

SOS-TORTURE/ BURUNDI

Report on Burundi human rights situation.

April 1 to June 30, 2017



**Imbonerakure Militias : Authorized and
Unlimited Crimes**

July 2017

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1. Introduction

In the second quarter of 2017, the human rights situation was marked by numerous human rights violations and the shrinking of democratic space, the use of terror to deter or repress all what is considered "political opposition". The frequency and regularity of the human rights violations that continue to be perpetrated in Burundi are in total contradiction to the statements of the Government which seeks to minimize or even deny them. On April 25, 2017, the first Vice-President of Burundi, Gaston Sindimwo, declared: "Peace is total in Burundi. It is an imaginary crisis, no displeasure to detractors. Nevertheless, there may be some incidents that can not harm national peace and national concord. Today the crisis is behind us¹.»

From April to June 2017, SOS-Torture recorded 169 arbitrary arrests and 5 illegal arrests, 50 violations of the right to life, 13 tortured, 20 cases of sexual violence and 5 enforced disappearances. All these crimes were committed with impunity. Among those arrested, 24 are members of the National Liberation Forces (FNL), the branch led by Agathon Rwaswa. Militants of the Movement for Solidarity and Democracy (MSD) and the Union for National Progress (UPRONA), wing of Charles Nditije, were also targeted.

Restrictions on fundamental freedoms continue in the same way as the persecution of political opponents. At the head, come the members of the FNL, the branch of Agathon Rwaswa. Indeed, members of the opposition parties are routinely subjected to arbitrary arrests by the police, the National Intelligence Service (SNR), and more often by members of the Imbonerakure militia.

Fundamental freedoms may be further reduced in the event of the adoption of the draft law on the revision of the Penal Code and the Criminal Procedure Code presented by the Minister of Justice on 17 May 2017. This draft Of law is to authorize night searches and

¹<http://www.rfi.fr/afrique/20170425-burundi-deux-ans-crise-candidature-nkurunziza-pays-impasse>, publié le 25 avril 2017.

without a judicial warrant; Which risks perpetuating arbitrariness and creating a de facto state of emergency. This draft of law is in contradiction with the speeches of the highest authorities who affirm that peace and security reign throughout the Burundian territory

The risk of a state of emergency is reinforced by the importance of the Imbonerakure militia in the grid of the country and the population. Indeed, the militiamen Imbonerakure given themselves the prerogatives devolved to the administration and the police. In doing so, they commit abuses of human rights, including persecution of political opponents, arbitrary arrests and torture. Some of their actions, observed during this period, are likely to have serious consequences for human rights.

During the New Year celebrations in Ntega commune, Kirundo province, Imbonerakure militiamen sang songs inciting the rape of opposition girls and women to give birth to Imbonerakure. "Tera inda abakeba bavyare imbonerakure," they sang. This translates into "impregnating the girls and women of the opposition so that they give birth to imbonerakure". The video took place on social networks and provoked important reactions, including the authorities of Burundi and the ruling party.

Other reports received indicate that the paramilitary training of Imbonerakure militias has increased in various provinces of the country, particularly in the provinces of Cibitoke, Makamba and Rutana.

The announced objective of these training is to prepare these Imbonerakure to defend the country, in case of attack by rebel groups. Because according to the trainers, the military would not all be reliable. According to various sources, the training of these militiamen would be supervised by officer Joseph Mathias Niyonzima, alias Kazungu, regularly quoted in serious violations of human rights.

In southern Burundi, there are also reports of paramilitary training in the provinces of Makamba and Rutana on Saturdays starting at 3 am in groups of 30 to 40. Each group would receive 5 to 10 weapons².

²Voir Rapport N°72 de SOS-Torture Burundi, publié le 29 avril 2017, <http://sostortureburundi.over-blog.com/2017/04/rapport-n-72-de-sos-torture/burundi-publie-le-29-avril-2017.html>

During the period under review, SOS-Torture noted the resurgence of armed attacks, mainly in the northwest of the capital Bujumbura and in the capital itself where grenade attacks took place. This second quarter was also marked by a wave of arbitrary arrests targeting some delegates of students of the University of Burundi who demanded the repeal of the presidential decree transforming the Barsary into a loan and tightening the conditions of its grant. This decree, signed on 1 February 2017 by Burundian President Pierre Nkurunziza, transforms the Barsary into a loan³, Reimbursable once the studies are completed, and hardens the conditions for its grant. As a result, students in public universities have fiercely opposed it and have decided to engage in a strike to obtain its repeal⁴.

On March 24, they gave a notice of strike, demanding the repeal of the decree. The Notice issued was due to expire on 5 April 2017, in the event that a favorable response had not been given to their claim. This notice and the threat of strike were considered by the government as an insurrection and a fierce repression was organized to break the student movement.

In order to break this gap, the SNR will conduct well-targeted kidnapping of delegates and remain silent about where detainees are held and the grounds for arrest. This situation has caused many students to hide, fearing for their safety.

As part of this crackdown, two other students were abducted in Bujumbura on 29 March 2017 by agents of the National Intelligence Service. One of the two was released in the evening while the other remained in the SNR cell. Subsequently, the police arrested eight other students on 1 April 2017 in various residences of Mutanga campus of the University of Burundi⁵. On April 6, 2017, the eight (8) students were released without any explanation as to why they were detained.

