

REPORT N ° 86 OF SOS-TORTURE / BURUNDI PUBLISHED 5 AUGUST 2017

This SOS-Torture report covers the period ranging between 29 July and 5 August 2017 on human rights violations in Burundi.

The report highlights serious violence in Rumonge prison, while the prison Director is accused of dividing detainees according to their political affiliation or conviction. At least ten (10) of the detainees were wounded, some by police bullet and others by stone throwing and machete blows by detainees backed by the prison director. Among the wounded are Colonel Adrien Kadende, currently in critical condition, who still has not been allowed to receive appropriate care.

At least eight (8) persons have been victims of human rights abuses and violations committed by the imbonerakure militiamen in various localities of the country. These include acts of torture, unlawful arrests and racketeering committed with impunity in the eyes of the administration.

The report also mentions the situation of human rights defender Germain Rukuki, a former employee of Acat-Burundi. He is detained since July 13, 2017, and victim of his belonging in the past to Acat-Burundi organization which was deleted unjustly by the Ministry of internal affairs.

1. Violations of the right to life and physical integrity

- On 3 August 2017 Police agents shot and injured at least 10 detainees in the prison compound of Rumonge prison (southwest of the country). The violence is a result of divisions managed by the prison director, OPC2 Jean Claude Ntirandekura, between the pro-power detainees and those considered as enemies of the country because they are not activists or close friends of the CNDD FDD party. These divisions can be observed in all prison services, even in the management of food for prisoners. The two groups of detainees (pro and anti-power) clashed because of this management of food, because prisoners who do not advocate for the political party on power denounce an uneven and selective distribution of food.

SOS-Torture Burundi has obtained the testimony of a detainee from Rumonge prison, which we report below:

"It all started at 11 o'clock. The problem is the management of the food supplied by the ICRC, which gives it to the Directorate General of Prison Affairs (DGAP) and

which in turn handles redistribution in prisons. The prison director has appointed food management committees, security committees and the 'generals' who run all the other inmates. Each day it is expected that they will cook 420 kilograms for the inmates, but this food management committee began to cook only 200 kilograms and the rest was diverted. The amount diverted is given to the prison director, who takes care of reselling it and they share the money. They want to starve us. Some of the detainees refused this abuse.

On Wednesday, ICRC officials came to explain the amount of food for each prisoner: 350 grams of beans and 350 grams of flour for the dough. As soon as they left, the same committee appointed by the director resumed the theft of food and prepared only 200 kilograms for all the prisoners, which means that each prisoner receives only 150 grams of beans. We sent the 'deputy-capita' (responsible for bringing food into the cells) to inspect the food and bring it; And they found that the quantity was insufficient despite the advice of the ICRC. They wanted to protest, and the 'generals' in charge of security and help-cooks took sticks, axes and machetes and started hitting the 'deputy-capita'.

As we were locked up in the blocks, we could not get close to the kitchen to help the 'deputy-capita'. They were seriously wounded and tied up in our eyes. The police agents also started shooting in our direction; Police bullets and stone throwing were to be avoided as the policemen stood on the side of the generals and their aides throwing the stones. The prison director arrived and even ordered the 'deputy-capita' to be eliminated. But this order was not accepted by the detainees who had helped the 'generals' to hit the 'deputy capita'.

The governor, the police commissioner of the province and other authorities arrived at Rumonge prison, and the violence ceased. But the police had already wounded detainees like Colonel Kadende who was quickly evacuated to the hospital of Rumonge.

SOS-Torture Burundi notes that the police in charge of institutional protection (API) and the riot police (BAE) assaulted the prison blocks from 4 am on 4 August 2017 to take the prisoners out and search cells. Detainees report that they stole money and other objects during the excavations in complicity with the so-called 'general' detainees.

On August 4, 2017 the director of Rumonge prison, OPC2 Jean Claude Ntirandekura, ordered the transfer of sixteen (16) detainees including Major Vital Ndikumwenayo 'Ruhiza', Lieutenant Akimana, Nathal, Nzisabira, Aimable, Elvis

nicknamed 'Gucci' Lewis without disclosing the place of transfer. The same director acts in a way to maintain tensions between CNDD FDD militants and those considered opponents of the third term of office of the president.



Major Vital Ndikumwenayo 'Ruhiza', one of ex-FAB officers transferred by order of Rumonge Prison Director

In addition to Colonel Adrien Kadende hit by police bullets in the hips, two other detainees and a policeman were wounded by another police agents and evacuated to the hospital of Rumonge. SOS-Torture Burundi also learned that inmate Ferdinand was also shot, but was not evacuated from his cell for proper care. The other detainees who were wounded is the 'deputy-capita' who had been hit by machetes when they tried to protest against insufficient food. Colonel Kadende's state of health is disastrous, as he has not yet been allowed to receive treatment; Despite an urgent medical transfer from Rumonge to the capital Bujumbura. Relatives reported that he was taken to the central prison of Mpimba in Bujumbura instead of a hospital adapted to treat his gunshot wounds.



