



## SOS – Torture/Burundi

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

### **REPORT No. 118 OF SOS-TORTURE / BURUNDI ISSUED MARCH 17, 2018**

This report from SOS-Torture covers the period from 10 to 17 March 2018 concerning cases of violations and human rights violations in Burundi.

The report firstly refers to the situation of human rights in Burundi as reported by human rights organizations in an oral statement (endorsed by Sos-Torture Burundi) presented by FIACAT during the Group Dialogue with the Commission of Inquiry on Burundi during the 37th session of the Human Rights Council in Geneva.

At least eleven (11) persons were arrested during the period, including nine (9) young persons in Kirundo province who were traveling to Rwanda for work according to their relatives. The report also mentions around five (5) victims of attacks by members of the imbonerakure militiamen. Only one of the alleged perpetrators was arrested and imprisoned for beating a magistrate in Bururi.

*A serving soldier has been kidnapped in the center of Ngozi province, and relatives have no news of him. SOS-Torture Burundi fears for the safety of this member of the defense forces from the former Burundian Armed Forces (ex-FAB).*

#### **1. Sos-Torture Burundi partners with other human rights organizations at the 37th session of the Human Rights Council**

Sos-Torture Burundi joined forces with FIACAT, which presented an oral statement during the Group Dialogue with the Commission of Inquiry on Burundi during the 37th session of the Human Rights Council in Geneva on March 13, 2018. This declaration by FIACAT was made on behalf of ACAT-Burundi and SOS-Torture / Burundi supported by CCPR Center, FIACAT, OMCT and Trial International.

A bitter observation was made in the statement: serious human rights violations continue to be perpetrated in Burundi. "These human rights violations remain largely committed by and under the control of the ruling party, the CNDD-FDD, and the Imbonerakure militiamen in complicity with certain elements of the security forces," the statement endorsed by Sos-Torture Burundi.

The declaration emphasized the draft revision of the Constitution, which would allow Pierre Nkurunziza to run for two (2) new terms of seven (7) years each. "... a real

campaign of terror was initiated to force the population to vote yes to the referendum of May 2018 to adopt this project."

Activists of the political opposition, presumed opposed to the referendum, are the most targeted by this campaign. They are constantly mistreated, harassed, arbitrarily arrested or abducted. But this campaign also targets the civilian population as a whole; This is supported by various reports from the organizations that endorsed the declaration presented at this 37th session of the Human Rights Council.

The statement also draws the attention of the Commission of Inquiry on Burundi to the very worrying situation of human rights defenders in Burundi illegally jailed including Germain Rukuki and Nestor Nibitanga respectively former accountant of ACAT Burundi and former member of APRODH, two associations canceled by the government; and that of three (3) PARCEM employees.

The organizations' declaration endorsed by Sos-Torture Burundi concludes on the emergency for Burundi to put an end to these violations and impunity and to cooperate fully with the International Criminal Court.

The full oral statement on the following link:

<http://sostortureburundi.org/wp-content/uploads/2018/03/Item-4-Col-Burundi-D%C3%A9claration-FIACAT-avec-CCPR-Centre-OMCT-et-Trial-interna.pdf>

## **2. Violations of the right to life and to physical integrity**

- Unidentified individuals abducted Pascal Ngendakumana in the center of Ngozi City on March 13, 2018 in the evening. Relatives report that the victim is a serving soldier, assigned to Rukoko, Gihanga Commune, Bubanza Province (western part of the country). He was on leave at the time of his abduction after sharing a drink with friends.

Sos-Torture Burundi notes that the victim is also a former member of the Burundian Armed Forces (ex-FAB). Police and local military authorities have not communicated on this kidnapping to date. There is a risk of forced disappearance, and execution of this soldier.



**Pascal Ngendakumana, an active soldier kidnapped in Ngozi**

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

- A member of the ruling CNDD FDD party committee brutally assaulted a couple on Gaseri hill, Rutana commune and province (south-east of the country) on March 6, 2018. Relatives report that the victims, Bernard and his wife, plowed the field of a local official. The attacker Bagorikunda accused the couple of working for a non-member of the ruling party whom he described as an enemy (igipinga in the national language).
- Sos-Torture Burundi notes the violence of this ruling party's local cadre linked to the political intolerance conveyed by the CNDD FDD party, to the point of preventing peaceful citizens from earning life. Relatives also report that the farming couple managed to escape, but the abuser was not prosecuted for his act. The police must open an investigation, in which case it contributes to the impunity enjoyed by members of the ruling party.
- Members of the imbonerakure militiamen assaulted two (2) men in Kigwati quarter, Bururi commune and province (south of the country) on March 9, 2018 in the evening. Witnesses report that the militiamen obliged them to sit on the ground in the street for several hours. These young people from the ruling party were patrolling at night. The victims are a magistrate from the Bururi High Court named Eric Nitezumukama, as well as an employee of a mineral water production company named Moise.

