



SOS - TORTURE / BURUNDI

"Celui qui sauve une vie sauve l'humanité toute entière"

Quarterly report on human rights situation in Burundi

March 1 to June 30, 2018



Thirty-two years in prison for Germain Rukuki versus the release of Melchiade Nzopfabarushe: a denial of right

July 2018

Executive summary

In Burundi, human rights situation in the second quarter of 2018 bears the stigma of the campaign around the constitutional referendum of May 17, 2018. By the hardening of terror, the government has made every effort to achieve total victory of "yes", by discouraging anyone who might be tempted to campaign for the "no" vote or vote for it.

The tone has been given through unequivocal speeches by the ruling party's top executives, starting with President Pierre Nkurunziza, well before and during the launch of the campaign. Already, in November 2017, Pierre Nkurunziza made a premonitory speech, warning that anyone who would be tempted to oppose the change of the constitution would be entitled to "*a laisser-passer for heaven*"¹ Subsequently, other executives joined him. The most emblematic case is that of Melchiade Nzopfabarushu, former deputy chief of staff of President Pierre Nkurunziza and former vice president of Imbonerakure militiamen.



Melchiade Nzopfabarushu delivering her hatredness message to an important audience in Migera

The latter, without taking any attention threatened any protester of the draft constitution to be thrown into Lake Tanganyika to feed fish. It was on April 15, 2018, during a CNDD-FDD meeting in Migera, Kabenzi commune. In front of the almost unanimous reprobation provoked by his inflammatory remarks, even condemned by CNDD-FDD party itself, he was arrested and tried in flagrante proceedings, then sentenced on 29 April 2018 to three years in prison. for incitement to hatred ". After the verdict, the Burundian Minister of Justice said that this sanction is a strong message. Anyone who indulges in remarks likely to divide the Burundian population, to incite the population to kill each other, to flee the country, will always be punished, according to the law².

¹ A metaphor referring to physical elimination.

² RFI, Burundi: CNDD-FDD executive condemned for his threats to the opposition,

<http://www.rfi.fr/afrique/20180501-burundi-cadre-cnddd-fdd-condamne-menaces-envers-opposition>

Paradoxically, less than two months later that is to say, June 20, 2018, Melchiade Nzopfabarushe was released. This release confirmed the impunity guaranteed to CNDD-FDD leaders, including imbonerakure militiamen, regardless of the seriousness of the acts they pose. Similar speeches continued to be broadcast in the country in a public or underhanded way. For example, a majority MP Leonidas Mukeshimana made threats to opponents during campaign in Muhuta communal center on May 8, 2018. He said that all those who advocate the "no" to Constitution will be tracked down until "their feet warm up³» in fleeing.

Also, like all the other elections that have taken place in Burundi since the independence, the referendum campaign was strongly marked by the spread of false rumors, mainly through social networks, especially WhatsApp, where were broadcast so recurrent, audio elements emanating from people presumably close to the power, evoking the imminence of attacks by rebels coming from outside the country with or without the support of Rwanda, even an attack of the Rwandan army itself. The ultimate goal of these rumors was to scare and focus the attention of the people on an external threat and risks against the independence of the country while the draft constitution was presented as a significant advance in the consolidation of sovereignty from the country.

This campaign was being carried out at a time when internal discontent was more and more perceptible, especially within the ruling party. Pierre Nkurunziza had warned members of his party "*recalcitrant and hard of hearing*", to which he had declared, *zero tolerance from 2018, promising to thank them as soon as possible ... because we do not play with fire⁴. »*

The terror campaign instituted for an absolute "yes" included both threats and hatred speeches, illegal, arbitrary arrests and physical attacks, the main targets of which were the activists and supporters of the coalition "Amizero y'Abarundi" led by Agathon Rwasa, which includes FNL branch of his obedience.

In Ntega commune for example, imbonerakure ambushed militants of the coalition Amizero y'Abarundi who were returning from campaign, the subsequent clashes caused the death of a person, killed with stones.

In the south of the country, in Kizuka zone, Rumonge commune, members of imbonerakure militiamen kidnapped two people from their homes and took them to a cemetery to torture them threatening to burying them. They were saved only by the intervention of police agents alerted by the wife of one of the victims.

³ See SOS-Torture n° 126 : <http://sostortureburundi.over-blog.com/2018/05/rapport-n-126-de-sos-torture/burundi-publie-le-12-mai-2018.html>

⁴ <https://www.rpa.bi/index.php/2011-08-15-07-10-58/politique/item/4452-pierre-nkurunziza-menace-et-annonce-l-annee-2018-une-annee-de-purge-et-de-sanctions-des-membres-recalcitrants-de-son-parti>

Several strategies of terror were simultaneously used. Thus in the same Ntega commune, members of political opposition, found on their doors "OYA" writings, aiming to stigmatize them. Also, FNL militants were forced to write "EGO" on their doors, on fear of reprisals.

To make the country more frightened and crisscross, paramilitary training and parades of imbonerakure militiamen were ostentatiously organized, especially in the south of the country, particularly in Kibago and Burambi. These militiamen sang songs interspersed with slogans to the glory of Pierre Nkurunziza. They sang in particular that "the elections were approaching, and that whoever will sharpen the blade will be pierced by it. That the eagle (symbol of the party on power) has already taken power and that he "will never loose it", those who will try to oppose him will be "crushed⁵».

