

REPORT NO. 59 OF SOS-TORTURE / BURUNDI PUBLISHED ON 28 JANUARY 2017

This report of SOS-Torture / Burundi covers the period from 21th to 28th January 2017 concerning the serious human rights violations that continue to be committed with total impunity in Burundi.

At least twenty-one (21) persons were arrested during the only seven (7) days period in various localities. Among them, however, fifteen (15) soldiers assigned to various military barracks in the country. The majority of the victims of these waves of arrests are linked to the attack on Mukoni Military Camp located in Muyinga province (north of the country) during the night of 23-24th January 2017.

These mass arrests of soldiers (officers, non-commissioned officers and men of rank) recall other arrests in cascade of soldiers from the former Burundian Armed Forces who arrived in September 2016, one of whom is Warrant Officer Eddy Claude Nyongera who was executed savagely in the premises of the national intelligence service and more particularly in the aftermath of the attacks of the military camps of 11th and 12th December 2015.

The report also refers to five (5) cases of murders recorded in the week of 21-28th January 2017 alone, including three bodies found dead near the Mukoni Military Camp in the aftermath of the Camp's attack.

The report finally returns to the recent measure of release of certain prisoners following the presidential pardon decree.

1. Arbitrary arrest, kidnappings and forced disappearances continue

- Police agents arrested their colleague named Manella Ntakirutimana with her husband in the Kanyosha zone, Muha commune (south of Bujumbura) on 21th January 2017. This arrest was carried out after a search of the couple's home in the Musaga zone (South of Bujumbura). The police said they found police uniforms in their house.

SOS-Torture Burundi notes that this is an arrest of an active police officer. Holding police uniforms or uniforms is quite normal for a police officer, and does not constitute an offense as long as each police officer has at least one endowment of one or two outfits of that body.

- National Intelligence Service agents arrested a non-commissioned Burundian army officer, Elysee Nduwumukama, on his plane trip to the Bujumbura

International Airport on 21st January 2017. The soldier was returning home with his colleagues from the UN peacekeeping mission in Central African Republic, MINUSCA.

SOS-Torture Burundi emphasizes here that SNR agents are not empowered to arrest active military personnel. Military judicial bodies exist for such operations, if necessary. No warrant was presented to the non-commissioned officer who ignores the reasons for his arrest. Unfortunately, this violation of procedures has been institutionalized since the beginning of the crisis in April 2015.



Non Commissioned Officer Elysée Nduwumukama arrested at Airport on return from Republic of Central Africa

- Police agents arrested three young men in Musaga zone (southern Bujumbura) on 24th January 2017. The arrested persons were among the detainees who had just regained their liberty. There were only 24 hours by decree carrying the presidential pardon (point 3 of this report). They are Longin Ntakarutimana, Innocent and Ezéchiel residing Musaga commune (south of Bujumbura)

- Police agents and members of the army arrested six (6) persons in Muyinga commune, Muyinga province (north of the country) on 24th January 2017, a few hours after the attack on the Mukoni military camp in the same municipality (point 2 of this report). The announcement was made by the spokesman of the Burundian army. These include

Ndabambarire, Eric and Ferdinand whose names and images circulated on social media as suspects among the perpetrators of the attack. The three men all civilians live in the camp of the displaced persons of Mutaho, Gitega Province (central of the country).



Civil persons arrested some hours after the attack of Mukoni Camp

The other persons arrested a few hours after the attack are active soldiers. This is Master Corporal Fulgence Ndayikengurutse, assigned to the Mukoni military camp and a former member of the Special Brigade for the Protection of Institutions, where he served as the driver of the Brigade commander



Master corporal Fulgence Ndayikengurutse, arrested some hours after the attack of Mukoni Camp

The attack on the military camp of Mukoni resulted in a wave of arrests of active soldiers and solely from the former Burundian army "Burundian Armed Forces ex-FAB with Tutsi-dominated" before the merger with ex-parties and movements (PMPA) to form the current National Defense Force (NDF), as was evident throughout the crisis in the aftermath of a similar armed attack. In addition to Master Corporal Ndayikengurutse, SOS-Torture Burundi notes the arrest on January 25th, 2017 of Warrant Officer Nzojyobiri and Warrant Officer Harerimana both working at Mukoni camp.

