

REPORT NO. 64 OF SOS-TORTURE / BURUNDI PUBLISHED ON 4TH MARCH 2017

This SOS-Torture report covers the period from 25th February to 4th March 2017 on human rights violations committed with impunity in Burundi.

The report refers to the arbitrary arrests recorded, amounting to forty-six (46) during the period evoked above and this in different localities of Burundi. Among these arrests we found thirty-five (35) persons of Rwandan nationality, victims of political tensions between the Burundian and Rwandan authorities. There are also acts of violence by the Imbonerakure militiamen of the CNDD-FDD party who continue to attribute to themselves the right to conduct illegally arrest with the blessings of the administrative and security authorities.

During the aforementioned period, SOS-Torture Burundi have been able to document five (5) cases of murder, including two lynching victims orchestrated by Imbonerakure militiamen in Ruyigi, eastern part of the country.

The report also refers to the inhumane conditions of detention of minor children in a container in Rugombo commune Cibitoke province. Containers should in no case be used as places of detention, since they are used in principle in the transport or store of goods.

SOS-Torture Burundi also wishes to express its concern about the procedure initiated by the Truth and Reconciliation Commission (TRC) in this current context of political and security crisis in Burundi.

1. Arbitrary arrests, kidnappings and forced disappearances continue

- Police agents arrested Jean Nduwayo at the Ruhwa border separating Burundi and Rwanda in Cibitoke province (northwest of the country). The arrest was made by order of the Provincial Police Commissioner on 21st February 2017. The man lives in the Kamenge zone (north of Bujumbura) and wanted to go to Rwanda on a family visit according to his family. The police accused him of joining armed groups in Rwanda.

SOS-Torture Burundi considers this an arbitrary arrest because evidence has been shown against the charges against Mr Nduwayo and consequently a violation of the protocol on the free movement of persons and goods in the countries of the East African Community.

SOS TORTURE Burundi is concerned about the acts of torture and other inhuman treatment Nduwayo suffered during his arrest and at the time when agents of the national intelligence service wanted him to confess these accusations. This practice of extorting confessions in violation of Article 52 of the Burundian Code of Criminal

Procedure has become commonplace in the various police dungeons and secret services. Today this poor citizen is languishing in the police stations in Cibitoke for no good reason. The police must release him immediately for lack of evidence.

- Police agents arrested at least thirty-five (35) Rwandan nationals in Mabayi commune, Cibitoke province (north-west of the country) bordering Rwanda on 28th February and 1st March 2017. Witnesses Report that during the operation, Imbonerakure militiamen of the ruling party accompanied the police. No arrest warrant has been presented to those arrested, all of whom are accused of collaborating with the Rwandan authorities.

SOS-Torture Burundi notes that this is a whimsical and insane accusation that does not constitute an offense under Burundian law. They are rather victims of their nationality, given the very tense political relations between Burundi and Rwanda since the beginning of the crisis in 2015.

- Militants of the Imbonerakure league of the ruling party CNDD-FDD have beaten Jean Pierre Kwizera in the Mparambo II zone, Rugombo commune, Cibitoke province (north-western part of the country) on 2nd March 2017. This man was accused of theft of bicycle by militiamen. These militiamen, acting illegally as security forces, assaulted the suspected thief with blows and wounds, instead of handing him over to the police.

SOS-Torture Burundi notes that these acts of violence by the Imbonerakure militiamen are very common in different localities, as they gradually replace the security forces by conducting arrests; Most often violently as in this case of Rugombo.



The militiamen carry white weapons (machetes), to impose their terror. The alleged thief is exhibited to the crowd, clothes torn after the beating



In addition to the white weapons, some Imbonerakure militiamen wear the outfits of their party (first in the center)

- Police agents arrested seven (7) men on Gahararo hill, Butihinda commune, Muyinga province (north of the country) on 24th February 2017. Abdoul Abayisenga, Jean Marie Vianney Twagirayezu, Issa Butoyi, Issa Ndayisenga, Abdoul Nzeyimanas nicknamed 'Senegalese', François Mureramanzis nicknamed 'Wangombe' and a soldier named Dieudonné Bigirimana. Witnesses report that the arrest is motivated by the discovery of military truss trousers at the home of one of them.

