

REPORT NO. 53 OF SOS-TORTURE/BURUNDI PUBLISHED ON 17 DECEMBER 2016

This report of SOS-Torture covers the period ranging from 10th to 17th December 2016 concerning human rights violations in Burundi.

At least forty-four (44) persons were arrested during the week in various parts of the country. Among them, eighteen (18) were in Makamba province and were accused of planning an attack on a military camp. Without any tangible evidence, the Intermediate Court of Makamba sentenced them to sentences varying between 5 and 20 years of imprisonment during a red handed hearing.

The report mentions at least twelve (12) persons murdered, including ten (10) in the province of Cibitoke and in various communes of that province. The reasons for these crimes have not yet been elucidated.

Among the killings, SOS-Torture Burundi is concerned about the killing of a detainee and a guard at Gitega prison. Less than 48 hours after the murders, the High Court of Gitega hastened to convict 3 individuals without any tangible proof linking them to these two murders. These practices of 'flagrance' are increasingly used by the courts and do not convince on the guilt of the alleged. Not only do they violate the principle of the presumption of innocence but in addition they do not respect the necessary guarantees for a fair trial such as the right to choose a lawyer freely and the preparation of the defense and even more serious these practices distort the investigations.

1. Arbitrary arrest, kidnappings and forced disappearances continue

- The National Intelligence Service (SNR) agents arrested Remy Nishumbusha nicknamed 'Mututsi' on 9th December 2016 in Bujumbura town. This man lives in the Musaga zone (south of Bujumbura); But no reason for his arrest was specified. The agents who arrested him were in civilian clothes and without a warrant. Nishumbusha's relatives say they have no sign of him.

SOS-Torture Burundi notes that Mr. Nishumbusha's place of detention has not been communicated to the family and fears another forced disappearance. The police or the SNR must indicate the situation of that man in strict respect of the rights of persons deprived of liberty.

- Young Imbonerakure militiamen affiliated to the ruling party CNDD-FDD arrested thirteen (13) opposition activists in Muyinga province (north of the country) on 11th December 2016.

They all belong to the FNL (National Liberation Front) party led by Agathon Rwasa, the current vice-president of the National Assembly. Witnesses testified that no police agents, normally authorized to make arrests, was present.

Another group of Imbonerakure militiamen arrested eight (8) FNL pro-Rwasa militants in the Maramvya zone, Mutimbuzi commune, Bujumbura province (western part of the country) on December 11th, 2016. Among the arrested militants there is a local hill-elected; the young militiamen accused them of holding a meeting aimed at disrupting security. The Imbonerakure militiamen then handed them over to the police, who put them in custody without a credible investigation to confirm or not the accusations of the militiamen.

SOS-Torture Burundi notes that the civilian Imbonerakure militiamen still carry out illegal arrests, with the complicity of police who turn a blind eye to such cases. The risk is that these practices become widespread, with the police and the judiciary becoming unable to control the situation. The other point to emphasize is torture practices aimed at violently tying people at the elbows and arms which constitutes cruel, inhuman or degrading acts of torture and treatment.



8 persons arrested and tied up at Maramvya by Imbonerakure militiamen

These methods of torturing those arrested have often been observed during the crisis, either by security forces or Imbonerakure militiamen.



Image of a man violently tied up at the northern station by a man in civilian clothes after a grenade attack (see **SOS-Torture report Burundi N°10**: <http://sostortureburundi.org/wp-content/uploads/2016/10/SOS-TORTURE-BURUNDI-REPORT-N%C2%B010.pdf>)

SOS Torture Burundi fears that this method is the result of the paramilitary training of the militiamen imbonerakure in eastern Congo, a training that finally prepared only these sad acts of terror in the midst of defenseless political opponents

- The police chief of Rugombo commune, Cibitoke province (northwest of the country) arrested a man accused of planning to go to Rwanda. The identity of the arrested man is not yet known, but witnesses report that he had travel documents in order. He was taken to the head of the Cibitoke National Intelligence Service and then reported missing.

The Chief post who conducted the arrest is called Jean Baptiste Bigirindavyi nicknamed 'Mpagaze'.

- Police agents arrested Egide Hakizimana on 12th December 2016 in Matana commune, Bururi province (south of the country). The young man was then incarcerated by the police in Mugamba commune, Bururi province. Witnesses report that no warrant was presented to him during the arrest.

SOS-Torture Burundi has learned that a search notice has been issued by the Mugamba police against the young man. SOS Torture informs the public that this document (Research

Notice) commonly used by the police is not provided for by the Code of Criminal Procedure, and the reason for this has not been specified by the police. The family and relatives are worried about the young man's safety because he has participated in demonstrations against the 3rd term of Burundian President Pierre Nkurunziza in April and May 2015 and for this simple reason he risks being killed. This young man is native of the Mugendo-Ruko hill, zone Nyagasasa, common Mugamba, Bururi Province.