- Military agents also arrested Master Corporal Richard Nkurunziza assigned to the 22nd Armored Gitega Battalion on January 24th, 2017 at his position in Nyanzari in Gitega (center of the country). He was taken to Muyinga province the next day because he is accused of being involved in the attack on the Mukoni military camp on January 24th earlier in the morning. This soldier is also a former Burundi Armed Forces (ex-FAB).



Master Caporal Richard Nkurunziza arrested at Gitega

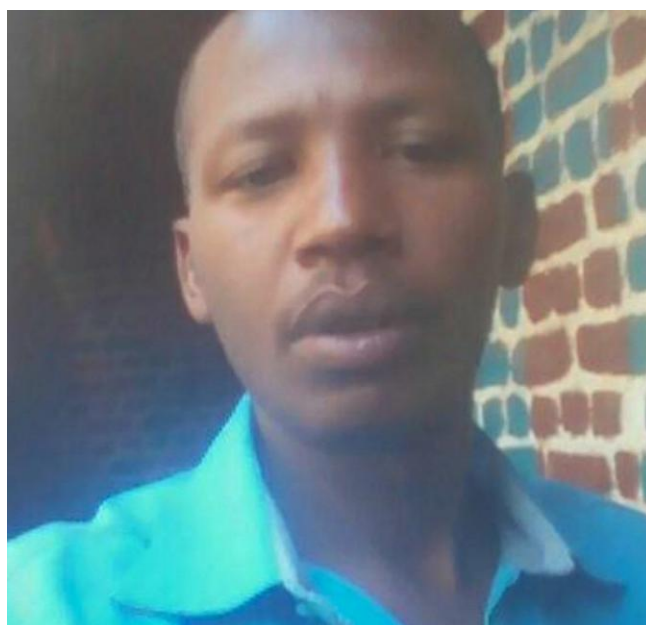
- Another soldier, Master Corporal Amedee Niyukuri, was arrested in the Ngozi commune and province (north of the country) at his place of work on January 25th, 2017. Like his comrades chased during the week, he is a member of Former Armed Forces of Burundi (FAB) before their merger with the ex-parties and armed political movements "PMPA". On the same day, soldiers arrested Warrant Officer Ildephonse Nimubona at the Mutukura military camp in the eastern province of Cankuzo.



Master Caporal Amédée Niyukuri arrested at Ngozi

- Police agents also arrested Master Corporal Emmanuel Bizimana on January 25th, 2017. He was arrested in the southern province of Rumonge while on leave. Witnesses report that the police were accompanied by militiamen of the league 'Imbonerakure' belonging to CNDD-FDD; Party on power during the arrest of the soldier in activity.

SOS-Torture Burundi notes that the arrest is also arbitrary and illegal, as are the other military arrests that occurred during the week. Police officers, let alone Imbonerakure militiamen, cannot arrest active military personnel.



Master Caporal Emmanuel Bizimana arrested at Rumonge

- Military agents also arrested Major José Runyange and Lieutenant Moise Nimubona in Muyinga province on 26th January 2017. The two officers are also accused of collaborating in the attack on the Mukoni military camp.

SOS-Torture Burundi is concerned about these new waves of army arrests (officers, non-commissioned officers and rank-and-file soldiers) of the army which concern only soldiers of the Tutsi ethnic group and of the former Burundian army ' "Burundian Armed Forces (ex-FAB)".



Lieutenant Moise Nimubona arrested at Mukonicamp in the aftermath of the attack

These mass arrests are reminiscent of other soldiers also from the former FAB and mainly Tutsi arrested in the aftermath of the atrocious execution of Warrant Officer Eddy Claude Nyongera at the National Intelligence Service on 14th September 2016 (see **SOS report - Torture Burundi N° 40:**<http://sostortureburundi.org/wp-content/uploads/2016/10/SOS-TORTURE-BURUNDI-RAPPORT-N%C2%B040.pdf>). Among the arrested soldiers were fourteen (14) non-commissioned officers from the former Burundian armed forces, mostly Tutsi, illegally arrested by SNR agents, and charged one week after the arrests for "attacking the internal security of the State and participation in Armed bands" (see **SOS-Torture Burundi report No. 41:**<http://sostortureburundi.org/wp-content/uploads/2016/10/SOS-TORTURE-BURUNDI-RAPPORT-N%C2%B041.pdf>).