SOS-Torture Burundi notes that they are accused of unlawful detention of military effects, participation in armed bands and interference with the internal security of the State. These are serious offenses which cannot be motivated solely by the discovery of military lattice pants, especially since one of them is a working soldier.

- Police agents conducted a roundup in Musaga zone (southern part of Bujumbura) on 2nd March 2017. The police detained the residents of at least 4 avenues of the Musaga zone for hours; claim to be in search of armed combatants. Police routinely round up quarters of the Musaga zone for the sole accusation of participating in protests against the 3rd term of Burundian President Pierre Nkurunziza in April and May 2015. Police agents arrested two

domestic workers who were not registered in the household booklets, a document required by the administration and which is not governed by any law in Burundi.

- Two men arbitrarily arrested on 22nd February 2017 on Gishiha Hill in the Maramvya zone of Burambi commune in the southern province of Rumonge are still being held in police cells in Rumonge without any valid reason. They are Athanase Ndayahundwa, a retired military officer, and his neighbor Cyprien Niyonsaba, known as 'Kiyoya' (see **SOS-Torture Burundi Report No. 63**: <http://sostortureburundi.org/wp-content/uploads/2016/08/sos-Torture-Burundi-numero-63-en-En.pdf>).

SOS-Torture Burundi notes that the police, having no evidence of the charges of illegal weapons against the two men, seek to produce witnesses for the prosecution. On 1st February 2017, a so-called prosecution witness was presented by National Intelligence Service officers to state that the two men possessed a weapon, which was never presented to the judicial police officer in charge of the investigation. Accordingly, the two men were tortured in their places of detention; with the aim of extorting those they ignore. The judicial police, if not the Rumonge prosecutor's office, must release the two men, since no tangible and irrefutable evidence allow them to remain in detention.

2. Assassinations, summary executions and armed attacks

- Unidentified individuals attacked Emmanuel Dushime by shooting him at point-blank range in Gihofi, Bukemba commune, Rutana province (southeast of the country) on 25th February 2017 in the evening. The victim, seriously injured, is an employee of the Moso Sugar Company (SOSUMO) based in Gihofi. However, Mr. Dushime succumbed to his serious injuries on 27th February 2017, two days after the attack.

SOS-Torture Burundi notes that the police said they arrested three suspects for the assassination attempt, in possession of the weapons of the crime. .

- Individuals murdered Thacien Bahuta in Gitega province (center of the country) on February 26th, 2017. The body of this employee, a watchman at Regideso (a state company that manages the distribution of water and electricity) Discovered the next day hanging at the end of a rope on a tree not far from the river Ruvubu. No suspects have been identified by the police to date.

- Individuals murdered Gervais Ngenzirabona on Rusororo Hill, Cibitoke zone, Rugombo commune, Cibitoke province (northwestern part of the country), and his body was found on 1st March 2017. The body lay in a casava field. Witnesses report that the victim was a gold merchant and that he was stripped of his property. The police have not identified any suspects to date.

- Two suspected thieves have been assassinate by Imbonerakure militiamen of the CNDD-FDD party on Rangi hill, Bisinde zone, Ruyigi commune, Ruyigi province (east of the country) on 26th February 2017. The victims are Ramadhan and Nestor Manirakiza, accused of theft of a radio receiver and a mattress. Witnesses reported that the two men were arrested in possession of the two objects, then tied up and beaten before being taken to Rangi.

SOS-Torture Burundi notes with consternation that instead of being handed over to the police despite the first sessions of torture, the two men were more beaten until death ensued. The place of execution is located at 3 kilometers from a position of the police; but the perpetrators of double execution still enjoy total impunity. However, the victims had asked for mercy from their executioners but the Imbonerakure militiamen refused to listen to them. The police and prosecutor's office in Ruyigi must rise out of silence in the face of the impunity enjoyed by the militiamen, which is in the midst of rain and fine weather until people are killed.

SOS Torture informs the public that capital punishment has been abolished in Burundi and urges the immediate arrest of the militiamen who executed these alleged thieves.

3. Children detained inhumanely in a container

Minor children held in a container located in Rugombo commune, Cibitoke province (north-western part of the country). They are around ten (10) children to languish in a space of 3 by 8 meters, barely ventilated by a small screened opening. These are inhuman conditions applied by the police and the administration of the Rugombo commune to vulnerable children. Containers should in no case be used as places of detention, since they are used in principle to transport or store goods. SOS-Torture Burundi demands the immediate release of these children and the bringing to justice of the person (s) responsible for this inhuman and degrading treatment. Children, regardless of their offenses, are protected by law and their place is in the custody but rather in the school.