This quarter was also marked by attacks on freedom of expression and the press, reinforcing the blackout imposed on Burundian population following the destruction and ban of independent Burundian radios in May 2015. To this end, the Government of Burundi, through the National Council of Communication (CNC), suspended the British Broadcasting Corporation (BBC) and the Voice of America (VOA) for 6 months. The decision entered into force on May 7, 2018. The CNC referred to the media's failure to comply with the law governing the press and professional ethics to justify this decision. These two international radio stations were the only ones to broadcast information and programs in Kirundi, accessible to the public. This measure has thus considerably reduced the possibility for Burundians to follow independently what is happening in their country, especially in relation to the referendum, thus reinforcing the de facto closeness surrounding the referendum process, in the absence of external observers.

In the end, the power of the government to silence any discord on the draft constitution was accompanied by a campaign of terror characterized by intimidation, arbitrary arrests, violence and killings. Despite this, the Coalition Amizero y'Abarundi was able to defy the taboos, and organized meetings throughout the country, under police surveillance. Several sources reported that images of these demonstrations were taken by police agents. The participants in these demonstrations were also harassed and threatened, once returned home, by some administrative and imbonerakure militiamen. In this regard, Evariste Ngayimpenda of the coalition Amizero y'Abarundi said "some of our agents were threatened, terrorized and others were denied entry into polling stations⁶».

On the judicial side, the period under review was marked by the conviction of Germain Rukuki, a human rights defender, to 32 years in prison for an offense that the public prosecution could not give evidences. This heavy sentence is a manifestation of the will of the power to stifle the voice of civil society and a serious attack on freedom of association. Moreover, compared to the slight conviction, followed by the release of Melchiade

⁵ SOS-Torture n°122, <http://sostortureburundi.over-blog.com/2018/04/rapport-n-122-de-sos-torture/burundi-publie-le-14-avril-2018.html>

⁶ <http://www.iwacu-burundi.org/referendum-constitutionnel-le-oui-lemporte-a-plus-de-70/>

Nzopfabarushé less than two months after, for a serious offense of incitement to hatred, demonstrate a justice of double standards, instrumentalized by the power.

In this context, several human rights violations have occurred with a worrying record of 91 murders, 25 cases of torture, almost all of which were inflicted by elements of *imbonerakure* militiamen on alleged members of political opposition, 151 arbitrary arrests, 4 enforced disappearances and 6 cases of sexual violence, one of which was followed by murder.

Recommendations

To the Government of Burundi:

1. Begin a period of political *détente* based on respect for human rights, fundamental freedoms and democratic principles, following the declaration of President Pierre Nkurunziza to present himself again in 2020 elections,
2. Stop prosecuting people who have protested against the amendment of the 2005 constitution and release all political prisoners, including Germain Rukuki, and cancel all arrest warrants issued against political opponents, civil society and journalists in exile and against any other person whose fault is to have opposed Pierre Nkurunziza's third term.
3. Put an end to the abuses committed by *imbonerakure* militiamen and their impunity and stop without delay all paramilitary training of militiamen and the distribution of weapons to them.
4. Participate without preconditions in an open and inclusive dialogue with all other political actors to put in place conditions for the organization of free, transparent and fair elections in 2020.
5. To cooperate fully with human rights mechanisms at the national, regional and international levels for the implementation of Human Rights Council resolutions and to collaborate with the International Criminal Court (ICC).

To the East African Community:

1. Learn from the failures to organize the inter-Burundian dialogue as a sponsor of the Arusha Peace Agreement and the inter-Burundian dialogue, and involve other multilateral partners for an effective inclusive dialogue among all Burundian protagonists with a view to revisiting the fundamental principles of the Arusha Agreement signed in 2000 and the organization of plural, free, fair and transparent elections in 2020.
2. Take appropriate measures, including the use of an embargo, for the Burundian authorities to accept an inclusive negotiation without preconditions, because the

stubbornness of Pierre Nkurunziza poses a threat to peace not only in Burundi but also in the region, and involves risks to the stability of the East African Community (EAC).

3. Require all countries that have hosted Burundian refugees to comply with international conventions in this area with a view to the optimum protection of refugees on their soil, especially in Tanzania, where these refugees have ongoing threats to their security.

To the International Community:

1. Take act of Pierre Nkurunziza's declaration to no longer present himself in 2020, requires the return of the rule of law in Burundi and respect for the letter and the spirit of the Arusha Agreement.
 2. Support the work of the International Criminal Court to conduct investigations on Burundi with a view to pursue without delay the perpetrators of serious crimes committed since the outbreak of the of 2015 crisis in Burundi , and thereby contribute to the eradication of impunity in this country.
 3. Take appropriate measures to urge the Burundian authorities to cooperate fully with United Nations mechanisms and the ICC.
 4. Take the economic, political and diplomatic measures necessary to bring the Burundian government to respect its international commitments, and commit in a concrete and verifiable way to the return of the rule of law and to the agreement of Arusha.
 5. Implement the European Parliament resolution to stop any additional payments to Burundian troops and various contingents of Burundi engaged in United Nations and African Union peacekeeping missions.
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