- The High Court of Makamba (south of the country) condemned in an unprecedented precipitation eighteen (18) persons arrested in Makamba on December 7th, 2016. These persons from different municipalities of Makamba were accused of preparing an "Attack on a military camp. The Tribunal, which tried this case under the famous flagrant procedure, imposed sentences ranging from 5 to 20 years in prison on 12th December 2016.

SOS-Torture Burundi has learned that no tangible and irrefutable evidence has been provided by the police and the prosecution regarding the preparation of such an attack: no weapons, no plan of attack or interception of communication was to substantiate the allegations. These persons have been convicted in the total absence of lawyers, which constitutes a serious violation of the law and, above especially article 210 of the Code of Criminal Procedure, which makes clear that the assistance by a lawyer is compulsory for Minors where the accused is mentally distrustful or where the offense for which he is being prosecuted is punishable by at least 20 years of criminal servitude.

-Agents of the National Intelligence Service arrested a retired police officer, Colonel Tite Serudugo in Kinindo (southern Bujumbura) on 14th December 2016. The SNR gave any reason for the arrest and did not Presented an arrest warrant to the person concerned. During a search at his home, nothing suspicious was found.

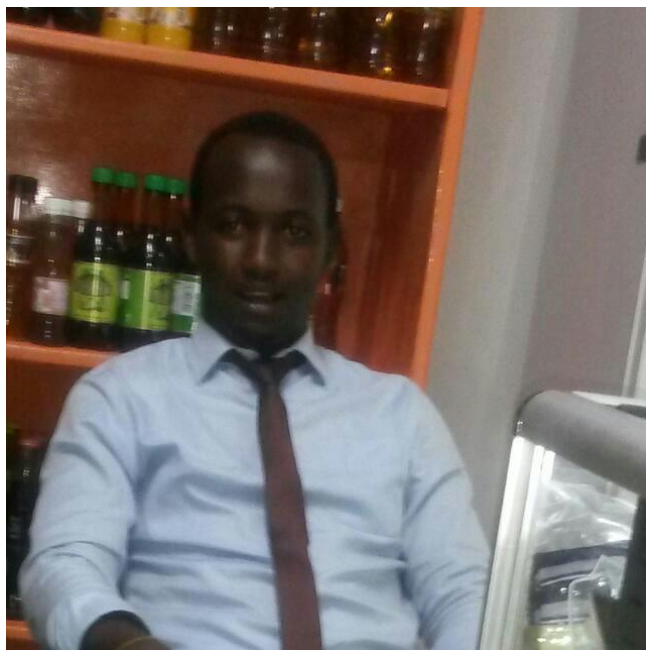
SOS-Torture Burundi notes that, like several members of the active or non-active security forces arrested, Serudugo came from the former Burundian Armed Forces (formerly FAB) before merging with rebel groups to form the current army, He was subsequently assigned to the National Police, from where he left for his retirement.



The retired Officer Serudugo arrested SNR without any ground

- National Intelligence Service agents arrested Bertrand Manirakiza on 14th December 2016 after leaving the Mutanga campus of the University of Burundi situated in the Rohero zone. He is a student preparing his final work in economics, he returned from Rwanda where he had completed his university studies. There were no grounds for arrest or arrest warrants.

SOS-Torture Burundi asked the SNR to explain the reasons for the detention of the student.



Student Bertrand Manirakiza, detained in SNR

Police agents accompanied by young Imbonerakure militiamen of the CNDD-FDD presidential party conducted an illegal search during the night of 14-15th December 2016 at the home of Emmanuel Bigumandondera on the Kirinzi hill, Rugajo zone, Mugina commune, province Cibitoke (north-western part of the country). This is the household of a retired soldier from the former Burundi Armed Forces (formerly FAB) formerly assigned to the Cibitoke military camp. Relatives of the victim report that the police and militiamen have surrounded the household, requiring the retired soldier to show them fighters that he would shelter in his home.

SOS-Torture Burundi is worried about Mr. Bigumandondera's security, harassed and ill-treated at home in the presence of his family.



Emmanuel Bigumandondera, a retired military harassed at his home with police and Imbonerakure militiamen.

2. Assassinations, summary executions and armed attacks

- A policeman assigned to guard of Gitega prison (in the center of the country) was shot dead on December 13th, 2016. APC Déo Manariyo nicknamed 'Dinga'. The police reported that he was killed by an inmate named Rénovat Nimubona during an exit clearance where the policeman was to guard him; whereas the prisoner wanted to escape.

SOS-Torture Burundi has learned, however, that the same detainee was killed and his body found the next day (14 December) in one of the quarter of the city of Gitega. The spokesman for the national police hastened to declare as soon as the body was discovered that the detainee Rénovat Nimubona, prosecuted for his alleged participation in the assassination of General Adolphe Nshimirimana (former head of the Burundian intelligence service), was shot dead By bullet by a 'fellow prisoner'.

SOS Torture finds that these statements of the police are confusing especially that the same fellow prisoner was subsequently sentenced not for murder but for complicity in the escape of his friend of misfortune NIMUBONA Renovat.