- Sos-Torture Burundi notes the intervention of the president of the High Court of Burundi to release the magistrate. The leader of the militiamen responsible for the attack, named Eric Manirakiza, was arrested and imprisoned, and is being prosecuted. Magistrates have acted quickly in this specific case of aggression, however, all cases where members of the imbonerakure militiamen are involved should be given the same promptness.
- Police agents arrested Jean Dimitri Bikingi in the center of the city of Bujumbura (capital) on March 11, 2018. He is the president of the youth wing of the FNL opposition party of Ndava commune, Mwaro province (center of the country) faithful to the deputy Agathon Rwasa . Witnesses report that he was arrested while jogging.
- Sos-Torture Burundi notes that no reason related to the arrest of Mr. Bikingi has been communicated by the police to date.
- Police officers and the national intelligence service arrested Jean de Dieu Ntibagirirwa, André Kumwami, Eric Dusengimana, Prosper Nkurunziza, Ndayishemeze, Claude Nkunzimana, Ismail Manirumva, Sabuhungu (Kiragi) and Benedict in the center of Kirundo commune, province Kirundo (north of the country) on March 12, 2018. Relatives report that these young people were going to Rwanda following a promise of a job.
- Sos-Torture Burundi notes that the police accuse them of joining armed movements. The police have not announced any evidence that could support these accusations to date.
- Police agents arrested Joachim Nayabagabo on Nzozi hill, Bweru commune, Ruyigi province (East of the country) on March 13, 2018. Witnesses report that Mr. Nayabagabo was arrested in front of his pupils at the Nzozi Basic School where he works as a teacher. Members of the imbonerakure militiamen accompanied police agents during the operation.
- Sos-Torture Burundi notes a political arrest, the victim being accused of campaigning to vote "no" at the next constitutional referendum in May 2018.. Mr. Nayabagabo is also an active member of the opposition party FNL faithful to Agathon Rwasa, who is in charge of the ideology and propaganda of this party in Ruyigi province. The militants of this party are regularly the victims of arbitrary arrests since the government launched the draft revision of the Constitution.

- Witnesses also report ongoing threats by members of the imbonerakure militiamen to anyone considering voting against the proposed revision of the constitution. The militiamen are going door-to-door in Bweru, Butezi and Kinyinya communes (Ruyigi province), threatening strong reprisals. They declare to the inhabitants that whoever votes "no" in this referendum will be supporting the Tutsi to return to the head of the country so that the latter massacred the Hutus.

Sos-Torture Burundi also notes threats, but also divisionist teachings that propagate ethnic hatred. There is a risk that the situation will deteriorate as the date of this referendum approaches.

- Young members of the Imbonerakure militiamen assaulted and burned Antoine Kayoya's house on Rutumba Hill, Muzye zone, Giharo commune, Rutana province (south-east of the country) on March 13, 2018. Witnesses report that one group of the four (4) militiamen set the house on fire, accusing its owner of not participating in the community work.

They are Didace Kabura, Claude Njejimana, Ndayikengurukiye and Gilbert Hakizimana.

Sos-Torture Burundi notes that the perpetrators of this act have not been prosecuted and enjoy impunity to date. These members of the imbonerakure militia regularly commit human rights violations by imposing fear and fear among locals who do not recognize themselves in the ruling CNDD FDD party.

- Police agents surrounded and searched the home of Léonce Ngendakumana, one of the few opposition leaders who did not flee Burundi, in the Kiriri quarter, Rohero zone, Mukaza commune on 13 March 2018. The police reported that they were looking for firearms, but the search did not lead to any seizures at the FRODEBU (Front for the Defense of Democracy) vice-president.

Sos-Torture Burundi notes a concern expressed by Mr. Ngendakumana about a fourth consecutive search of his home and persecution of his political convictions

#### 4. Un médecin victime d'arrestation arbitraire a été libéré

Sos-Torture Burundi learned of the release of Jean Claude Niyongere on March 16, 2018, a doctor who had been arrested by agents of the national intelligence service on February 20, 2018. He had been held in contempt of the ruling party's secretary-general CNDD FDD, following the trimming on social networks of a photo where he wears a cap calling to vote "no", with reference to the constitutional referendum of May 2018 (see report Sos-Torture Burundi No. 115: <http://sostortureburundi.org/wp-content/uploads/2018/02/SOS-Torture-Burundi-num%C3%A9ro-115-En.pdf>).

The doctor is part of a long list of people arrested and accused of opposing the revision of the constitution, but several hundred remain in detention.

#### 5. Release of 39 juveniles in conflict with the law by presidential pardon

SOS-Torture / Burundi learned on March 15, 2018 the release of 39 minors "in conflict with the law" at the miners' re-education center located in Rumonge commune, Rumonge province, near the Rumonge central prison in Murembwe by the minister Burundian Justice, Aime-Laurentine Kanyana, in application of the presidential pardon at the end of 2016. Note that Burundi currently has two centers for re-education of minors in conflict with the law, one in Rumonge ( south of the country) and the other in Ruyigi (East of the country).

SOS-Torture / Burundi salutes this thanksgiving, but calls for compliance with the international convention on the rights of the child that Burundi ratified in 1990, which stipulates in these articles that no child in conflict with the law should not be incarcerated with adults.



## SOS - Torture/Burundi

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

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, forced 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 12, 2015 by the police and soldiers on the pretext of pursuing rebels who came to attack military camps on the outskirts of the capital city.

The affected zones 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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