SOS-Torture Burundi also notes a similarity to the wave of extrajudicial executions and arbitrary arrests of Tutsi-majority ex-FAB soldiers after the attacks of the Bujumbura military camps on 11th and 12th December 2015; Whose emblematic case is that of sub-Lieutenant Hermès Nduwingoma wounded during the attacks and then arrested by the military police while looking for a place where to be treated and found executed among the young civilians in the district Nyakabiga qualified as protestor of the third Mandate of Burundian President Pierre Nkurunziza (cfr report **SOS-Torture Burundi N ° 2:**<http://sostortureburundi.org/wp-content/uploads/2016/10/SOS-TORTURE-BURUNDI-RAPPORT-N%C2%B02.pdf>).

- The deputy chief of the national intelligence service in northwestern Cibitoke arrested three young men in Rugombo commune in northwestern Cibitoke province on 27th January 2017. Witnesses reported that «They were taken on board National service vehicle of the SNR officer, registered D6392A.

SOS-Torture Burundi notes that no warrant has been presented to the persons concerned, which constitutes an arbitrary arrest.

2. Assassinations, summary executions and armed attacks

- A man's body was discovered on Makangara hill, Mishiha commune, Cankuzo province (East of the country) on January 21th, 2017. It is a man whose body was in a state of decomposition and slaughtered seeing traces on his neck.

SOS-Torture Burundi notes that the local administrative authorities have again hastened to order the burial of the victim without being identified, without the police having made investigations and without medical expertise, has taken place with a view to knowing the circumstances of this assassination, still less the perpetrators of this despicable act. This practice, which has become a habit of the administration, confirms the complicity of the different organs of the State in the repression in the blood of the political opponents and other persons accused by the power to support armed movements. A culture of impunity that is gradually taking hold in Burundi in the face of serious crimes under international law.

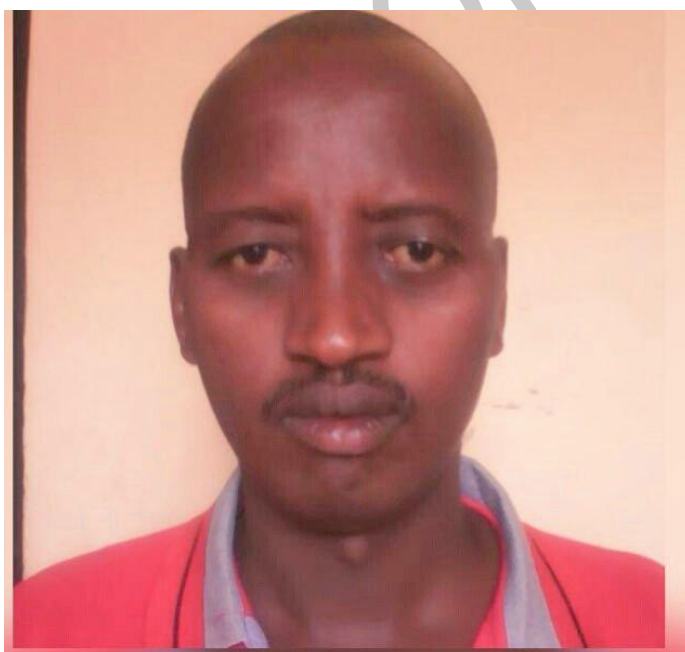
- An armed attack targeted the military camp of Mukoni, Muyinga province (north of the country) on the night of 23 to 24th January 2017. Witnesses report exchanges of fire between an armed group and soldiers. The army nevertheless denied any attack and evoked a group of thieves who crossed soldiers on patrol. The situation remained confused all day, especially as the army and the police surrounded the surroundings of the camp. Several arrests of active soldiers and civilians followed the attack (point 1 of this report), the record of which is uncertain.

In an unprecedented rush, the trial of those arrested immediately after the Muyinga camp attack took place on 27/01/2017 at the Muyinga High Court. According to the testimony of those who attended the trial, the alleged perpetrators were in critical condition following the horrific acts of torture they suffered during the few days in the custody of Muyinga intelligence service.