Arbitrary arrests have become a deterrent way to reduce any opposition. In addition to political opponents, members of the former Burundi armed forces (formerly FAB) are still one of the main targets. In some documented cases, some arrested soldiers have been subjected to torture.

³ Il s'agit du décret n°100/018 du 1^{er} février 2017 portant réorganisation du système de gestion des bourses d'études et de stages, www.presidence.bi

⁴ <https://www.lavanguardia.fr/greve-etudiante-burundi>, 12 avril 2017.

⁵ Pour plus de détails, lire le rapport N°68 de SOS-Torture Burundi: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-68-en-Fr.pdf>

Other cases of abuse include the arrests of persons, particularly in protesting quarters because they do not have a "housekeeping book". The latter was set up by the administration to control the movement and identity of the citizens, without any legal basis. But the police and the Imbonerakure militia continue to arrest persons who do not have a housekeeping booklet or when the one is incomplete and impose fines on them.

With few exceptions, the administration of justice continues to be an instrument in the service of power.

Also during the period under review, the Commission of Inquiry on Burundi presented its report at the thirty-fifth session of the United Nations Human Rights Council on 14 June in Geneva. According to the Commission, the human rights situation in Burundi is characterized by a generalized climate of fear, severe restrictions on civil liberties, a continuous climate of violence and violations committed in a more dark manner, hate speech and Population disturbance. The Committee insisted on the cruel and brutal nature of the violations reported to it⁶.

The assessment of this commission is confirmed by the violations of human rights documented in this report by SOS torture Burundi

2. Attempt to the right to life and physical integrity

As in previous periods, the country continues to face numerous violations of the right to life and physical integrity. Geographically, the area situated in the northwest of Bujumbura has experienced frequent incursions of armed groups and confrontations between them and the security forces. This has resulted in numerous violations of the right to life and physical integrity. During the quarter, there was an increase in targeted attacks in the evening, particularly in the Kamenge and Musaga zones, as well as in Rushubi in the rural areas of Bujumbura.

⁶La commission est composée de Fatsah Ouergouz (Algérie), Reine Alpini Ganzou (Benin) et Françoise Hampson (Royaume Uni). Elle a été mise en place par le Conseil des droits de l'homme des Nations Unies suite à la résolution 33/24 du 30 septembre 2016. Pour le résumé du rapport, consulter : <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=21760&LangID=F>

The country was also marked by acts of popular justice aimed in particular at persons accused by their neighbors of witchcraft and robberies. The province of Cibitoke is the most affected by popular justice for "acts of witchcraft". Those responsible for these crimes generally remain unpunished. Considering the reasons given, the police almost never investigate the real motives behind these crimes and their perpetrators in order to prosecute them.

During the period under review, lifeless bodies were found, often abandoned in rivers or on land. During this quarter ten bodies were found and were not identified. Often the administration hastened to burial without identifying the victims. This makes any subsequent investigation difficult, if not impossible, in the context of Burundi.

2.1. Many cases of people's justice with total impunity

Illustrative cases of acts of popular justice.

On April 25, 2017, unidentified individuals assassinated Paul Ntizakumwe (60 years) on Mahande Hill, Murwi Commune, Cibitoke Province. The victim was attacked at his home and killed by gun shot. Local administrative officials said that Ntizakumwe would be the victim of suspicions of witchcraft. During the month of June, from 9 to 25, six well-identified were killed, accused by their neighbors of practicing witchcraft, in the same province of Cibitoke.

In another case of popular justice, residents of the Kivubo hill, Condo Zone, Rutovu commune, Bururi province, killed Ntakarutimana with a club. They accused him of stealing their cows.

On June 11, 2017, in Ruyigi Province, a person was killed because of charges of witchcraft. It is Gabriel Basita, assassinated with blows of clubs by unidentified individuals. The crime took place on the Kirambi hill, Rusengo Zone, Ruyigi commune and province. On May 8, 2017, another person, Marcelline Kagaruro, living on Gasenye hill, Busoro Zone, Bweru commune, in Ruyigi province, was almost burned alive in her house by her neighbors who had accused her of sorcery. She was narrowly saved.

In all these cases, the perpetrators of these crimes remained unpunished, the police is satisfied with the explanations given by the neighbors of the victims. These crimes, like all others, must be thoroughly investigated. Because in a context where respect for human life is constantly regressing, this impunity can only encourage the crimes linked to the popular justice.

2.1. Resurgence of armed attacks and targeted assassinations

The period under review was also characterized by the resurgence of targeted attacks that may have political motives. The area situated in the northwest of Bujumbura and towards the border with the DR Congo is regularly the scene of armed attacks and skirmishes between the army and armed groups. Often incursions by armed individuals result in hostage-taking, targeted thefts, and deaths and injuries. The town of Gihanga was the subject of three attacks by armed groups on 6 and 7 April 2017 and later on 14 May 2017. This latest attack resulted in the death of one of the rebel group. The army, meanwhile, did not reveal the record of the victims of this attack.

