



REPORT N ° 87 OF SOS-TORTURE / BURUNDI PUBLISHED ON 12 AUGUST 2017

This report of SOS-Torture covers the period between 5 to 12 August 2017 concerning human rights violations in Burundi.

The report refers to the cruel, inhuman and degrading treatment inflicted by the authorities of the Mpimba prison in Bujumbura on Colonel Adrien Kadende. For the past week, the prison director refused to allow the officer in custody to be hospitalized and avoided surgery of bullet wounds. The detainee was urgently transferred from Rumonge to Bujumbura after a policeman on duty at Rumonge Prison shot him in the hips at point-blank range in an attempt to physically eliminate him according to information collected by SOS-Torture. The Ministry of Justice and the entire judiciary remain silent in the face of the attitude of prison managers who are working hard on political prisoners.

At least nine (9) persons were murdered during the period. Among the victims, four (4) were thrown into rivers and two (2) were child victims of a grenade explosion. To this number is added the suspicious death of one (1) soldier of the Special Brigade of Protection of the Institutions (BSPI) that the army presents like suicide in the compound of the presidency of the Republic.

At least twenty (20) persons were arrested in various localities during the week. The arrests are carried out by police agents, the national intelligence service as well as the imbonerakure militia of the ruling CNDD FDD party who act in violation of the procedure and the law. To this number are added one hundred and fifty (150) persons arrested in Bujumbura city, including homeless minors, beggars and prostitutes.

The report also refers to the prison situation at the beginning of August 2017. In one month, 150 new detainees have swelled the number of detainees in Burundi's prisons.



1. Attempt to the right to life and physical integrity

- The penitential authorities of the Mpimba prison in the Musaga zone (south of Bujumbura) are acting in a criminal way by denying a prisoner who is shot and wounded. This is Colonel Adrien Kadende, an army officer hit by bullets at the hips when the police in Rumonge prison (southwestern part of the country) fired live ammunition at prisoners on 3 August 2017 (see report **Sos-Torture Burundi N ° 86**: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nums%CC%81ro-86-en-Fr-1.pdf>).

The medical authorities of the Rumonge hospital nevertheless ordered his transfer to the city of Bujumbura on 4 August 2017 to receive appropriate care, given the urgency of caring for the detainee. Relatives reported that as soon as he arrived in Bujumbura, the vehicle carrying him was intercepted and redirected to the central prison in Mpimba, instead of a hospital. SOS-Torture Burundi has been informed that the decision to refuse appropriate care to Colonel Kadende was issued by the director of the Mpimba prison.

Although the prisoner was seriously wounded, he was taken to the Kamenge Military Hospital, and the same director subsequently reoffended on 5 August 2017 by forcibly removing Colonel Kadende from the surgical unit at the Military Hospital Of the city of Bujumbura), while the doctors were preparing to hospitalize him and to operate him to remove the bullet that still lodges in his body. The prisoner is kept in prison, This is in contravention of Act No. 1/16 of 22 September 2003 on the penitentiary system, especially Article 33, paragraph III thereof, and the Constitution of the Republic of Burundi in its Article 25.



Colonel Adrien Kadende, seriously injured by bullet but still not admitted to receive care for more than a week

- The attitude of the director of the Mpimba prison confirms SOS-Torture Burundi's fears about the will of those in charge of some penitentiary centers to attempt to the life of political detainees. Colonel Adrien Kadende has been detained since September 2016. He is also a former member of the Burundian Armed Forces (ex-FAB), including several of his comrades (officers, non-commissioned officers and Range soldiers) have been subjected to harassment and strong intimidation leading to targeted arrests and assassinations since the beginning of the crisis. The director of Rumonge Prison (OPC2 Jean Claude Ntirandekura) and Gitega Prison (OPC Alexis Manirakiza) all act in the same way, namely unequal treatment of detainees on a political basis, accentuated by the dangerous indoctrination of detainees in the prison. Party on power CNDD FDD to mount them against political prisoners (**see report Sos-Torture Burundi No. 86 and 84:** [http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume % CC% 81ro-84-en-Fr.pdf](http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%2081ro-84-en-Fr.pdf)).