SOS Torture condemns with its last energy the behavior of the magistrates who agreed to have these victims appear, some of whom could not even stand up like Corporal Fulgence Ndayikengurutse who was agonizing after the acts of torture inflicted to him and who had not received Food since his arrest, that is to say two days before. This constitutes a serious violation of their rights which judges are supposed to guarantee and enforce.

Three murdered bodies were found on Rusengo Hill, Muyinga commune, Muyinga province (north of the country) on 25th January 2017. Of the three victims, only one was identified. He is Warrant Officer François Nkurunziza, a non-commissioned officer in charge of administration at the Mukoni camp in Muyinga province; which camp was attacked the day before the discovery of the bodies. Witnesses report that Warrant Officer Nkurunziza was officially arrested the day before by security forces. His body and that of the other two unidentified victims were within three kilometers of this Mukoni camp.

SOS-Torture Burundi fears extrajudicial executions insofar as one of the victims was under arrest prior to his assassination. Also, the local administration in Muyinga hastened to bury the victims without waiting for the identification of the other two bodies. No investigation has been carried out into the circumstances of the death of these three persons; More worrying is that the people who arrested Warrant Officer Nkurunziza were not arrested in return.



Warrant Officer François Nkurunziza, found dead not far from Mukoni Camp in Muyinga

- Major Dieudonné Karashira of Mutukura military camp was killed by another soldier, Corporal Ntahomvukiye, in the eastern province of Cankuzo on January 25th, 2017. The

officer was killed while attempting to arrest Corporal during the night. The Burundian army has suggested that Corporal Ntahomvukiye was apprehended and subsequently brought to justice. The charges against the member have not been made public at this time; as well as the reasons that motivated the officer Dieudonné Karashira to carry out an arrest at night.



Major Dieudonné Karashira, killed by another military personnel he attempt to arrest

SOS Torture Burundi is deeply concerned about the tension between soldiers from the former Tutsi-dominated army and those from former Hutu-dominated armed political parties and movements.

The systematic arrests and executions of the Tutsi ex-FAB soldiers by their Hutus colleagues supported by the imbonerakure militiamen could destroy the Burundian army and plunge the country into a serious genocidal crisis.

SOS Torture/Burundi urges the East African Community, the African Union, the United Nations Security Council, and the United Nations Under-Secretary for the Prevention of Genocide to take urgent measures to prevent this genocide that is taking shape slowly but surely in Burundi.

3. Release of prisoners as a measure of grace

The Ministry of Justice has begun to release several detainees affected by a presidential pardon aimed at alleviating the prison population that has become explosive in Burundi. At least 2,500 prisoners will thus recover freedom and only concerns prisoners already sentenced to a penalty not exceeding five (5) years of servitudes.

This measure is salutary but insufficient in view of the prison population which remains very worrying in Burundi. At the end of December 2016, the prison population reached **10,051 prisoners, including 5,067 prisoners and 4,869 convicts, 108 minors and 73 infants guarded with their mothers** in Burundi, for a capacity of 4.194 places (see report **SOS-Torture Burundi N 55**). Although the decision concerns detainees already convicted, SOS-Torture Burundi recalls that those in pre-trial detention constitute the largest prisoners, particularly since the beginning of the crisis, when arbitrary and illegal arrests have multiplied. The government must make more efforts to release those detainees who have not been tried for several months or even years and whose trials have been characterized by several procedural irregularities.

SOS-Torture Burundi also notes that some political prisoners have benefited from this release as a pardon. These include 58 militants from the MSD party (Movement for Solidarity and Democracy), who have been detained for almost 3 years following clashes with the police in March 2014 in front of the headquarter of their party. Some demonstrators opposed to the third term of Burundian President Pierre Nkurunziza in April and May 2015 are also affected by the measure. However, several hundred other opposition political detainees remain in detention without their case being brought to court.



SOS – Torture/Burundi

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

SOS-Torture/Burundi campaign was initiated with the aim of informing national and international opinion on serious human rights violations ongoing 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 pursuing rebels who came to attack military camps on the outskirts of the capital. The affected zones are said to be challenging the third term of President Nkurunziza which are the following Musaga, Mutakura, Cibitoke, Nyakabiga, Jabe, the last two being located in the center of Bujumbura City Hall.