The city of Bujumbura City Hall and the center of Rushubi in the province of Bujumbura have also undergone several targeted attacks. The district of Kamenge has experienced the most violent incidents, three of which resulted in loss of life.

Indeed, on the evening of April 25, 2017, unidentified individuals attacked a vehicle and its passengers in the Heha quarter of the Kamenge Zone of Ntakangwa commune. The persons targeted are Marc Ndahakeshimana, a lawyer, and his family: his wife, two children and a domestic worker. The lawyer succumbed to his injuries some time after the attack while the other members of his family were injured.

On 4 May 2017, in the evening, armed individuals shot dead Claude Bararufise, in the Mirango I quarter, in the Kamenge Zone of Ntakangwa commune. A young girl named Nadine Tumberayezu was wounded during the attack.

In the same month, on the evening of May 21, 2017, unidentified individuals carried out a grenade attack in the Gikizi quarter of the Kamenge Zone, Ntakangwa commune. According to witnesses, the attack was targeting the home of Kamenge Zone chief. Eight (8) persons were injured: three children, one woman and four men passing near the attack site

On the evening of 28 April, armed individuals also attacked the home of a Burundian senator, Pascal Ntahonzigamiye, in the Rushubi zone, Isale commune, Bujumbura province.

During the attack, a police agent assigned to the security of the senator was killed, and three of his colleagues were injured. The police did not identify the perpetrators of the attack. The senator, a member of the ruling CNDD-FDD party, was not reached by bullets.

Another targeted murder incident took place in the south of the capital Bujumbura on 17 May 2017 in the evening. A grenade attack killed three young men in Gikoto quarter of the Musaga Zone in Muha commune. The victims, all of them identified as members of the Imbonerakure militia, were in a bistro at the time of the attack. They are Audifax Ndayizeye, Cédric Kwizera and Harerimana.

Following the attack, which also left three injured, police agents and the SNR surrounded Gikoto quarter in the same evening and began muscular searches in the households outside the regular hours. Witnesses reported that several persons, mainly young men, were beaten by these agents.

In the same Zone of Musaga, unidentified individuals attacked one of the persons at a bar near a Petrol station in the Musaga Zone south of Bujumbura. The incident, which took place on the evening of June 14, 2017, resulted in two deaths - Lambert Nkurunziza and Fiston Nduwimana - and 12 wounded.

Two other targeted attacks took place in the locality of Rushubi. On the evening of April 28, 2017, the home of Senator Pascal Ntahonzigamiye in Isale Commune of Bujumbura Province was attacked. A police agent assigned to the security of the senator was killed, and three other colleagues were injured. The senator, a member of the ruling CNDD-FDD party, was reached by bullets. The police have not yet released the results of their investigations.

A few days later, on the evening of May 2, 2017, individuals armed with rifles shot down Gilbert Ndayisaba, in the same Zone of Rushubi, Isale commune, Bujumbura province. According to witnesses, the killers were wearing national police uniforms. They entered a bar where the victim was and shot him on the spot. Mr. Ndayisaba is a former employee of Isale commune.

2.2. Serious torture inflicted by the Imbonerakure with impunity

Many militiamen have committed serious abuses, with impunity and sometimes in presence, and presumably with the complicity of Security forces. Nine cases of torture inflicted by Imbonerakure are presented here. They all took place in the province of Ruyigi, where an uncontrolled presence of these militia was observed.

On Nyabitare hill of the commune Gisuru. Militiamen struck in public and with blows of sticks Terence Ndidiri, after having taken him out of a bar. The victim is a member of the FNL, a branch led by Agathon Rwasa.

Seven other Imbonerakure militiamen severely tortured a woman, Nadine, on 7 May 2017, on Ruharo hill in Nyabitsinda commune. They tied her up and hung on a tree before beating her. The victim was seriously injured and was evacuated to the Nyaruganda clinic.

On 14 May 2017 members of the Imbonerakure militia also attacked a man of the Batwa ethnic minority, Minani, on Kayongozi Hill, Bweru commune. The victim, accused of theft, died the day after the attack.

On 28 May 2017, on Muyange hill, Butezi commune, Imbonerakure militia attacked Mrs. Sophie Ntirampeba. They tied her arms violently in the back before striking her with clubs. They also demanded from the husband of the victim a sum of 120,000 Burundi francs which he could not pay. The militiamen eventually appropriated themselves a part of the couple's lands the police or the administration did not intervene to render justice to the victim.

On June 7, 2017, Imbonerakure militiamen beat up Rémy on Ruhwago hill, Ruyigi commune. They were in the presence of magistrates of the Ruyigi prosecutor's office, to whom he had filed a complaint following the threats of these militiamen. During the confrontation, an Imbonerakure beat him with blows the magistrates present did intervene.

On 11 June 2017, Imbonerakure militiamen struck Manasseh Ntaconkurikira for hours on Nyabitare hill, Gisuru commune. Witnesses reported that Mr. Ntaconkurikira was in a bistro when a demobilized CNDD FDD forcibly grabbed him and started beating him with his accomplices. The victim was left on the spot by his tormentors in a very critical state. The victim is a member of the FNL. While they were beating him, his attackers called him *igipinga*, means a heretic.