The container is uncovered, the children being detained even under an overwhelming sun



Inmates are minors who should be protected by law

4. The Prosecutor of Muyinga Mr. CIZA Patrice defeated the judges of the Tribunal

The judges of the Intermediate Court of Muyinga (north of the country) have decided to release nine detainees arrested since 25th June 2015. They were prosecuted for 'mercenarism' by the Muyinga prosecutor's office **in the case RMP 15181 / N.J. RP 9299.**

SOS-Torture Burundi notes that after the acquittal of these citizens by a judgment of the Muyinga Intermediate Court, the Public Prosecutor in Muyinga refused to execute the judgement and decided instead to transfer them from Muyinga to Ngozi prison on the grounds of appealing the decision of the judges. The detainees were: Alexandre Sindayikengera, Shabani Nshimirimana, Isaiah Nsengiyumva, Saidi Ndayihanzamaso, Gérard Sinibagiye, Radjabu Nduwayezu, Nestor Nduwimana, Esawu Ndayishimiye and Egide Nduwayo.

SOS-Torture Burundi, informs the public that the refusal of the public prosecutor of Muyinga, Mr Ciza Patrice is a flagrant violation of the law and especially the code of criminal procedure in article 203 which stipulates **"An accused who is in preventive detention at the time of the judgment And who is acquitted or sentenced to a mere almond, shall be immediately set at liberty, notwithstanding appeal, unless he is detained for any other cause. "**

The behavior of the Muyinga prosecutor in flagrant violation of this legal provision shows to what extent Burundian justice is no longer able to reassure the litigants and therefore must be reformed for the benefit of the Burundian people.

5. SOS-Torture Burundi is concerned about the procedure undertaken by the TRC in this current context of politico-security crisis

SOS-Torture/Burundi is concerned about the clear desire of the Truth and Reconciliation Commission (TRC of Burundi) to continue its work in a serious political and security context in Burundi.

The establishment of the Truth and Reconciliation Commission (TRC) has encountered several obstacles, including the lack of a constructive consensus since the adoption of the law governing this commission until the election of its members. Today the independence of the commissioners is problematic; the reasons for the lack of this independence include the absence of members from civil society, lack of

financial autonomy, the dominance of this commission by political party members CNDD-FDD and many others. This shows that the current process may lead to a solution that suits one to the detriment of the others, which may lead to the manipulation of the truth.

The recent activities to unearth the remains of four mass graves in Mwaro province and the speech of the executive secretary of this commission announcing the continuation of such activities throughout the country demonstrates to a sufficient extent the commitment of this commission to continue the work despite the current context which is not conducive to a proper process of truth and reconciliation as recommended by the population.

In the present circumstances, such investigations are impossible, especially as several victims of the various crises are either in exile or living in a state of constant fear within the country. Without forgetting other victims of the current government scattered in the mass graves guarded today by the militiamen affiliated to the CNDD-FDD party, the courts being today used as a machine of repression against the opponents. The situation amounts to a state of generalized and institutionalized fear that contrasts with the search for truth about crimes committed in the past when citizens are not even free to denounce the current crimes they are subjected to.

SOS Torture Burundi is calling for the TRC to deepen the process for the interest of the truth and the people of Burundi. It urges both Catholic and Protestant religious leaders of this commission to be cautious and not to fall into the trap of Government and distract the community by manipulating the truth, they must refrain from carrying out actions that taint their credibility and those of their churches, if not they will be accused of having played the complicity to manipulate the truth and will be held responsible.



A site searched on the Makamba hill, Rusako commune in Mwaro under the direction of the CVR



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 objective of informing national and international opinion on the serious human rights violations under way in Burundi through monitoring reports, in particular 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 11th December and that of 12th December 2015 by the police and military under the pretext of tracking rebels groups who came to attack military camps on the outskirts of the capital. The affected Quarters are said protesters of third term of President Nkurunziza namely Musaga, Mutakura, Cibitoke, Nyakabiga, Jabe, the last two being located in the center of Bujumbura

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