Colonel Adrien Kadende, seriously injured by bullet but still not allowed to receive care

These serious incidents at Rumonge prison and the attitude of the prison director resembled other incidents at Gitega prison (center of the country) where the prison official indoctrinates the CNDD FDD detainees to mount them against the prisoners. Political prisoners and prisoners accused of attempted putsch (**see report Sos-Torture Burundi No. 84: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-84-en-Fr.pdf>**).

The prison of Rumonge counts 1,137 prisoners for an accomodation capacity of 800 prisoners.

- The management of the Mpimba prison in Bujumbura refused to grant to student Audace Nkuzimana the right to receive appropriate care that the medical service of the prison cannot grant him. This student, deputy general delegate of the students of the Applied Pedagogical Institute (IPA), was arrested on March 29, 2017 by agents of the national intelligence service after several representatives of students addressed a letter to the Burundian president to contest The new measures to grant the scholarship (**see Sos-Torture Burundi report No. 68: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-68-en-Fr.pdf>**).

SOS-Torture Burundi notes that Mr. Nkuzimana's health is deteriorating and that the consequences will be the direct responsibility of the director of the Mpimba prison.



Audace Nkunzimana, student detained for more than 4 months

- On July 29, 2017 unidentified individuals attacked Pascal's home in Bukirasazi commune, Gitega province (center of the country). The head of the family was wounded. The police have not identified any suspects at the moment.

2. Violations of the right to liberty and physical security

-On July 29, 2017 in the evening, Imbonerakure militiamen tortured Thacien Nyarubira on Ruharo Hill, Muhwazi zone, Nyabitsinda commune, Ruyigi province (East of the country) . Relatives reported that these militiamen illegally entered the victim's home and began to beat with batons Mr. Nyarubira and his wife , arguing that the couple was fighting. The militiamen Imbonerakure, led by Ferdinand Kanani, broke the legs of Thacien Nyarubira who is unable to move or seek treatment because of lack of resources. They also forcibly extorted a sum of 15,000 francs from the victim to end the torture.

SOS-Torture Burundi notes that the police have not conducted any arrests, and these imbonerakure militiamen are free while they have tortured a person.

However, this is not the first case of abuse committed by Ferdinand Kanani, who is the head of a group of militiamen imbonerakure involved in several acts of torture in Nyabitsinda commune. He tortured and nearly murdered a girl Nibogora on the Ruharo sub-hill, Muhwazi zone, Nyabitsinda commune, Ruyigi province (East of the country) on March 4, 2017, after tying her up and hanging on a tree like an animal (See **Sos-Torture Burundi Reports No. 65 and 85**: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nums%CC%81ro-65-en-Fr.pdf> and <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nums%CC%81ro-85-Francais.pdf>).

- The imbonerakure militiaas imposed their laws on the hills especially in rural areas where impunity reigns. A group of militiamen arrested several passersby on Musenga Hill, Mugege zone, Butaganzwa commune, Ruyigi province, on 10 July 2017. Relatives reported that Jonas Ntahomvukiye, Gérard, Nyamizi, Richard and Dieudonné Kezakimana Stripped of all the money they possessed by the imbonerakure militia that were identified: Julias Niyonkuru (group leader), Leonardo nicknamed 'Shakbot', Bahati, John of God and Eric.

SOS-Torture Burundi notes that the local government as well as the police no longer control the imbonerakure militiamen. The head of the hill was assaulted by the same group, trying to prevent them from continuing to steal passers-by with impunity. Witnesses report that the imbonerakure militia only calmed down after the intervention of the communal administrator of Butaganzwa. The police must intervene to enforce law and order, as the impunity enjoyed by the imbonerakure militias accentuates further the abuses.

- Imbonerakure militiamen tortured Donatien Konkoro on Bigera Hill in Butaganzwa commune, Ruyigi province on 31 July 2017. Witnesses report that they arrested him while repairing his bicycle and tied him up before beating him For not taking his wife to the doctor. Mr. Konkoro was wounded to the point of bleeding at the level of the ears. The same imbonerakure militiamen routed the victim to the chief of the hill, who refused to take the case in hand.

SOS-Torture Burundi notes that instead of requiring medical care of the victim, the head of the hill is an accomplice in the acts of the imbonerakure. He also did not seize the police while facing the perpetrators of the torture and the dying victim.

The same group of imbonerakure militiamen arrested Vianney Buroye on the same Bigera hill and beat him for no reason, as did Nestor who was trying to help another inhabitant about to be robbed by this group of young people Of the CNDD FDD party. SOS-Torture Burundi notes that the imbonerakure militiamen make the law on the hills, and impose money with impunity.