On the night of 13 June Imbonerakure militiamen entered into the home of Fidèle Ndayegamiye, on Ruharo hill, Nyabitsinda commune. They beat him violently before taking him to the Nyaruganda police station. According to witnesses, the man spent 48 hours with wrists and handcuffs, deprived of water and food before paying 20,000 Burundi francs for his release.

On June 20, 2017, in the commune of Ruyigi, Imbonerakure militiamen beaten on the head Romuald Irakoze, seriously wounding him. Accusing him of fraud, they would have imprisoned him without explanation.

3. Arbitrary arrest, kidnapping and forced disappearance: methods that have become permanent to spread terror

Since the outbreak of the crisis in Burundi on 25 April 2015, the presentation of the arrest warrant by the authority with the power of arrest has become an exception. Arbitrary arrest and detention were the rule and the number of detainees reached 585 in May only.

The arbitrariness is manifested more and more through the full power devolved to the militiamen Imbonerakure. They operate in conjunction with security forces, administration and justice, which they often replace. In so doing, they commit serious human rights violations. They carry out unlawful and arbitrary arrests, impose fines, harass and torture the citizens, in particular those considered as militants of the political opposition. But the Imbonerakure, as well as the police and SNR agents, also arrest people to extort ransoms from them. The information received indicates that numerous arbitrary arrests are being carried out by the Imbonerakure militia with the complicity of the police or the NIS. The militia sometimes sends persons arrested to the police and the NIS, who often imprison victims, without trial and without any steps, to do justice to these victims of abuse.

Among the arbitrary arrests documented during the second quarter of 2017, those carried out by National Police agents come at the top with 47.5%, followed by those carried out by the Imbonerakure (21.5%), almost as much by the agents of the National Police. NIS (21%). The rest of the arbitrary arrests are perpetrated by unidentified persons, who often turn out to be agents of the NIS, disguising them by using unmarked vehicles with tinted windows to organize the disappearance of targeted persons.

Most arrests have political motives. In this context, the FNL militants, faithful to Agathon Rwaso, are the most targeted. During this period, 21 arrests targeted individuals or groups belonging to the FNL. The justification often put forward is the holding of unauthorized meetings, recruiting young person for rebellion or simply punishing them for refusing to join the ruling party. Members of the Movement for Solidarity and Democracy (MSD) are also subjected to harassment, arrests and forced disappearances. During the period under review, UPRONA militants, Charles Nditije wing, FRODEBU and CNDD, led by Léonard Nyangoma, were also targeted. As for the persecution of soldiers from the former FAB, it continues through arbitrary arrests, often followed by cruel and degrading torture.

From a geographical point of view, Imbonerakure militiamen are increasingly active in Ruyigi and Cibitoke province, where they engage in numerous abuses. In Cibitoke, the militiamen made five arbitrary arrests of residents of Rwandan origin. They would have led these persons to unknown destinations.

Also noteworthy is the continuing use of kidnappings by unidentified persons; One of the methods of power to sow fear and terror in society or to remove opponents who have become troublesome. The lack of light on the perpetrators of these kidnappings raises a lot of suspicion on the police and the SNR, which operate in the same way as kidnappers, using vehicles with tinted windows. Among the cases reported were those of a few delegates of the students of the University of Burundi and of the Normal High School (ENS) at the time when they opposed the government measure on scholarships and that of the businessman Oscar Ntasano.

3.1. Arbitrary arrest and forced disappearance by NIS agents: terror and torture

The Responsible of NIS in Muyinga province arrested Alexis Nibaruta, a retired soldier, on 4 April 2017 on Muzingi hill, Gashoho commune, Muyinga Province. After his arrest, the motive of which had not been specified, he was detained in a secret place and tortured until he was transported in critical condition to the hospital, first in Muyinga on 8 April 2017, and then to Ngozi, due to the severity of his life condition. Torture caused internal bleeding and blood in the victim's urine.

On 18 April 2017, again in Muyinga, under the order of the chief NIS in that province, SNR agents arrested Master Corporal Dieudonné Kwizera, a Burundian military in service.

According to several sources, the soldier was subjected to torture sessions before being charged with participation in armed gangs and attempted robbery. According to information received, the NIS and the prosecutor's office sought to accuse the soldier of having participated in the attack on the Mukoni military camp in Muyinga which took place in January 2017.

On 31 May 2017, in Bujumbura, SNR agents arrested Mrs. Dévote Niragira, Mr. Egide Nahimana, Eric Nshimirimana and Elie Niyongabo, in a bar located in Ntahangwa commune, Bujumbura. The operation was conducted by intelligence officer Joseph Mathias Niyonzima, nicknamed Kazungu, who is involved in numerous serious human rights violations including extrajudicial executions.

Without providing any evidence, the NIS claimed to have found two weapons in this bar belonging to Mr. Pascal Ntirampeba. The latter is a former executive of the party CNDD-FDD, in exile, after having opposed the third mandate of Pierre Nkurunziza. In the absence of any evidence to support the NIS's assertions, there is reason to believe that the operation was intended to punish the person concerned by depriving him of means of subsistence.