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- SOS-Torture Burundi asks the Minister of Justice, whose prison administration is responsible for taking charge of the case of Colonel Kadende so that it is treated appropriately in accordance with the law, governing the rights and duties of persons deprived of liberty. The ministerial authority must also take into consideration the serious incidents that have occurred in the last few days in the prisons of Gitega and Rumonge to avoid the worst in these detention houses which house many political detainees.
- Unidentified individuals killed two (2) children in a grenade attack on the Nyamarumba hill, Munagano zone, Musinga commune and province (north of the country) on 6 August 2017 in the evening. Relatives report that the children were in the house with their parents. SOS-Torture Burundi notes that the police have not identified any suspects to date.
- The Burundian army announced the suicide of Master Corporal Nishemezwe on 6 August 2017 at his workplace in Presidency of the Republic of Burundi where he was a member of the Special Brigade for the Protection of Institutions (BSPI). The soldier had just returned six months earlier from a peacekeeping mission in the Central African Republic.
- An investigation should be conducted to determine the exact circumstances of the alleged suicide. SOS-Torture fears a new form of execution of certain elements of the army. This is not the first time that the security organs announce the suicide of a member of the security forces, which proves after investigation to be a disguised assassination. SOS-Torture Burundi recalls the case of Warrant Officer Eddy Claude Nyongera killed in the National Intelligence Service after a long torture session; But that the police tried to make up suicide (see report **Sos-Torture Burundi N ° 40**: <http://sostortureburundi.org/wp-content/uploads/2016/10/SOS-TORTURE-BURUNDI-RAPPORT-N%C2%B040.pdf>).
- Unidentified individuals killed three (3) persons whose bodies were discovered on August 7, 2017 in the Ruhwa River separating Cibitoke province (northwestern Rwanda) and Rwanda. Witnesses report that police and administration have not determined the identity of the victims to date nor the circumstances surrounding their killing.
- The bodies were recovered and buried without prior identification or investigation.

- Unidentified individuals killed two persons in a grenade attack in the Buyenzi zone of Bujumbura city, which targeted a household located on Seventh Avenue, number 49 on August 8, 2017 in the evening. The attack also left six wounded. SOS-Torture Burundi notes that police have not identified any suspects to date.



A victim of the grenade attack at Buyenzi

- On 10 August 2017 Individuals murdered a man on Musagara hill, Muramvya commune and province (center of the country). Witnesses report that the victim was killed by inhabitants of the hill who accused him of having caught in the act of robbery. The victim was not identified. SOS-Torture Burundi notes that the killings committed by the population on alleged thieves is not punished by

justice, even though it is a crime.- On 10 August 2017 Unidentified individuals murdered a man whose body was found in the Ndurumu River on Mutwana hill, Giharo commune, Rutana province (southeast of the country) . Witnesses report that the victim was decapitated; the head being could not be found and made the identification difficult. His body was tied up and traces of stabbing could be seen on the body of the victim.



The decapitated and recovered victim of the Ndurumu River

2. Attempt to the right to liberty and physical security

- Police agents arrested Jean-Paul Ndayishimiye and Honorine Hashazinka at the center of Karusi province (center-east of the country) on 4 August 2017. Relatives reported that the couple was arrested while they were celebrating in front of Karusi's Civil status Officer. SOS-Torture Burundi notes that the police accused the two persons of contempt of the national flag for refusing to take the flag in hand

during marriage celebration. This is an arbitrary arrest, since marriage is governed by the Personal and Family Code, where there is no provision for couples to take the oath by holding the national flag.

Article 117

Le mariage est célébré publiquement.

Les futurs époux comparaissent en personne devant l'officier de l'état civil qui leur donne lecture des pièces relatives à leur état civil et les instruit des droits et devoirs respectifs des époux.