- Imbonerakure militiamen illegally arrested Léonidas Niyukuri on Kabondo Hill, Nyanza Lake commune, Makamba province (southern part of the country) on 31 July 2017. He is a militant of the FRODEBU (Democracy Front Burundi), victim of his political affiliation.

SOS-Torture Burundi noted that the police incarcerated Mr. Niyukuri for hours to question him on the fact that he had hoisted a flag of his party. He was released after interrogation, with the refusal to exercise his political rights as long as FRODEBU party is a member of the opposition coalition named CNARED.

- On 1 August 2017 The Burundian government has again handed over to the Embassy of the Democratic Republic of Congo (DRC) forty-three (43) people who have landed in the southwestern province of Rumonge to flee the fighting in Eastern DRC. These people are asylum seekers who also wanted to cross to Tanzania where they hope to obtain a refuge. Witnesses report that the majority of these people are women and children: 31 children, 8 women and 4 men.

SOS-Torture Burundi notes that this is a case of recidivism in violation of international laws on the protection of refugees and asylum seekers. Fifty-seven (57) other Congolese citizen were handed over to their Embassy in the same way on 21 July 2017 after arrived one the day before in the same province of Rumonge (**see Sos-Torture Burundi Report No. 85** : [Http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-85-Francais.pdf](http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-85-Francais.pdf)).

SOS-Torture Burundi notes that the governor of the province Rumonge, Juvenal Bigirimana, did not want to respond to their request and handed them to their Embassy. These people were fleeing fighting between rival communities in the DRC. The Government of Burundi has rejected asylum seekers in total violation of international laws and especially the 1951 Geneva Convention.

3. Situation of the human rights defender Germain Rukuki

Human rights defender Germain Rukuki was arrested by the National Intelligence Service (SNR) on 13 July 2017 at his home very early in the morning. He spent 14 days in detention at the National Intelligence Service (SNR) where he was interrogated without the presence of a lawyer and was transferred to Ngozi Prison on 26 July 2017.

Germain Rukuki was interviewed on 1 August 2017 in Ngozi by the deputy general prosecutor Adolphe Manirakiza, who is very often designated as the representative of the Public Prosecutor in the political files, and especially the file related to the missed putsch of May 13, 2015. Defender Germain Rukuki is being prosecuted for continuing to work with the Acat-Burundi organization; Association accused by the

gouvernement to be involved in the organization of demonstrations against the candidacy of Pierre Nkurunziza for a third term, in the coup, the production of reports against the institutions of the country, in addition to being an organization which has disavowed the decision of the Ministry of the Internal affairs to expunge Acat-Burundi.

The management of Acat-Burundi has already announced that Germain Rukuki was no longer working for the Acat since he was struck off; He worked for another organization AJCB (Association of Catholic Jurists of Burundi).

SOS-Torture / Burundi notes that the detention of Germain Rukuki is part of the intense harassment of human rights defenders who have remained in the country. SOS-Torture Burundi calls for immediate and unconditional release of Mr. Rukuki.



M. Germain Rukuki, old employee of Acat Burundi

4. The court has decided to release two members of the 'Mukoni' affairs

On 4 August 2017, Muyinga Intermediate Court (northern part of the country) decided to release two soldiers incarcerated in the affairs of Mukoni camp attack since January 2017. They are Lieutenant Moise Nimbona and Warrant Officer Antoine Nizigiyimana.

Five (5) other soldiers are sentenced to varying terms of imprisonment from 6 months to 5 years for the purpose of interfering with the internal security of the state and complicity in armed robbery against the Mukoni military camp. The convicted soldiers were arrested at their duty stations in various provinces such as Kirundo, Mutukura and Mukoni in Muyinga province.

Some soldiers had been tortured in the wave of arrests after the attack, and were dispersed in various prisons in the country (see Sos-Torture Burundi No. 59 and 60: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume%CC%81ro-59-en-Fr.pdf> and <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume%CC%81ro-60-en-Fr.pdf>)



Lieutenant Moise Nimubona, released by the court

The SOS-Torture / Burundi was initiated with the aim of informing national and international opinion on serious human rights violations ongoing in Burundi via monitoring reports, particularly torture, Arbitrary arrests, forced disappearances, sexual violence and summary executions. This initiative to inform on the realities of the country followed the slaughter of hundred people killed during the day of 11 and 12 December 2015 by the police and military under the pretext of pursuing rebel groups which came to attack military camps on the outskirts of the capital Bujumbura. The affected quarters are said to be challenging the third term of President Nkurunziza which are, Musaga, Mutakura, Cibitoke, Nyakabiga and Jabe, the last two being located in the center of Bujumbura