SOS Torture asks the police spokesman not to try to distort the investigations by means of free and unfounded statements. Moreover, the term he used in his tweeter "A murderer of the LtGnl Adolphe nshimirimana" is not appropriate because no judgment has been pronounced in force of thing to establish the responsibility of the others in the " the case of the assassination of Gnl NSHIMIRIMANA, to say that all persons prosecuted in this case are all alleged perpetrators and in no case confirmed murderers.



NKURIKIYE Pierre

@PierreNkurikiye

#Burundi Sécurité Gitega:
L'assassin du Lt Gn A.
Nshimirimana qui s'était
évadé hier en tuant 1 policier a
succombé aux tirs d'1
codétenu

7:33 · 14 déc. 16

Tweet page of the police spokesman announcing the assassination the inmate Nimubona after i
His escape



Inmate Rénovat Nimubona, found assassinated the day after his so called evasion

SOS-Torture Burundi wishes to highlight inconsistencies and accusations aimed at distorting the investigation of this case: the spokesperson of the Burundian police confuses the circumstances of the murder of the two persons (the police officer and the detainee) by referring to a 'fellow inmate' whose identity is not revealed by the police. Then, on the eve of the discovery of the body of the detainee Rénovat Nimubona, the same police spokesman said that the detainee in question had escaped after killing his guard, without ever indicating that a prisoner was accompanying him in his Leakage. The police should explain clearly how this 'fellow prisoner' got out of prison with a weapon.

The fears of a botched, if not distorted investigation are confirmed by the arrests of Mr. Paul Hakizimana, deputy director of the Gitega prison; Ms. Godeberth Kankindi, owner of a transit house in Gitega where the policeman was shot and Mr. Audace Nyandwi, delegate of the prisoners of Gitega prison. The three were sentenced to 20 years, 10 years and 21 years for 'complicity of murder' and 'facilitated the escape of a prisoner' on 15th December 2016, means 48 hours after the facts.

SOS-Torture Burundi notes that the Intermediate Court of Gitega, which tried the accused, took the case as a case of red handedness when there is no evidence that the three convicted persons were caught red-handed. This violates the principle of the presumption of innocence and respect for the necessary guarantees for a fair trial.

SOS-Torture Burundi is concerned about this judgment in a rush (less than 48 hours after the arrests) and considers that all the tracks have not been exploited.

- Unidentified individuals assassinated Côme Niyokindi on Gitukura hill, Mabayi commune, Cibitoke province (north-western part of the country) on 8 December 2016. The police have not yet identified the perpetrators of the crime, nor the motive for the assassination.

- On the same date of 8 December 2016, other individuals killed Felix Ntabirya on Mukoma Hill, Mabayi commune, Cibitoke province (northwest of the country). SOS-Torture Burundi also learned of two assassinations committed on 10 December 2016 on the Muhungera hill in Mabayi commune and two other victims killed on the Muhungu hill in Mabayi commune. The last four victims could not be identified.

- Individuals armed with machetes murdered Japhet Mpawenimana on Ndava hill, Buganda commune, Cibitoke province. As in previous cases of crimes in Cibitoke, the police have not yet identified the perpetrators of the crime.

- Unidentified individuals shot and killed Bernard Kizovu on Mikoni Hill, Bukinanyana Commune, Cibitoke Province on the evening of December 11, 2016. The perpetrators used a firearm.

In the same evening, other armed individuals murdered Jean Ndereyimana on Ngoma Hill, Murwi Commune, Cibitoke Province. The body of the victim was found in a manioc field. Witnesses report that he was a pro-Agathon Rwasa FNL opposition activist.

- Unidentified individuals killed Joram Bizimana on Bambo hill, Ngoma area, Murwi commune, Cibitoke province (northwestern part of the country) on December 13th, 2016. The victim was murdered with machetes and his body thrown into a field of eucalyptus. Mr. Bizimana, 55 year old and father of 7 children, was an opposition party activist belonging to Agathon Rwasa FNL.

The latter case brings to ten (10) the number of persons murdered in a week in Cibitoke province, in unclear circumstances for each of the victims. The police also failed to identify the perpetrators or a suspect, which increases crime in this part of the country.

- An armed group attacked several persons at the Phenicia Hotel in the southern province of Bururi on the evening of 15th December 2016. Seven persons were injured including the Deputy Police Commissioner of Bururi Province and the head of the provincial intelligence service. The perpetrators of the attack were not identified.



In the aftermath of the attack, the police apprehended twenty (20) persons presented as suspects

The SOS-Torture / Burundi campaign was initiated with the objective of informing national and international opinion on 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 slaughter of a hundred people killed during the day of December 11th and that of December 12th, 2015 by the police and military under the pretext of tracking rebels who came to attack military camps located on the outskirts of the capital City. The affected quarter are said to be protestors of the third term of President Nkurunziza namely Musaga, Mutakura, Cibitoke, Nyakabiga, Jabe, the last two being located in the center of Bujumbura City Hall.