On 23 May 2017, NIS agents arrested Eric Ntirandekura and another man who accompanied him on Nyamabere hill 12th cross-road, Mpanda commune, Bubanza province, without a warrant. The two men were FNL militants, a branch led by Agathon Rwaso. Prior to their arrest by the SNR, both men had been threatened by members of the Imbonerakure militia. Since then, Mr. Ntirandekura and his companion have been reported missing.

3.2. Arbitrary arrests and human rights violations attributed to the police

3.2.1. Persecutions and arrests of political opponents

Three illustrative cases.

On 26 March 2017, police agents arrested six persons from Kazirabageni hill, Nyanza Lake commune, Makamba province, without warrant. The six are all former militants of the CNDD opposition party, led by Leonard Nyangoma. The police accused them of participating in armed groups without any supporting evidence. According to information received, the six

men were tortured during their detention. On 1 April, four of the six arrested persons in that area were transferred by the police to the SNR cell in Bujumbura. The picture of these persons confirms that they had been physically abused.

On 24 April 2017, police agents arrested four militants of the FNL opposition party, a branch led by Agathon Rwaso on Gihungwe Hill, Gihanga commune, Bubanza province. They were accused of holding an unauthorized meeting the previous day, although the Constitution of Burundi guarantees freedom of association and peaceful assembly.

In the Rutegama commune of Muramvya province, police agents arrested Edouard Nzambimana and Ladislav Sabukwigura on 15 May 2017. The two men are opposition activists of the FNL party, a branch led by Agathon Rwaso, Detained for six months in Gitega prison. They were accused of an ambush attempt. But for lack of tangible proof, the public prosecutor decided to release them.

Another case of police abuse was perpetrated on 16 April 2017 in Kibago, Kibago commune, Makamba Province. The head of the police station in this commune arrested Juvénal Ndayishimiye, a retired soldier and former member of the Burundian Armed Forces (ex-FAB). After beating Ndayishimiye in the bar, the police chief handcuffed him and led him to the Kibago police cell where he was allegedly tortured by the chief of the police station. As a result of these tortures, the detainee was evacuated to the Makamba hospital on 19 April 2017 in critical condition. This head of post was not prosecuted for these acts.

On 21 April 2017, police officers forcibly transferred a patient from the Kamenge Neuropsychiatric Center "CNPK" to Mpimba Central Prison, Musaga Zone, Bujumbura. This is Belly Bertrand Niyongabire, a young man who has suffered severe trauma since December 11, 2015. He was arrested in Kinanira during attacks on military camps. After his arrest by the National Intelligence Service, the young man suffered long torture sessions in an unidentified place.

According to information received, the young man was transferred to prison despite opposition from the management of the CNPK hospital and could not feed himself, speak or stand up because of the abuse he had suffered.

3.3. Persecution, arbitrary arrests, forced disappearance and other human rights violations attributed to the Imbonerakure militias

During the reporting period, SOS Torture Burundi documented various serious violations of human rights committed by the Imbonerakure militia, demonstrating the growing role of the militia that has become the spearhead of the terror regime in Burundi. The militia has full power to carry out arbitrary arrests, suppress political opposition, carry out arbitrary arrests and forced disappearances, torture detainees and other serious violations of human rights. The few cases cited below illustrate these practices often committed in the presence of the police.

3.3.1. Collusion between police and militia imbonerakure.

On 27 March 2017, Imbonerakure militiamen illegally arrested Dr Juvénal Karagira, a doctor working within Kirundo province. After this illegal arrest, Kirundo NIS officer arrived and then boarded him to the Kirundo urban center, and locked him up in the police cell. According to the information received, Dr. Karagira was accused of facilitating the exile to Rwanda of a family from the town of Bujumbura, whose father had been executed.

On April 26, 2017, the chief of police of the commune Buganda, province Cibitoke arrested an FNL activist, Claude Kwigize. According to the witnesses, this police agent was accompanied by young militiamen Imbonerakure, who designated the victim before his arbitrary arrest.

On 15 June 2017, Imbonerakure militiamen, accompanied by police agents, arrested Charles Nkundinka and Boniface Ntigurinzigo on Rugajo Hill, Mugina Commune, Cibitoke Province. The two men were accused of being absent from the community works to which the Second Vice-President of Burundi participated. According to the witnesses, they were tied up by the militia and then taken to the NIS cell.

3.3.2. Persecution of political opponents, complacency of police and SNR

On 24 March 2017, Imbonerakure militiamen illegally arrested Ferdinand Ndihondi and Jacques Nizeyimana, two young activists loyal to the FNL party of Agathon Rwasa on the Kiramira hill in Rugombo commune, Cibitoke province. They embarked them to a police

station in Kiramira zone, where they were boarded by the vehicle of the chief of the NIS of Cibitoke.

On 7 May 2017, Imbonerakure militiamen arrested a man Ladislas in Rusengo Zone of Ruyigi commune and province. The young man was coming from Tanzania and was about to return home to Kayogoro in Makamba province. The Imbonerakure accused him of espionage and Rusengo police jailed him in the police cell without investigation and without any legal document.

