

REPORT NO. 60 OF SOS-TORTURE / BURUNDI PUBLISHED ON 4 TH FEBRUARY 2017

This report of SOS-Torture covers the period from 28th January to 4th February 2017 concerning human rights violations which continue to be committed with impunity in Burundi.

The report refers in the first place to the acts of torture suffered by the military arrested in the wake of the alleged attack on the Mukoni military camp in Muyinga, the attack mentioned in the previous report. Some of these soldiers still bear traces of the ill-treatment suffered while others remain in a state of suffering in the various prisons of the country where they were transferred after the historical trial of the Muyinga which appeared in a Unprecedented precipitation. With cold blood in front of the physical sufferings of the defendants who had just been presented to them, they sentenced them in less than 48 hours, without ordering medical assistance, without taking into account the acts of torture inflicted on them, let alone ordering investigations Find their torturers yet members of the security services.

At least six (6) persons were arrested arbitrarily in different localities. To these are added 186 Burundians extradited by force and in violation of all international conventions on extradition, by the Congolese authorities to Burundi. These people had sought refuge in the Democratic Republic of Congo. The Ministry of Justice had them all detained in various prisons at the time when the minister had asserted that all these persons would be handed over to their respective families immediately after identification.

SOS-Torture Burundi also reported five (5) persons killed in various localities, including two victims found in the Ngagarazone in two days interval.

1. Situation of soldiers arrested after the attack on the Mukoni camp

Following the multiple arrests that occurred after the attack on the Mukoni military camp in Muyinga province (north of the country) and detailed in our SOS-Torture Burundi Report No. 59, the Muyinga High Court rushed to Sentenced at least seven (7) soldiers, one (1) policeman and ten civilians to severe penalties of 30 years' imprisonment on January 27th, 2017, within 48 hours after the arrests.

Apart from the fact that the arrests were illegal, the defendants had no right to defend themselves. SOS-Torture Burundi learned from eyewitnesses that one of the defendants, Master Corporal Fulgence Ndayikengurutse, was violently tortured by the head of intelligence services in Muyinga province so that he could not sit or sit down. To stand trial during the public hearing following the famous procedure of flagrante

to the Court of Muyinga High Court. He was lying on his stomach on the ground and tried in vain to seek medical assistance and the presence of a lawyer to the judges.

Witnesses described that even a bucket was brought when Corporal FulgenceNdayikengurutse began to vomit blood in the hearing room.

In a terrible suffering, Corporal FulgenceNdayikengurutse implored the president of the siege to adjourn the trial because of his state of health and first ask for access to care in a hospital because until then he had had only the elementary care provided by the prison dispensary and also the assistance of a lawyer.

Instead of demanding that the torturers of Corporal Fulgencendayikengurutse and his friends of misfortune be arrested and brought to justice, the judges of the Muyinga High Court closed their eyes to this inhuman and degrading treatment and decided to condemn coldly the defendants without evidence of their participation in this supposed attack, nevertheless denied by the spokesman of the Burundian army.

SOS Torture Burundi wishes to emphasize that Burundian justice has once again demonstrated its inability to be independent and impartial, since not only the tribunal the intermediate court of Muyinga could not bring witnesses to testify in such a state of health, but also the texts of laws in force require the assistance of a lawyer when the offense for which they are prosecuted is punishable by at least twenty (20) years of imprisonment (Article 210 of the Burundian Code of Criminal Procedure)

However, clear images show Master Corporal FulgenceNdayikengurutse in very good health during his arrest at the Mukoni military camp (in shorts and tank top, without shoes).

The following images may affect the sensitivity of the readers



Master Corporal Fulgence Ndayikengurutse after his arrest in Muyinga: he was in very good physical condition



The signs of abuse suffered by Master Corporal Ndayikengurutse



One of the wounds inflicted on a part of his body does not allow him to sit

SOS-Torture Burundi condemns this instrumentalisation of Burundian justice which is gradually becoming a tool of repression of any dissident way and calls on the International Criminal Court to seize urgently the case of Burundi following this notorious incapacity and lack of will of the judicial apparatus Burundi in accordance with the Rome Statute of the International Criminal Court.

SOS Torture Burundi protests against this famous procedure of flagrancy, often used to systematically violate basic rights for a fair trial and recalls that the defendants were arrested in different localities (communes and provinces) for many this to say that the notion Flagrancy has no reason to be mentioned in the case of Musinga.

SOS-Torture Burund is worried about the health of the convicts, including Master Corporal Fulgence Ndayikengurutse, who is only getting worse in their cells, far from any medical assistance. The Burundian government is responsible for all these abuses and must allow the victims to be assisted.

