



## SOS – Torture/Burundi

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

### SOS-TORTURE / BURUNDI REPORT NO. 56 PUBLISHED ON 7TH JANUARY 2017

This SOS-Torture report covers the period from 31st December 2016 to 7<sup>th</sup> January 2017 on human rights violations in Burundi.

At least thirty (30) persons were arrested during the week in various localities. Among them were victims of raids in Gihanga and Mugamba commune. In the first case, the arrested persons had to pay bribes in exchange for their release.

The report also refers to the case of a detainee who was brought out of Muramvya prison in violation of the rules on procedures for the transfer of detainees. The prosecutor of the Republic in Muramvya and the head of the national intelligence service of the same province who conducted the operation did not communicate the new place of detention.

SOS-Torture Burundi also reports six persons (6) murdered in various areas, including a member of the Government. The Minister of Water, Environment and Town Planning was killed on New Year's Eve by a man who was not identified. This is the first time since the beginning of the crisis that a member of the government is the victim of a targeted armed attack.

#### **1. Arbitrary arrest, kidnappings and forced disappearances continue**

Police agents arrested Philippe Bigirimana and Nicaise Nahimana in Gihofi in the Rutana Province(south-eastern) on 28th December 2016. Both men are agricultural monitors of the Moso Sugar Company (SOSUMO) based in Rutana and Are accused of contempt of the Head of State Pierre Nkurunziza. Witnesses reported that during the arrest, the police agents were accompanied by young militiamen Imbonerakure of the ruling party CNDD FDD.

These agricultural monitors appeared before the court of Rutana following the famous procedure of flagrante, and for lack of evidence, these two monitors were acquitted by the court this Thursday 05/01/2017.

In serious breach of the Code of Criminal Procedure, the public prosecutor in Rutana, instead of executing the judgment rendered by the court, appealed and refused the release of these two persons who had just been acquitted

SOS Torture Burundi informs the public that the Code of Criminal Procedure in force in Burundi lays down its article 203: "**An accused who is acquitted or sentenced to imprisonment at the time of trial is immediately in freedom, notwithstanding appeal, unless detained for any other reason.**"

Police agents arrested Nasore, Niyongabo, Bertrand and a fourth man in village V of Gihanga commune, Bubanza province (west of the country) on 31th December 2016. The operation was led by the Bubanza provincial chief police. Witnesses report that the four men are all opposition party activists of the FNL led by Agathon Rwaswa, current vice-president of the National Assembly.

SOS-Torture Burundi notes that no warrant was presented to the concerned who were also not informed of the reason for their arrest. The search conducted in their households did not allow any seizure. This constitutes arbitrary arrests.

- Police and military agents raided Buringa Zone of Gihanga Commune, Bubanza province in the west of the country on December 31th, 2016. About 60 persons were arrested and rassembled for hours in control of identity. At the end of the operation, the police embarked eight (8) persons accused of collaborating with armed groups.

SOS-Torture Burundi notes that no evidence of participation or collaboration with armed groups has been provided confirming the arbitrary arrests of these Gihanga residents. The operation aims ultimately only to ransom arrested people in exchange for their release since many have had to pay bribes to the police.

- Military and police agents arrested twelve persons on the Muhabo hill, Muramba Zone, Mugamba commune, Bururi province (south of the country) on 31th December 2016 in the evening. Some of those arrested were identified: Innocent (a student), Yves, Gilbert (a local trader), Jean Marie nicknamed 'Maninyi' (a student from Mugamba), Kadomo (a student who also teaches in Bisoro, Mwaro province) As well as the head of Nyakimonyi hill.

The security forces agents suspected that they were preparing an attack, but the arrests took place in a bistro. The Mugamba commune has often been the target of several arbitrary arrests since the beginning of the crisis and repression, as residents actively participated in demonstrations against the third term of President Pierre Nkurunziza. After a night in the custody, only Yves was kept in detention, the others were released.

- National Intelligence Service agents arrested Alexis Nsabimana in Nyamaboko, Kiyenzi zone, Kanyosha commune, Bujumbura province on 1st January 2017. He is the head of FNL opposition party's youth council (National Front of Liberation). No warrant was given nor the reasons for his arrest given.

The head of the National Intelligence Service and the Muramvya public prosecutor released the detainee Emmanuel Habonimana, nicknamed 'Kimeneke' in Muramvya

(center of the country), and took him to a place not communicated on 2nd January 2017.

SOS-Torture Burundi notes a violation of the rules of procedures for the transfer of detainees. The detainee in question is still an accused whose trial has never proceeded since nine (9) months for which he is incarcerated for 'participation in an insurrectional movement' in Bujumbura. The Muramvya prosecutor's office, as well as the prosecutor in Bujumbura, which charged him shall indicate Habonimana's place of detention and the reasons for his release from prison.



**Detainee Emmanuel Habonimana nicknamed 'Kimeneke' moved out of Muramvya prison and disappeared till today**

- A National Intelligence Service agent named Joe Dassin arrested Faustin Ntahuga nicknamed 'Mustafa' on 3rd Avenue of Musaga zone (southern of Bujumbura) on 3rd January 2017. Witnesses testified that he was forcibly embarked in a Vehicle as he was leaving a mosque.

SOS-Torture Burundi notes that the presidential police have accused him of participating in demonstrations against the third term of President Pierre Nkurunziza.

This is not an offense under the law in Burundi. This arbitrary arrest, which was carried out in the form of kidnapping, is a new strategy that the security forces are currently using.