3.3.3. Interference in court cases

In many cases the militiamen defy the administration, the police and even the justice system.

On the evening of May 22, 2017, members of the Imbonerakure militiamen illegally arrested Pierre Ntirwinyegeza at his home on Rukaragata hill, Ruyigi commune and province. The applicant had responded during the day to a summons issued by the officer of the Public Prosecutor's Office concerning an ongoing trial on a land dispute between him and his neighbor. Pierre Ntirwinyegeza returned after his interrogation. But he was arrested the same evening by Imbonerakure militiamen visibly dissatisfied with the proceedings. They were accompanied by police agents who had no warrant.

On June 7, 2017, Imbonerakure struck the Mr Remy, on Ruhwago hill, Ruyigi commune and province, in the presence of magistrates of the Ruyigi prosecutor's office. Rémy was suspected of having written leaflets denouncing acts of rape committed on schoolgirls and attributed to Imbonerakure. After these brutalities against Rémy, one of the militiamen, Désiré Ndayishimiye, was arrested on the orders of the public prosecutor. However, on 9 June 2017, Ndayishimiye was released as a result of pressure by the Imbonerakure on the prosecution, while charges of rape still lay on him. The victim of rape is a minor, pupil of 3rd primary School.

3.3.4. Forced Disappearance

Imbonerakure militias are playing an increasingly prominent role in the repression of political opponents in Burundi, as illustrated by these two cases.

On 27 May, Imbonerakure militiamen illegally arrested Florian Ndayikeka on Nyabibuye Hill, Rango commune, Kayanza province. Ndayikeza, an MSD party activist has been reported missing since the arrest. To date, the police have not attempted to investigate his disappearance.

In another case, members of the Ruyigi Imbonerakure militia replaced the police and the judiciary in a civil case. On June 6, 2017, a group of Imbonerakure arrested Léonce nicknamed Kinyenyi, accusing him of stealing items from a store belonging to Méthode Nitunga, an Imbonerakure. After being released by the judicial police officer who did not hold any charges against him, Léonce was arrested again by the same group of militiamen who included the complainant's brother and who demanded him to pay them by the sale of his property. Since June 8, 2017, Léonce is missing. Before his disappearance, Léonce was kept in illegal detention, attached to a fence near his employer's shop where he was tortured for hours by the militia.

3.3.5. Terror against the population: harassment of opponents and extortion of property

Le 17 juin 2017, de jeunes miliciens Imbonerakure ont forcé les habitants de la commune Butaganzwa, province Ruyigi. Selon les témoins, les miliciens ont ciblé les ménages des personnes non-membres du parti CNDD FDD, les sommant de payer 110.000 francs burundais ou risquer des représailles en cas de refus. Ni l'administration, ni la police n'ont empêché ce pillage organisé et imposé par la terreur. Ce qui ne fait que renforcer le pouvoir des miliciens Imbonerakure et leur capacité à commettre davantage abus, en toute impunité.

3.4. Abductions: a method used by the Police or the SNR to stifle any dispute

During the period under review, arrests were made by the police and the NIS in the form of abductions. These targeted a few student delegates to break the student protest within public higher education. The movement described as "rebellion" by the authorities

demanded the cancellation of the decree transforming the scholarships into loans-scholarships⁷.

In this context, several university students have been kidnapped. These include Jean Claude Hatungimana, who was kidnapped in Rohero Zone of Mukaza commune, Bujumbura, on 14 April 2017. Witnesses reported that Mr. Hatungimana was boarded in a civilian vehicle registered D4930A. Similarly, on 20 April 2017 unidentified individuals abducted Egide Nimenya, a student at the Faculty of Psychology and Educational Sciences, at the University of Burundi, in the city of Bujumbura. Nimenya was also the student delegate. These kidnappings, including those directed against a few student delegates, were interpreted as a strategy of the SNR to break student protest. The SNR agents arrested the students without a warrant, without any indication of the reasons for their arrest, and did not specify the place of detention of those arrested⁸.

3.4.1. The forced disappearance of Oscar Ntasano: police contradictions or blurring of the facts?

Unidentified individuals abducted a businessman and former Burundian Member of the Parliament Oscar Ntasano on 20 April 2017 on the Bujumbura-Gatumba road, not far from the delimitation between the city of Bujumbura and the Mutimbuzi commune of Bujumbura province. Mr. Ntasano is the owner of a real estate complex called 'Nonara'. He went there at the time of his abduction. He has been missing since the arrest. Relatives reported that Ntasano had suffered several threats to persuade him to terminate his lease with the United Nations Office in Burundi (BNUB).

Following this disappearance, the police presented at least two contradictory versions of the case. On 23 April 2017, the deputy police spokesman announced that Ntasano's vehicle had been found rugged on the Ngozi-Muyinga road in the north of the country, with the driver of the businessman on board, announced as dead in the accident. Two days later the police changed their version, announcing that the man who died in the vehicle accident was Mr.

⁷ Un ultimatum a été envoyé au Président Pierre Nkurunziza pour qu'il abroge ce décret. La grève a débuté le 30 mars 2017 et plusieurs leaders de la contestation estudiantine ont été arrêtés. Certains sont emprisonnés et d'autres ont été chassés de l'université, tandis que d'autres ont dû fuir le pays, suite aux menaces.

