



SOS-TORTURE / BURUNDI REPORT NO. 67 PUBLISHED ON MARCH 28TH, 2017

This SOS-Torture report covers the period from 18th to 25th March 2017 concerning human rights violations that continue to be committed with impunity in Burundi.

SOS-Torture Burundi has documented arbitrary arrests of six persons (6) during the period under review and in various localities. Among these arrests are two young men arrested illegally by Imbonerakure militiamen of the CNDD-FDD party of the Rugombo Commune in the Province of Cibitoke. Other militiamen beat and publicly undress a man in Gisuru commune in Ruyigi province during the period.

During the same period, SOS-Torture Burundi reported eight (8) cases of murder. Among the victims is a police officer with the rank of OPC I (equivalent to the rank of Colonel) found in the walls of a Catholic parish in Bujumbura. His murder has increased the number of police and army officers murdered since the beginning of the crisis; And most of whom are Tutsi and from the former Burundian Armed Forces and former police forces before their merger with the ex-rebel movements.

The report also refers to the continued detention of eight detainees who have been pardoned since January 2017. These are 8 activists of the opposition party (Movement for Solidarity and Democracy) "MSD" who are still languishing in prison since the application of the decree on pardons, attempts to remove them from the list of beneficiaries while they meet all the conditions.

As usual, SOS-Torture Burundi gives an update on the prison situation in Burundi in mid-March 2017. There is a very slight decrease in the number of detainees since the presidential pardon; But the number of prisoners remains very high in view of the prison capacity.

2. Arbitrary arrests, kidnappings and forced disappearances continue

- Unidentified individuals who abducted Félix Ndayizigiye on 14th March 2017 in village Buringa, Gihanga commune, Bubanza province, released him on 20th March 2017 after a week of captivity (see SOS-Torture Burundi report No. 66 : [Http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-66-en-En.pdf](http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-66-en-En.pdf)).

SOS-Torture Burundi noted that Mr. Ndayizigiye's health had deteriorated greatly as a result of his captivity and that he had been shot and wounded during his enforced disappearance. He was subjected to inhuman treatment, his captors leaving him injured for almost a week without having him treated. After the kidnapping, Mr. Célestin Baregensabe, who had just escaped the kidnapping, was arrested by the police before being taken by the National Intelligence Service to the city of Bujumbura. The National Intelligence Service "SNR" has so far provided no evidence of its involvement in the abduction of Mr. Ndayizigiye.

- Young Imbonerakure militants of the ruling party CNDD-FDD have beaten Séverin Niyonzima in the Nyabitare zone, Gisuru commune, Ruyigi province, on March 18th, 2017. Witnesses report that the victim is a former militant of the MSD opposition party (Movement for Solidarity and Democracy), who went to Gisuru that day for community work dressed in the CNDD-FDD party. The militiamen Imbonerakure dragged him to the offices of the Gisuru commune, before beating him several times before the population came to participate in this work and finally undress him completely.

SOS-Torture Burundi notes that militias are constantly and with impunity subjected to acts of torture and cruel, inhuman and degrading treatment. The administrative authorities and the police remain complicit witnesses of these acts, which are becoming widespread throughout the country (see also **SOS-Torture Burundi report No. 65**: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-65-en-Fr.pdf>).



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- Police agents arrested Jean Claude Minyurano, Mélance Bucanayandi and a third person in the capital of Ruyigi province (East of the country) on 17th March 2017. The two men own a Kobil gas station in Ruyigi and station manager, while the third person is a woman who works as a fuel distributor at the station.

SOS-Torture Burundi notes that the three persons were arrested for alleged fuel fraud. However, the charges against Mr. Minyurano have changed without explanation; currently the businessman is accused of having contributed to support protesters opposing the third term of Burundian President Pierre Nkurunziza in the city of Bujumbura. The judge of the High Court of Ruyigi decided to keep the three persons in detention. These are unreasonable arbitrary detentions.

- Imbonerakure militiamen arrested two men on the Kiramira hill, Rugombo commune, Cibitoke province, on 24th March 2017. The two men who were the victims of these illegal arrests are activists of the opposition party FNL (National Front for the Liberation) known as Ferdinand Ndihondi and Jacques Nizeyimana. Witnesses reported that they were taken to the Kiramira detention cell, before the vehicle of the provincial head of the National Intelligence Service (plate number D 6392 A) came to board them, without a warrant, to the capital of the province Cibitoke.

SOS-Torture Burundi notes once again the relentlessness of the Imbonerakure militia towards those who do not advocate for the ruling party CNDD FDD. They act with impunity and in complicity with the administrative and police authorities. The SNR must release these two young people.