Il reçoit de chacun la déclaration qu'ils veulent se prendre pour mari et femme et prononce qu'ils sont légalement unis par les liens du mariage.

Provision of the Burundi Code of Persons and the Family as to the Celebration of Civil Marriage

- Imbonerakure militiamen of the ruling party CNDD FDD inflicted a series of beatings on residents of Makamba central province on 4 August 2017. Witnesses report that the victims fault is opening bars at a time when the President of the Burundian Senate was participating in the community activities at Makamba stadium. The same imbonerakure militiamen ransomed nearly 30,000 francs to each private worker who opened his shop or his service.

SOS-Torture Burundi notes again an uncontrolled movement of the imbonerakure militiamen who impose their law illegally and the local government, the police and the prosecutor's office do not act to protect the population.

- Police agents arrested five (5) young men on Rusenda hill, Bukinanyana commune, Cibitoke province (north-western) on 5 August 2017. They are all militants of the FNL opposition party (National Front for the Liberation), accused of not participating in a communal feast.



SOS-Torture Burundi notes and welcomes the intervention of the communal administration to release these five persons after more than two hours of illegal and arbitrary detention. The law does not provide for any compulsory participation in such ceremonies.

- Policeagents arrested a mother and two sons on Buheka hill, Kazirabageni zone, Nyanza-Lac commune, Makamba province (southern part of the country) on 5 August 2017. It is Pauline and her children Irambona and Sirabahenda . Witnesses report that the police, who had no warrant, were guided by imbonerakure militiamen from the hill, which designated the persons to be arrested.

SOS-Torture Burundi also learned that this arrest is due to another illegal attempt by the imbonerakure militiamen of the CNDD FDD party the day before who came to arrest the son Irambona. The family resisted the attempted illegal arrest, and imbonerakure militiamen were injured. These militiamen who tried to arrest one of the sons of Mrs. Pauline were identified by the family: Charles Nduwayo and SilasHatungimana.

SOS-Torture Burundi notes that the arrest of the entire family by the police is an act of reprisal that reinforces the imbonerakure militias in their uncontrolled abuses. The police became complicit in these acts, instead of enforcing law and order.

- Police agents arrested at least one hundred and fifty (150) persons on 7 August 2017 in the city of Bujumbura. Witnesses report that among those arrested are some thirty homeless street children, beggars and persons suspected of prostitution.

SOS-Torture Burundi notes that the police accused these people as a whole of causing insecurity in the city of Bujumbura. These charges are not supported by evidence. The Burundian government must analyze the situation of these people, the majority of whom are vulnerable, and place them in appropriate care centers.



- Anaclet Bikorimana, the deputy head of the National Intelligence Service of Cibitoke Province (north-western province), arrested Claude Nzeyimana and Jérôme Kwisesa in the center of Buganda commune on 7 August 2017. They are activists an opposition party FNL loyal to Agathon Rwaswa (vice-president of the National Assembly). Relatives reported that they were embarked in a vehicle registered D3978A and were accused of returning to Burundi three days earlier from the Democratic Republic of Congo (DRC).

SOS-Torture Burundi notes that they have been transported to the city of Bujumbura and are the victims of arbitrary arrest because freedom of movement is guaranteed by law.

- Police agents arrested Ladislas Ntahinyeretse in the center of Karusi commune and province (center-east of the country) on 9 August 2017. The officers were issued with a warrant issued by the Karusi prosecutor's office; Relatives reported that Mr. Ntahinyeretse was in possession of legal documents from the Ministry of Environment and Administration authorizing him to cut down some of the trees on his property.

SOS-Torture Burundi notes that Mr. Ntahinyeretse is a member of the opposition party UPRONA (Union for National Progress) faithful to Charles Nditije. He was also elected as a deputy in the Amizero y'Abarundi coalition in 2015 but refused to sit because opposed to the third term of Burundian President Pierre Nkurunziza. This arrest appears to be motivated by political motives, since the prosecutor did not take into consideration the documents in Mr. Ntahinyeretse's possession. He was later released on 10 August 2017, after payment of a fine of 3,400,000 francs imposed by the Karusi prosecutor's office.