- The head of the national intelligence service in Cibitoke arrested a young man in Rugombo commune, Cibitoke province, on January 5th, 2017. Witnesses reported that the young man, who came from the city of Bujumbura, was preparing himself to travel to Rwanda bordering the province of Cibitoke. The chief of the Cibitoke SNR took him in his vehicle to Bujumbura towards SNR Custody without any warrant or reason for the arrest.

- Rugombo Commune Chief Police, Cibitoke province (northwestern) , arrested Claude Nsabimana on Rusiga Hill less than 2 kilometers from the town of Cibitoke province on 5th January 2017. Relatives report that 'They are very worried because this man was not in any known custody of Rugombo commune. Witnesses report that at the time of the arrest, Mr. Nsabimana was accused of harboring rebels, but no one was found at his home.

### **2. Assassinations, summary executions and armed attacks**

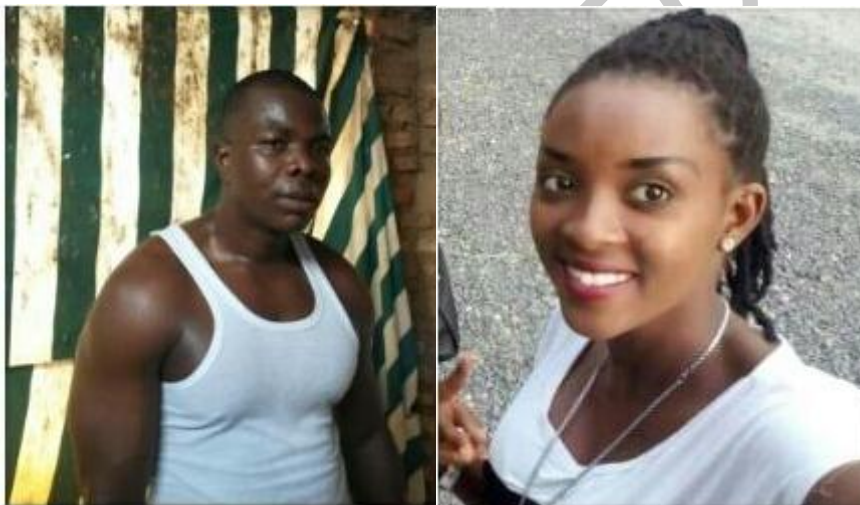
- An unidentified armed man shot and killed Burundian Minister of Water, Environment and Urbanism Emmanuel Niyonkuru on 1st January 2017 after midnight in the Rohero zone, Mukaza commune (central Bujumbura). Mr. Niyonkuru was returning home and was killed by gunshot.

This is the first time that a member of the Government has been killed since the beginning of the crisis triggered by the candidacy of Burundian President Pierre Nkurunziza for a third term in violation of the constitution and the Arusha peace and reconciliation agreement. However, several civilian figures and members of the security services were victims of targeted assassinations throughout the crisis.

SOS-Torture Burundi notes that the police arrested four persons including a woman who accompanied the Minister to his home, the boss (Benoit Ndorimana) and two employees of the Chez André restaurant where the Minister had spent the evening. The police did not, however, disclose the reasons for their arrest or give evidence of their suspicions since the assassination of Minister Niyonkuru, Ndorimana was finally released on 6 January 2017, after five days in custody of National intelligence cell



**M. Emmanuel Niyonkuru, Ministre of water, Environment and urban planning killed in front of his domicile**



**The two arrested employees of the restaurant: Amissi (left) et Nadège (right).**

- Armed individuals attacked a household located in the Muzinda zone, Rugazi commune, Bubanza province (west of the country) on 1st January 2017 during the night. Seven persons were injured. Victims are women who participated in a New Year's Eve prayer vigil.

- Armed individuals killed Nestor Nkeshimana and Gilbert Bandika at Nyamaboko, Kanyosha commune, Bujumbura province on the evening of 1st January 2017. The



victims were local traders who were returning home. The Police arrested six suspects.

- Mr. Emmanuel's body was discovered in Karindo quarter, Rutana province (southeast of the country) on 1st January 2017. He is a teacher of the Basic school of Rutana who was assassinated by unknown persons.

- A man's body was discovered floating on Lake Tanganyika on the outskirts of the industrial quarter, Ntakangwa zone (north of Bujumbura) on 4th January 2017. The person is Donatien Ndereyimana who lived in the Mutanga north quarter of Ntakangwa zone. The body was in advance decomposition and almost completely bared except for a tee-shirt.



### **The remains of Mr. Ndereyimana, murdered and thrown into the lake**

- A police agent shot and killed Valentin Aboyitungiye in Mahwa zone, Ryansoro commune, Gitega province (center of the country) on 4th January 2016. The victim was a pupil who had his cattle grazed in the locality of Mahwa. Witnesses testified that the policeman shot him because the cows were in fields belonging to the ISABU (Institute of Agricultural Sciences of Burundi). The same agent injured another young man named Vianney Ndayihimbaze for the same reasons.



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SOS-Torture Burundi condemns this murder which is not accidental and is surprised that the police agent responsible for the murder is still at liberty at police station. The competent judicial authorities must seize the case and avoid remaining accomplice of unjustifiable murder.

*The SOS-Torture / Burundi campaign was initiated with the aim to inform national and international opinion on serious human rights violations ongoing in Burundi through monitoring reports, particularly based on torture, Arbitrary arrests , enforced 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 city. The affected quarters are said to have challenged the third term of President Nkurunziza those are Musaga, Mutakura, Cibitoke, Nyakabiga, Jabe, the last two being located in the center of Bujumbura City Hall.*

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