



SOS – Torture/Burundi

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

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This SOS-Torture report covers the period from 13 to 20 May 2017 on human rights violations in Burundi.

This report mentions cases of assassinations and armed attacks. At least nine (9) persons were killed during the period in different locations. Among these targeted assassinations are three young men members of the Imbonerakure militias of the ruling party CNDD FDD, murdered in Bujumbura City Hall. Armed attacks also took place in the west of the country in Bubanza province.

At least forty-nine (49) persons were arrested, including thirty-nine in Gikoto in Musaga zone after the triple assassination of Imbonerakure militiamen. In the province of Cibitoke (northwest), the report mentions the arrest of six persons without the police indicating the reasons for these detentions.

1. Two projects of revision of the Criminal Code and the Code of Criminal Procedure open the way for all abuses.

The Minister of Justice and Keeper of the Seals presented on Wednesday 17/05/2017 in the Council of Ministers his draft reform of the criminal code and that of criminal procedure, which should authorize night searches and without a judicial warrant.

International human rights law recognizes that governments can impose certain limits on the rights of individuals in extreme circumstances when a state of emergency has been declared, particularly when a country is facing a threat of exceptional gravity. However, measures taken under a state of emergency must meet stringent conditions: they must always be limited to the strict requirements of the emergency and they must in no case be applied in a discriminatory manner.

The Government of Burundi has just decided to reform the laws in criminal matters, especially the penal code and the criminal procedure.

One of the reforms that violate fundamental rights is the authorization of night searches and without a judicial warrant, which opens the door to abuses by the police and the Imbonerakure militias, who are always pointed at as perpetrators of rape and theft during the search of the day.



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SOS-Torture Burundi finds that this delicate and far-reaching reform is not right now until a state of emergency has been declared to justify these limits on the human rights of individuals.

This reform will have a serious impact on the lives and property of neighborhood residents who have been active in challenging the violation of the constitution and the Arusha Accords because it is still targeted for regular police searches.

SOS-Torture Burundi is appealing to the Government of Burundi in general and to the President of the Republic not to promulgate such a law which paves the way for thefts, rapes, kidnappings and many other abuses which may be committed and it will be difficult to know the perpetrators as long as this new reform excludes the requirement to present warrants in this dangerous activity.

The searches already carried out under the current law have already had a negative impact on the human rights of thousands of protesting neighborhoods. They constitute a serious violation of the right to privacy and undoubtedly this reform will increase stigma and discrimination against those targeted. The magnitude of these night searches without a judicial warrant and the unconvincing motives behind such a reform risk plunging the country into chaos, especially since these bills do not intervene in a state of emergency with a limiting these measures to what is strictly required by the situation, as provided for in international human rights law.

2. Violations of the right to life and physical integrity

- Cases of insecurity are again observed in the western and northwestern parts of Burundi.

An armed group attacked Gihanga commune, Bubanza province (western part of the country) on 14 May 2017 in the evening. Witnesses reported that the attack had sparked clashes between the group and the local military. The record is confusing because the combat zone is accessible only to the military. The army officially reported the death of a rebel and a wounded soldier. Residents of the locality, who are also traumatized by the exchanges of fire, evoke the death of a soldier and a rebel.

- Individuals armed with machetes murdered Bernadette Baragengana on Rabiho hill, Vugizo commune, Makamba province (south of the country) on 11 May 2017 in the evening. Aged 79, she was the widow of Oscar Ntaso's older brother, who has been missing since 20 April 2017 after his abduction in Bujumbura with the complicity of people close to the ruling party, one of whom was subsequently

eliminated (see Sos-Torture Burundi report No. 71 and 72: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume%CC%81ro-71-En-Fr.pdf> and <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume%CC%81ro-72-en-EN.pdf>).

SOS-Torture Burundi notes that the police have not identified the perpetrators of this murder, let alone shed light on the investigation results in the case of forced disappearance of his brother-in-law and Oscar businessman Ntasano.



Ms. Bernadette Baragengana, assassinated at her home in Makamba

- Unidentified individuals assassinated Cyprien Gahungu on Matongo Hill, Ndava commune, Mwaro province (center of the country) on May 14, 2017 in the evening. The criminals used machetes to eliminate Mr. Gahungu, aged 60. The criminals were not identified, but the police arrested two suspects without giving the identities of the apprehended persons at the moment.

- Men identified as members of the Imbonerakure militiamen of the CNDD FDD political party beat Minani on Kayongozi Hill in Bweru commune, Ruyigi province, on 14 May 2017. They accused this man of Batwa ethnic minority of theft. Mr. Minani died the day after of torture suffered.

SOS-Torture Burundi notes that two Imbonerakure militiamen were arrested by the police during the investigations, but witnesses report ongoing negotiations to get them released. It is an execution; if Mr. Minani had actually been caught by

fraud, the Imbonerakure militiamen should have handed it over to the police. They must be prosecuted in accordance with the law and not released without trial.

