights. .

And yet, Law Number 01/04 of 05 January 2011 establishing the National Independent Commission on Human Rights meets the standards of the principles of Paris in its attributions, composition, guarantees of independence and pluralism as well as operating procedures.

By way of illustration, concerning the independence of the Commission and the Commissioners, the public statements of the President of the CNIDH and certain Commissioners have always reflected partisan and close positions of the CNDD-FDD Party with the overall tendency to minimize human rights violations at a time when human rights organizations are sounding the alarm about these violations.

Since 2015, the CNIDH has been unable to cooperate with Burundian civil society, international human rights organizations, the United Nations Commission of Inquiry into Human Rights Violations in Burundi and of the Office of the High Commissioner for Human Rights with regard to the protection and promotion of human rights.

However, article 6 of the law governing the CNIDH provides that the CNIDH must "maintain relations of cooperation with national human rights organizations of other countries, networks of national human rights institutions at national level, national and international, regional and international organizations concerned with the promotion and protection of human rights".

The CNIDH has not only cooperated with civil society, but has also worked to suspend and remove some of the Burundian human rights organizations that are independent in their work.

As for the demotion to B status, contrary to the words of the President of the CNIDH who announced that it will have no impact on its operations and funding, Sos-Torture Burundi sees rather a blow for the Commission and its to come up.

### **2 Infringements of the right to life and to physical integrity**

Individuals murdered a man on Rusiga hill, Rugombo commune, Cibitoke province (north-west of the country) on March 3, 2018 in the evening. Witnesses report that the victim would be a thief, lynched by shepherds while he was stealing cattle. Sos-Torture Burundi notes that police have not arrested any suspects to date.

### **3. Infringements of the right to liberty and physical security**

- A police agents threatened to shoot residents with his service weapon on Muhwazi hill, Nyabitsinda commune, Ruyigi province (East of the country) on 1 March 2018. Witnesses claim that the agent named Berchmans was returned to a local bistro, and armed his rifle threatening the on-site customers to shoot them. He was accompanied by members of the imbonerakure militia.

Sos-Torture Burundi notes an attack on the physical security of the inhabitants as well as a violation of their freedom of movement. Witnesses also report being a victim of their non-membership in the CNDD FDD ruling party. The police officer who almost used his weapon is free to move, despite a complaint filed by some of the victims.

Sos-Torture Burundi learned of the detention of Violette Nibogora and her transfer from the police cell on Jimbi hill, Kibago commune, Makamba province (south of the country) to the Makamba procurator's cell. This is a mother arrested since January 19, 2018, after one of the cows of the family flock grazed in fields belonging to a school (**cf report Sos-Torture Burundi No. 116:** <http://sostortureburundi.org/wp-content/uploads/2018/03/SOS-Torture-Burundi-num%C3%A9ro-116-in-Fr.pdf>).

Sos-Torture Burundi notes ongoing harassment of Ms. Nibogora and abuse of authority, the conflict does not require imprisonment as long as it is prolonged.

- Members of the Imbonerakure militia arrested thirteen (13) teachers on Murambi hill, Gatara commune, Kayanza province (north-west of the country) on March 2, 2018. All those arrested are teachers, including six (6) women for having fought with the director of their school.

Sos-Torture Burundi notes an illegal and irregular arrest by people who are not authorized to do so. There is concern that these are arbitrary arrests, given threats made by the principal of their institution to teachers before the fight. Among the detained teachers, a pregnant woman is retained with her colleagues as well as mothers who breastfeed their children.

- Members of the imbonerakure militia arrested Jean Népo Bimenyimana on Mukerwa hill, Busoni commune, Kirundo province, in the north of the country, on 3 March 2018. Relatives report that he is the representative of

the party's youth movement. FNL opposition on the hill, victim of his political convictions. The young man refused to pay for the contribution to the construction of a local headquarters of the ruling party CNDD FDD which he is not affiliated with.

- Sos-Torture Burundi notes an illegal and arbitrary arrest. The Busoni police must release Mr. Bimenyimana arbitrarily detained.
- - Sos-Torture Burundi notes several witnesses the very disturbing movement of young members of the imbonerakure militia on the hills bordering with Rwanda. Witnesses report that National Intelligence Service vehicles and taxis are landing several groups of young people from the ruling party at night in the hills of Mugina commune, Cibitoke province (north-west of the country) and on Ruhororo hill, Mabayi commune of the same province since March 5, 2018. These young militiamen operate armed patrols at night, in the knowledge and knowledge of members of the security forces.

Sos-Torture Burundi notes a generalization of the patrols of young imbonerakure militiamen. These activities help to keep fear and panic alive. The local authorities must explain the purpose of this deployment during the night of militiamen, who are embarked again early in the morning.

- Police agents arrested WillyMucondo on Murinda hill, Vugizo commune, Makamba province (south of the country) on March 5, 2018. Witnesses report that he is a hill elected, arrested after having animated a meeting .

Sos-Torture Burundi notes the politically motivated arrest of a member of the opposition party FNL (National Front for the Liberation) of the faithful of AgathonRwasa MP. His arrest was decided by the governor of Makamba province, a member of the ruling party CNDD FDD, which accuses the elected hill official of making the 'hostile remarks' to power.

- A member of the Imbonerakure militia violently assaulted Jean Marie Ndayizeye in the center of Mabanda Commune, Makamba Province (South of the country) on March 8, 2018. Witnesses report that the victim is a police officer assigned to the service of the Burundian Office of Revenue (OBR). He was beaten by a member of the imbonerakure militia at the OBR premises.

Sos-Torture Burundi notes that the police announced that they had issued warrants against the alleged attacker named Hamissi, as well as a merchant



who had asked him to take care of the police officer after the seizure of his property for fraud.

SOS-Torture / Burundi was initiated with the objective of informing national and international opinion about the serious human rights violations under way in Burundi through monitoring reports, particularly on torture, arbitrary arrests, enforced disappearances, sexual violence and summary executions.

This initiative to inform about the realities of the country followed the carnage of a hundred people killed during the day of December 11 and that of December 12, 2015 by police and soldiers on the pretext of pursuing rebels who came to attack military camps on the outskirts of the capital city.

The affected areas are said to be contesting President Nkurunziza's third mandate namely Musaga, Mutakura, Cibitoke, Nyakabiga, Jabe, the last two being located in the center of Bujumbura City Hall.

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