3. Assassinations, summary executions and armed attacks

- Individuals attacked a household located on the Kivyiru hill, Bubanza commune, Bubanza province (west of the country) on 16th March 2017 during the night. The grenade seriously wounded a 16-year-old man who was sleeping in the room where the machine was launched. The police announced the arrest of a suspect but did not reveal his identity at the moment.

- Unidentified individuals murdered a Burundian police officer. The victim is the OPC I Charles Ndiokubwayo. His body was found in the precincts of St. Joseph's Catholic Parish in Ward III, Ngagara area, Ntakangwa commune (north of Bujumbura) on 20th March 2017 in the morning. The officer was in civilian dress and did not present any wounds or blood. The OPC I Ndiokubwayo was probably strangled by his tormentors. He also lived a few meters from the parish.

SOS-Torture Burundi notes that the police have not arrested any suspects at the moment. The murdered police officer is a Tutsi from the former public security police (ex-PSP) before his reform for the merger with the former rebel movements and later to form the current National Police of Burundi (PNB) with the police. Integration of veterans of armed movements. Several Tutsi police and army officers have already been murdered during the crisis since April 2015, without the perpetrators of these crimes being identified by credible investigations.



OPC I Charles Ndhokubwayo, during the discovery of his body



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- Unidentified individuals assassinated Maurice Ndayiragije on Mpehe hill, Bugarama area, Muramvya commune, Muramvya province (center of the country) on 18th March 2017. The victim is a motorcycle taxi driver who normally worked in Muha commune Of Bujumbura). He was born on Kavumu Hill, Ngozi commune, Ngozi province.

SOS-Torture Burundi notes that the identification of the body, discovered on the morning of 19th March 2017, was carried out by the police and the Muramvya prosecutor's office who handed the body over to the family. On the other hand, the perpetrators are not identified.

- Unidentified individuals murdered an elderly couple, Mr. Barazitsa and his wife Marie, on Yogero Hill, Gisuru commune, Ruyigi province (East of the country) on March 18th, 2017 in the evening. The executioners cut the members of their bodies with a machete. The police did not identify any suspects.

- An armed group shot and wounded a man in the Buringa zone, Gihanga commune, Bubanza province, west of the country, on 19th March 2017. Witnesses reported that armed individuals were trying to kidnap him. Patrol soldiers prevented his abduction.

SOS-Torture Burundi notes that some communes in Bubanza province are experiencing a surge of insecurity in recent weeks with armed attacks and enforced disappearances committed by previously unidentified armed groups.

- The body of Mr. Basile Muhirwa was recovered from the Icizanye River in the Rugari area of Murama commune, Muyinga province (north of the country) on 19th March 2017. The circumstances of his death have not been clarified since The administration ordered the



burial of the victim the same day. Mr. Muhirwa had returned from exile in Tanzania a few days before his death, where he had taken refuge following the crisis.

- Individuals armed with machetes assassinated Barthélémy Miburo on the Nyabikaranka hill, Kabuye area, Kayanza commune, Kayanza province (north-western part of the country) on 21st March 2017. The 53-year-old victim was returning home at the time of the attack.



M. Miburo found assassinated

- Armed individuals murdered at the grenade Jacques Bukobero on the Gasenyi hill, Nyarusange commune, Gitega province (center of the country) on 22nd March 2017 in the evening. Witnesses report that the victim was sleeping at the time of the attack. The police announced the arrest of 3 suspects but did not mention their identities.



- Unidentified individuals murdered a young man whose body was found on the Nyabitaka hill, Nyabitare zone, Gisuru commune, Ruyigi province (East of the country) on 22nd March 2017. The police have not yet been able to identify the victim.

4. Detainees pardoned by the President are held in custody

During the speech to the nation on 31/12/2016 the President of Burundi decreed a pardon for two thousand five hundred (2,500) prisoners. Among the prisoners who were to receive the release were political prisoners, including 58 militants of the MSD (Movement for Solidarity and Democracy) party, detained following clashes with the police in March 2014; As well as some of the demonstrators who opposed the third term of Burundian President Pierre Nkurunziza in April and May 2015 (see **SOS-Torture Burundi Report No. 59**: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nums%CC%81ro-59-en-En.pdf>).

Following the implementation of the decree in late January, SOS-Torture Burundi notes that some of the detainees eligible for this presidential pardon are still being held for no reason. There are eight (8) MSD party activists who have remained in prison, while the presidential pardon should have allowed their release since January. Their records at the level of the first degree court are RMP 147523 and RPC 376 as well as the second degree file is RPCA 515 / Bintunimana and consort to the Court of Appeal of Bujumbura.