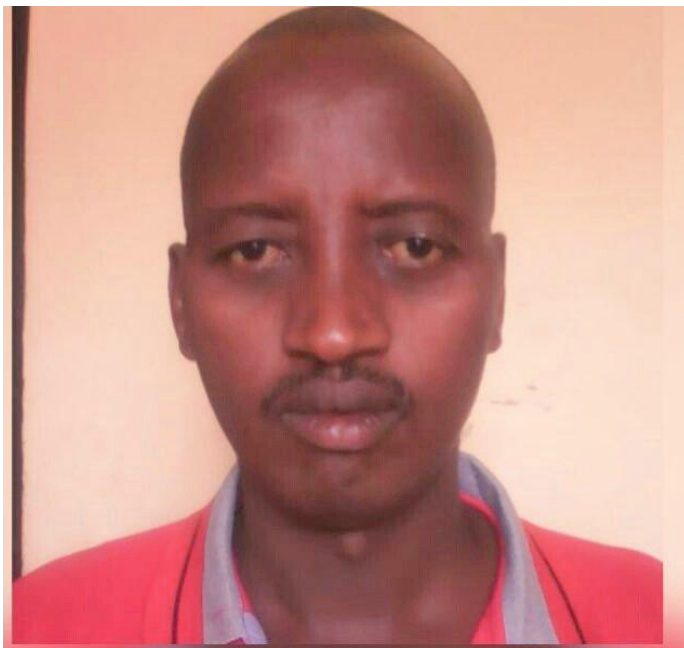
Among the soldiers tortured after their arrest for the same case, SOS-Torture Burundi also noted the case of Master Corporal Eric Ndagijimana (reg. 41953), arrested on 24th January 2017 at his substantive post at the 221st Gitega Battalion Commando. After his express judgment, he was transferred from Muyinga to the Mpimba prison in Bujumbura. This soldier was tortured, body tissues at the back cut. Unable being able to sit for the moment, he remains in position lying in the dispensary of the prison.





Master Corporal Eric Ndagijimana in care at the prison dispensary following torture suffered

Several soldiers arrested in the wake of the Mukoni case are also missing. SOS-Torture Burundi reported at least 13 military arrests after the alleged attack between 24 and 26th January 2017. The army must indicate where the soldiers are, their state of health and the charges against them. SOS-Torture Burundi fears that the missing military personnel will be extrajudicially executed, as was the case for Warrant Officer François Nkurunziza, who was found to have been executed with two other unidentified persons near the Mukoni military camp on 25th January 2017. When he was arrested according to several witnesses (see SOS-Torture Burundi Report No. 59). The total inertia of the Muyinga Public Prosecutor's Office and the Office of the Attorney General of the Republic of Burundi in the face of these extrajudicial executions and acts of torture is another proof of the importance of an international investigation to establish the responsibilities of each other. In this officially confusing case but whose answers in deeds of the political authorities is unambiguous.



Warrant Officer François Nkurunziza, found not far from Mukoni camp in Muyinga

2. Arbitrary arrest, kidnappings and forced disappearances continue

- Police agents arrested Nelson Manishimwe in the Musaga zone (southern Bujumbura) on 30th January 2017. He is a young man who had returned from neighboring Rwanda a few weeks earlier. SOS-Torture Burundi notes that several persons have been arrested in recent months of their return from exile, while the Burundian authorities are constantly calling Burundians refugees to return home arguing that peace is ensured for all citizens. These systematic arrests, especially of people from Rwanda, prove the contrary and the bad intentions of the Burundian authorities.



1.

Nelson Manishimwe arrested by police in Musaga

- Police officers arrested StanyNdayisaba, FridolinNiyungeko, Rugerinyange and Patrick Nduwimana on Burambana Hill, Muramvya commune, Muramvya province (center of the country) on 30th January 2017. They are accused of having quarreled with a young 'Imbonerakure' militiamen of the ruling CNDD-FDD party. Witnesses report that during the arrests, young militiamen accompanied the police agents.

SOS-Torture Burundi notes that these are arbitrary arrests with the sole purpose of ransoming families for no reason. Between two and three million francs were exacted from the victims to be released according to relatives.

- The Government of the Democratic Republic of Congo (DRC) has extradited 186 Burundians illegally on 31st January 2017. The Congolese authorities have stated that they are refugees who have expressed a desire to return home and handed them over to the Burundian authorities, in this case the Minister of Justice of Burundi on the Burundi-Congolese border of Gatumba, commune Mutimbuzi, province Bujumbura.

SOS-Torture Burundi notes, however, that those arrested were cross-checked by police and military personnel, not reflecting at all those who wanted to return, but rather prisoners. This concern was confirmed by the statement by the Minister of

Justice that the 186 persons were to be identified and handed over to their respective families. They were subsequently imprisoned in various prisons, which constituted a serious violation of the Geneva Convention as long as these persons and the Governor of South Kivu also claimed to have applied for asylum in the DRC.

SOS-Torture Burundi fears that these people may be subjected to ill-treatment, in the light of the comments of some Burundian authorities that they are rebels preparing to attack Burundi.