⁸ Pour plus de détail sur ces dossiers, lire les rapports de SOS-Torture n°68 et 69, <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-68-en-Fr.pdf> et <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-69-en-Fr.pdf>.

Lambert Bitangimana, accused of being the abductor of Mr. Ntasano and his two (2) employees.

This shift has been interpreted by some observers as a willingness to conceal the truth about the circumstances of Ntasano's forced disappearance. In addition, Bitangimana's photos, presented by the police as having died in a Ntasano vehicle crash, show clear traces of strangulation around the neck.

This type of abduction closely resembles the practices of the SNR since the outbreak of the crisis in Burundi. The latest version of the alleged victim's death in an accident was interpreted as a way to stifle the case.

3.4.2. Forced disappearances of alleged witnesses of crimes: a willingness to eliminate witnesses?

The period under review was also marked by several forced disappearances of alleged witnesses of crimes. This has led observers to see a willingness on the part of the authorities to eliminate embarrassing witnesses and actors from serious crimes committed since the beginning of the crisis.

It is the case of the kidnapping of Aimé Arakaza, nicknamed Musaga, and Eddy Nduwimana by unidentified individuals on May 25 in the Musaga Zone of the city of Bujumbura. The two men, members of the Imbonerakure militiamen, were cited as witnesses in crimes targeting other youths in the Musaga Zone accused of complicity in forced disappearances, assassinations and arbitrary arrests. According to corroborating evidence, the two young militiamen were eyewitnesses or actors of many crimes, the last of which was the triple assassination of other CNDD FDD militiamen in the Musaga Zone.

Another case related to the disappearance mentioned above is the possible elimination of Lambert Bitangimana, found dead in the vehicle belonging to Mr. Oscar Ntasano, who disappeared since April 20, 2017. While Bitangimana is considered either as a witness Or an accomplice of this disappearance, all the clues converge on the fact that this one would not have died in the accident of the vehicle, but rather strangled before the accident, as the traces around his neck show in the photos broadcast.

3.4.3. Abduction and enforced disappearance of opposition activists

This type of kidnapping has become common since the beginning of the crisis. The reasons for these kidnappings are often political but they may be personal motives such as the settling of scores between individuals. These kidnappings sometimes have the support of persons with a certain authority. This is the case of Dieudonné Nsabimana, nicknamed Banga, an MSD activist, who was kidnapped on 5 June 2017 in the Mirango quarter of Kamenge Zone, Ntahangwa commune in Bujumbura. He's still missing. So far, the police have not opened any investigation into the kidnapping. His family and relatives fear that the lack of action by the police means that Nsabimana suffered the same fate as the two other militants of the opposition party, who had died

4. Justice Administration

3.4. Justice always exploited by the authorities

The instrumentalisation of justice denounced for several years has been particularly aggravated since the beginning of the crisis in April 2015. The Justice continues to be an instrument of repression in the service of the government. Several cases attesting to this trend have been reported during this quarter.

The Intermediate court of Gitega handed down heavy sentences against seven (7) opposition activists of FNL party, a branch led by Agathon Rwasa, in a verdict rendered on 30 March 2017. Two militants were sentenced to prison in Perpetuity and five others to 20 years of criminal servitude. These militants were arrested a week before the assassination of Jacques Bukobero, the father of an influential businessman and ruling party CNDD-FDD. This trial was conducted expeditiously and without giving the accused and their lawyers time to prepare their defense.

Another emblematic case is the conviction of the students' delegates arrested by the NIS, following the strike initiated by students of public higher education, demanding the cancellation of the decree introducing the system of loan-grant. Five (5) students from the University of Burundi arrested on different dates appeared on 19 April 2017 before the

counseling chamber of the Mukaza Intermediate Court in Bujumbura. These students spent several days in the NIS cells, before being placed under arrest warrants and taken to tMpimba prison, accused of rebellion. One of the five students was released. Since the strike is an act recognized by the law, the maintenance of these striking students in prison constitutes a violation of human rights.

4.1. Good practices to be strengthened: independence of justice, search for truth and fight against impunity

The first case concerns the decision of Ngozi Intermediate Court, taken on 29 May 2017. This is the release of eight militants of the FNL party, a branch led by Agathon Rwaso. The order for release was made by the Tribunal, declaring the accused not guilty of the Crown's allegations of breach of state security. They were arrested and illegally detained on 19 February 2017. This decision, in a politically sensitive case, shows the judges' ability to serve justice independently.

The second case was in Cibitoke. On June 1, 2017, Cibitoke intermediate Court ruled and sentenced three (3) members of the Imbonerakure militiamen to life imprisonment for murder cases in Murwi commune in Cibitoke province. Given the degree of impunity enjoyed by the Imbonerakure and the terror they inflict on the country, including judges and magistrates, the condemnation was welcomed by the observers and families of the victims and recognized as courageous and an example to follow.