The commission of the Ministry of Justice responsible for implementing the decree asked the persons concerned to appeal. However, SOS-Torture Burundi notes that the remedy did not give rise to anything other than the unexplained silence of the Commission, which was unable to reply to the applicants at their request.

The prisoners who are victims of this injustice are:

- Clement Hatungimana, Roger Muhizi, Donatien Niyonkuru and Charles Nzeyimana imprisoned in Mpimba Central Prison in the Musaga zone (south of Bujumbura)



- Jean de Dieu Bigirimana and Daniel Rugonumugabo detained in Gitega Prison (center of the country)
- Nathal Ndayongeje and Gérard Nahimana incarcerated at the Rumonge Prison (south of the country)

The Ministry of Justice must speedily release these detainees in accordance with the decree of 3 January 2017 following the speech of 31/12/2016.

5. Overall prison situation in Burundi in mid-March

SOS-Torture Burundi regularly reports the prison situation in Burundi to assess the situation of arbitrary detentions. This report shows a slight decrease in the prison population compared to the situation in early February 2017 (**see SOS-Torture Burundi Report No. 62**): from February to mid-March 2017, the prison population increased from 8,751 inmates to 8,683 inmates, a decrease of 68 inmates.

Despite the release of detainees by a presidential pardon between the end of January and February 2017, the prison population remains very high in comparison with the capacity of 4,194 prisoners in Burundi (double the accommodation capacity). Moreover, these releases concerned detainees already convicted; which explains why the number of defendants remains very high in comparison with the number of convicted prisoners: 5,780 detained prisoners (including 25 minors) for 2,903 convicted prisoners (including 36 minors). The high number of defendants can be explained by the incessant cases of arbitrary arrests recorded but also by the judicial delays in the processing of cases.



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RUMONGE	800	1,278	945	6	313	4	1						1	1	159.75%	
RUTANA	350	232	96	3	123	0	1								66.29%	
RUYIGI	300	465	216	6	228	5	1								155.00%	
RUYIGI CENTRE	72	26					9			17					36.11%	
RUMONGE CENTRE	72	29					2			17					40.28%	
TOTAL	4,194	8,683	5,569	186	2,655	212	21	2	4	34	2	0	0	28	30	207.03%
			5569 + 186 = 5755		2655 + 212 = 2867		21 + 2 = 23		4	34 + 2 = 36				28 + 30 = 58		

6. Counsel Lambert Nigarura admitted to the International Criminal Bar

Lambert Nigarura, Burundian lawyer, was admitted on 22nd March 2017 to the International Criminal Bar. This is a victory for human rights activists and defenders forced into exile or hiding since 2015 because of the Burundian President's third term crisis and the repression carried out by the authorities. In addition to forced exile, Burundian lawyers have been victimized by reprisals for their commitments in denouncing grave violations of human rights, as well as for referring to various judicial mechanisms, both regional and international.

As a reminder On January 16th, 2017, the spokesman for the Supreme Court announced that Mr. Arnel Niyongere, Vital Nshimirimana and Dieudonné Bashirahishize of the Bar had been struck off the list, and that Mr. Lambert Nigarura had been suspended for one year, Council



of the Bar Association for a period of 5 years (cfr report **Sos-Torture Burundi N ° 58**: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume%20CC%2081ro-58.pdf>).

Counsel Lambert Nigarura, member of ACAT-Burundi and Chairman of the Supervisory Board, President of the Burundi Coalition for the International Criminal Court (CB-CPI), has also been the spokesperson of the SOS-Torture Organization since its creation in December 2015. His admission to the International Criminal Bar shows that the work of defenders, victims of repression in their country, is valued at regional and international level.

Besides Counsel Lambert Nigarura, the Director of SOS-Torture Burundi Counsel n Armel Niyongere has been admitted as an Advocate to the French Bar Association of Brussels since 17th February 2017.

Vital Nshimirimana was elected President of the Human Rights Defenders in the East and Horn of Africa on 22nd February 2017; While Me Dieudonné Bashirahishize was admitted to the Rwandan Bar on January 12th, 2017, and was elected to the East African Law Society (EALS) Board of Directors on November 26th, 2016 after completing his term as Vice President of EALS in charge of regional integration.

SOS-Torture congratulates these four human rights lawyers and advocates whose competences have recently been recognized and appreciated by the various human rights bodies.



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he SOS-Torture / Burundi campaign was created with the aim of informing national and international opinion on based the 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 days of 11th and 12th December 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 be challenging the third term of President Nkurunziza which Musaga, Mutakura, Cibitoke, Nyakabiga, Jabe, the last two being located in the center of Bujumbura City Council.