Burundians extradited from DRC guarded by military and armed police

- Police agents led by Cibitoke Provincial Police Commissioner arrested Jean Pierre Kwizera on Rugeregere Hill, Rugombo Town, Cibitoke Province (north-western part of the country) on 1st February 2017. Relatives report that the this man refused to obey young militiamen Imbonerakure of the locality.

SOS-Torture Burundi noted that its place of detention was not reported by the police. The Commissioner of Cibitoke, OPP1 Eugene Bizindavyi, must report the place of detention of Mr. Kwizera.

- Imbonerakure militiamen beat up two women on Senga Hill, Butezi commune, Ruyigi province, on 7th January 2017. The victims were Second Ntiharirizwa (52) and her daughter GlorioseNzeyimana (27). Relatives reported that they were accused of robbery in the fields of their torturer, an Imbonerakure named AnicetNiragira. The latter was accompanied by a group of four militiamen: Omer Buhonga, Ezekiel Nyedetse, Vital Nyedetse and Diomede Nyedetse, then tortured the two women, threatening to burn them alive.

SOS-Torture Burundi condemns this act and notes again the impunity enjoyed by the militiamen imbonerakure thanks to the complicity of the administrative authorities. Instead of demanding the arrest of the torturers, the Senga hill chief made an amicable arrangements by bringing executioners and victims two times: on 21st and 28th January 2017.

One of these militiamen, Ezekiel Nyedetse, repeatedly tortured MrMayunzuguru (60 year old) on Nkongwe hill, Runyonza sub-hill in Butezicomune Ruyigi on 18th January 2017. The victim is accused of having eaten a potato Sweet picked in the field of Mr. Nyedetse.

SOS-Torture Burundi also denounces the local administration, which remains blatantly complicit since it has robbed the victim of torture of its plot of land in order to grant it to this member of the imbonerakure militia. Mr. Mayunzuguru has since been unable to move because of the blows he received and no longer has land to cultivate. The police and prosecutor's office of Ruyigi must intervene to do justice to this illegal victim of the members of the imbonerakure militia.

3. Assassinations, summary executions and armed attacks

- The body of a murdered man was found on 28th January 2017 in district 10 of the Ngagara zone, Ntakangwa commune (north of Bujumbura) in an undeveloped space hidden in forage. Witnesses report that the victim was shot in the head. At the time of the lifting of the body by the police, the victim had not been identified. The police have since made no investigation to shed light on this assassination as required by article 71 of the Burundian Code of Criminal Procedure.

On January 30th, 2017, the African Public Radio in its Humura magazine broadcast the testimony of a family member who claims that the victim is Léonidas Nkeshimana, a native of Bururi province (south of the country).

This relative testifies that the latest news of Mr. Nkeshimana date back to the day before the discovery of his body when he was disembarked by force of a bus and arrested by unidentified individuals and moving in a civilian vehicle.



The body of Mr. Nkeshimana discovered in quarter 10, Ngagara Zone

- Two bodies of unidentified men were discovered floating in the Lake Tanganyika, not far from the banks of the Kibenga quarter, Kinindo zone, Muha commune (south of Bujumbura) on 27th January 2017. The local administration has indicated that it was fishermen killed by hippopotamuses. However, SOS-Torture Burundi notes the complete absence of any medical expertise that can support these statements or assist in the identification of victims. Instead, the bodies were brought to Gatumba from where the victims are supposed to be buried.

- Unidentified individuals assassinated with a grenade Bonaventure Ntakabanyura on Gihinga Hill, Kayokwe Commune, Mwaro Province (center of the country) on 28th January 2017 during the night. The police arrested three persons in the aftermath of the crime but did not link them to the attack.

- The body of a man was found murdered in Ngagara zone, Ntahangwa commune (north of Bujumbura), close to the Ngagara military camp on 30th January 2017. It was DieudonnéNsengiyumva, Handlers from the Kinama market (further north of Bujumbura). Witnesses reported that the victim had traces of strangulation. The perpetrators of the crime are not identified, and the police have not arrested any suspects to date.



The Victim DieudonnéNsengiyumva found strangled in quarter 9, zone Ngagara

- A policeman opened fire on his colleagues in the premises of the Special Police of Rolling (PSR) on 2nd February 2017 on the night in Bujumbura. Eight policemen were wounded during the shooting, police said. The perpetrator also seriously injured him by attempting to kill him.



SOS – Torture/Burundi

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

The SOS-Torture/Burundi campaign was initiated with the aim of informing national and international opinion on the serious human rights violations under way in Burundi through monitoring reports, particularly on torture, Arbitrary arrests Extrajudicial executions, 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 December 11th and that of December 12th, 2015 by the police and military under the pretext of pursuing rebels who came to attacking 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, Jabe, the last two being located in the center of Bujumbura City Hall.

SOS-TORTURE