- Imbonerakure militiamen illegally arrested Emmanuel Nzambimana, Emile Bankuwunguka and Claude Nizigiyimana in Matongo commune, Kayanza province (north-western part of the country) on 9 August 2017. Witnesses report that these three men are teachers and at the same time members of the opposition parties. Mr. Nzambimana is a member of the UPRONA party while Mr. Nizigiyimana is a member of the FNL party.



SOS-Torture Burundi notes that these people are victims of having filed a complaint against the ruling party CNDD FDD.

- Policeagents arrested Apollinaire Mbazumutima, Israel and Nasra on Bukeye hill, Kibago commune, Makamba province (south of the country) on 9 August 2017. They are moto-taxi drivers (the first two) and with their friend of Tanzanian nationality. Witnesses report that their fault is to have carried a bag of coffee.

- An imbonerakure militiaman Frédéric Ngendakumana arrested Zachée Ndagijimana on Musenyi Hill, Rugombo commune, Cibitoke province (north-western part of the country) on 11 August 2017. He is a local political leader faithful to FNL opposition party belonging to AgathonRwasa.

SOS-Torture calls this arrest illegal and arbitrary; The police must release Mr. Ndagijimana.

3. Prison situation in Burundi at the beginning of August 2017

The prison situation in Burundi shows a continuing rise in the number of prisoners in prisons. At the beginning of July, the number of detainees was 9,734 (see **SOS-Torture Burundi report No. 85**: [http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume % CC% 81ro-85-English.pdf](http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume%20-%2081ro-85-English.pdf)). At the beginning of August, the number of detainees amounted to 9,879. SOS-Torture Burundi notes that, in one month, 145 new detainees have swelled the number of prisoners in Burundi. There are more pre-trial detainees than those who serve their sentences (already convicted), which reinforces the fear of abusive and arbitrary detention.

The prison situation is summarized as follows:

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PRISONS	ACCOMODATION CAPACITY	PENITENTIAL POPULATION	NUMBER OF DEFENDANTS		NUMBER OF CONVICTED		MINORS DEFENDANTS		MINORS CONVICTED		EVADED	DEAD	INFANTS		OCCUPATION RATE
			M	W	M	W	B	G	B	G			Boys	Girls	
BUBANZA	100	474	216	8	233	17							2	6	474.00%
BURURI	250	250	127	7	107	9							2	2	100.00%
GITEGA	400	1,051	555	43	433	20							4	5	262.75%
MPIMBA	800	3,431	2,489	94	805	43					2		8	10	428.88%
MURAMVYA	100	614	325	19	256	14								5	614.00%
MUYINGA	300	470	177	3	272	18									156.67%
NGOZI (W)	250	132		29		93		4		6			14	10	52.80%
NGOZI (M)	400	1,404	749		655										351.00%
RUMONGE	800	1,154	373	7	757	17							3	2	144.25%
RUTANA	350	286	97	8	169	12							1	4	81.71%
RUYIGI	300	526	231	5	275	15								2	175.33%
RUYIGI CENTRE	72	31					4		27						43.06%
RUMONGE CENTRE	72	56					12		44						77.78%
TOTAL	4,194	9,879	5,339	223	3,962	258	16	4	71	6	2	0	34	46	235.55%
			5339 + 223 = 5562		3962 + 258 = 4220		16 + 4 = 20		71 + 6 = 77				34 + 46 = 80		



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The SOS-Torture / Burundi was initiated with the aim of informing national and international opinion on serious human rights violations under way in Burundi via 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 11 and 12 December 2015 by the police and military under the pretext of prosecuting rebel groups that came to attack military camps on the outskirts of the capital capital city. The affected quarters are said to be challenging the third term of President Nkurunziza, these are Musaga, Mutakura, Cibitoke, Nyakabiga and Jabe, the last two being located in the center of Bujumbura

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