- Unidentified individuals murdered a young man and threw his body into a gutter in the Kigobe neighborhood, Ntahangwa commune (north of Bujumbura) on 15 May 2017 in the night. The body was discovered by passers, near the Air, Border and Foreign Police (PAFE) offices. The victim was not identified by the police, but SOS-Torture Burundi notes that the same police announced that it is a settling off accounts between bandits that went wrong.



The young man found murdered not far from the offices of the immigration police

- Individuals armed with grenades assassinated three young men in the Gikoto quarter, Musaga zone, Muha commune (south of Bujumbura) on 17 May 2017 in the evening. The victims are all members of the Imbonerakure militiamen, affiliated with the ruling party CNDD FDD, who were together in a bistro at the time of the attack, which also resulted in three more wounded. The young persons murdered are Audifax Ndayizeye, Cédric Kwizera and Harerimana.

SOS-Torture Burundi notes that the police have not yet identified the perpetrators of the attack. However, police agents and the National Intelligence Service closed the Gikoto quarter in the evening sometime after the attack and began muscular excavations in the households outside of the regular hours. Witnesses reported that several persons, mainly young men, had been beaten by the same agents.

After several hours of closure, thirty-nine (39) persons were arrested and boarded by the police. Police reported that five of the thirty-nine persons were

linked to the attack investigation; And the rest are persons not included in the household booklets. Among those arrested and identified was the leader of the pro-Rwasa FNL party in Musaga, Jean Bosco Mugiraneza; As well as Antoine Hakizimana and her two sons.

SOS-Torture Burundi recalls in this respect that this document "Household notebook" is considered as serving as a control of the identity of the persons occupying the households; but it is not governed by any law while the administration collects fines when people are not registered in this book.

3. Violations of the right to liberty and physical security

- Police agents attempted a night search at Pascal Ninganza's house on Rubanga Hill, Matana commune, Bururi province, on 14 May 2017. Witnesses reported that Mr. M's wife Ninganza refused to open to the police, who had no warrant and appeared outside regular hours (between 6 am and 6 pm).

SOS-Torture Burundi notes that in retaliation, the same police agents carried out searches the next morning, May 15, 2017, in about twenty households including that of Mr. Ninganza. Relatives reported that the police had previously attempted to arrest Ninganza, a former soldier of the Burundian Armed Forces (formerly FAB), who had to flee the country for fear of his safety.

- Police agents arrested Edouard Nzambimana and Ladislas Sabukwigura in Rutegama commune, Gitega province, on 15 May 2017. The two men are opposition activists from the nearby National Liberation Front party (FNL), Of Agathon Rwasa.

SOS-Torture Burundi notes that these arrests occur a few days after the release of Mr. Nzambimana and Sabukwigura (release on May 11, 2017) from the Gitega prison where they had just spent 6 months, tried for ambush. However, the prosecutor's office considered that no tangible evidence had been incriminated by the two men, and had decided to release them. These new arrests are arbitrary.

- Police agents arrested six (6) persons on Ngoma Hill, Murwi Commune, Cibitoke (northwestern province) on 16 May 2017. Witnesses reported that they had all been taken to the Cibitoke police Commissariat station located in the Buganda commune.

Among them are Freddy Ngendabanka, Jean Niyorugira and Jesus Habumuremyi, whose fault is that they did not want to collaborate with the ruling party CNDD FDD.

SOS-Torture Burundi notes that the police have confirmed the detention of the six men who are under interrogation, without communicating the official reasons for their detention.

- Police agents arrested Boniface Nibigira at his workplace at the SOSUMO Sugar Company in the southeastern province of Rutana on May 18, 2017. Witnesses reported that agents of the National Intelligence Service were accompanied by the police at the time of the arrest, for infringing the security of the State.

SOS-Torture Burundi has learned from relatives that Mr. Nibigira is a member of the opposition party UPRONA (Union for National Progress) who has remained loyal to Charles Nditije (leader of the party forced into exile).

The police must provide evidence of the charges against the employee of a state-owned company. If not, SOS-Torture fears that this is an arbitrary arrest with political motives. Several victims of such arrests (civilians, soldiers and policemen) were accused of assaulting the security of the state to justify their detention, without any tangible evidence being provided by the police; Let alone the Crown.

- Police agents arrested Révérien Manirakiza on Burenza Hill, Commune Butaganzwa, Ruyigi Province (East of the country) on May 18, 2017. This is the hill-level representative of the FNL opposition party faithful to Agathon Rwasa. Relatives reported that he had responded the day before to a police summons, following a complaint by a member of the militia Imbonerakure of Butaganzwa. The police released him that day; but the provincial leader of the ruling party CNDD FDD demanded his arrest.

SOS-Torture Burundi notes that Mr. Manirakiza is being imprisoned for no reason and without evidence. The public prosecutor, who accepted his imprisonment in Ruyigi prison, must communicate the charges against this member of the opposition.



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The SOS-Torture / Burundi campaign was initiated with an aim 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 persons killed during the day of 11 and 12 December 2015 by the police and military under the pretext of prosecuting rebels groups which came to attack military camps on the outskirts of the capital City. The affected quarters are said to be challenging the third term of President Nkurunziza among others Musaga, Mutakura, Cibitoke, Nyakabiga and Jabe, the last two being located in the center of Bujumbura.

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