The third case concerns soldiers accused of participating in the Mukoni military camp attack on 24 January 2017 in Muyinga province. After the attack, several soldiers were arrested and severely tortured by SNR agents. On 19 June 2017, seven (7) soldiers in this case appeared before the High Court of Muyinga. During the trial, the judges allowed the accused to call on defense witnesses, including an officer who publicly stated that one of the accused was at work at the time of the attack. The search for truth is a good practice to follow. Observers hope that the evidence gathered will be used by judges to elucidate the facts.

5. Penitential administration and prison situation

5.1. Care access to detainees refused

During the period under review, some abuse attributed to the prison administration was reported. These abuses would have caused the death in prison of a sick prisoner to whom the Mpimba prison administration refused him permission to transfer to the hospital for treatment. This is Armel Ndacituma ('Mentu') who died on April 18 in prison where he was detained since 2016. In the case of Belly Bertrand Ingabire, quoted above, the reverse took place. On 21 April 2017, Ingabire, who suffered severe trauma, was forcibly transferred from the Neuropsychiatric Center of Kamenge to Mpimba Prison. Deprived of medical care necessary for his survival, the young man is in a critical condition, unable to feed himself, speak and stand.

5.2. Prison situation: a sharp rise in May 2017

The prison situation at the end of May 2017 has known a considerable increase in the number of prisoners compared to the situation in April 2017. The number of prisoners increased from 8,611 to 9,155 in only one month, An increase in the prison population of 584 prisoners (or 7%).

This large increase indicates the growing number in arrests, sometimes arbitrary, of irregular detentions supported by the number of defendants (5,441 including 38 minors), far greater than the number of convicted prisoners (**3,754 including 52 minors**). Yet the Ministry of Justice released more than 2,000 detainees who received a presidential pardon between February and March 2017. The aim of the pardon was to relieve the burden of overcrowded prisons since the beginning of crisis.

It should be noted that the prison capacity in Burundi is 4.194, while the number of prisoners represents more than double their capacity. This implies increased promiscuity and very precarious living conditions.

SOS-TORTURE

Situation carcérale au Burundi : Fin mai 2017

Prisons	Accommodation Capacity	Number of defendants	defendants		convicted		Minors defendants		Minors convicted		Infants		Occupation Rate(%)
			M	W	M	W	B	G	B	G	B	G	
Bubanza	100	435	230	8	182	15					3	5	435
Bururi	250	254	136	5	103	10					1	1	101
Gitega	400	971	553	34	366	18					2	3	241.75
Mpimba	800	3,246	2,461	82	660	43					9	6	405.75
Muramvya	100	585	312	12	248	13						3	585
Muyinga	300	475	195	9	258	13					1	2	158.33
Ngozi (W)	250	119		23		87		4		2	11	9	47.6
Ngozi (M)	400	1,253	631		622								313.25

Rumonge	800	998	364	8	611	15					1	1	124.75
Rutana	350	268	94	10	153	11							76.57
Ruyigi	300	510	231	5	260	14							170
Ruyigi Centre	72	35					9		17				48.61
Rumonge Centre	72	46					12		17				63.89
PARTIAL TOTAL	4,194	9,195	5,207	196	3,463	239	28	21	34	4	28	30	219.24
TOTAL			5403		3702		38		36		58		

6. Conclusions

During the second quarter of 2017, the human rights situation was marked by serious violations of human rights. Dozens of person have lost their lives and in most cases the crimes committed go unpunished. A revival of targeted attacks was observed in the capital Bujumbura, especially in the areas of Kamenge and Musaga, as well as in the province of Bujumbura. In all these cases, the perpetrators of these crimes remained unknown for lack of investigation. The area north-west of Bujumbura has also been the scene of frequent deadly clashes between armed groups and the security forces.

Arbitrary arrests remain the rule. They are often interpreted as a means of suppressing peaceful disputes. The most emblematic case is the repression of the strike launched by the students of the public higher education against the decree instituting the system of loan-grant. This movement, described as insurrectional by the authorities, was suppressed through the mass arrests of the students. In some cases, the SNR went so far as to organize kidnappings without revealing the place of detention of the persons arrested. In total, almost 200 people were arrested arbitrarily during the period under review.

Numerous abuses have been committed by the Imbonerakure militia in several provinces of the country, especially in the provinces of Ruyigi, Cibitoke, Makamba and Rutana. The militiamen have become superpowers, exercising the powers of the administrations, the police and even supplanting the magistrates and the judges. The ideological content of their message was revealed to the public through a video, where they call to rape the girls and women of the opposition to give birth to Imbonerakure. Most worrying is the massive and intensive paramilitary training they are engaged in. The goal announced by their instructors is to defend the country against a possible attack of the country, because some of the military would not be reliable. Many abuses committed by these imbonerakure are reported, including torture until death. In most cases, their motives are political, since they are aimed in particular at political opponents. In most cases, their crimes and human rights violations committed by these militias remain unpunished.

7. Recommendations

- **To the Government of Burundi :**

1. To put an end to the regime of terror which represses any discordant voice and to respect the Constitution of the country and the conventions that the country has ratified in the protection of human rights;
2. Immediately release all persons arbitrarily arrested for political reasons, including protesters, striking students, political opposition activists and sympathizers, among others;
3. Immediately halt the process of adoption of the draft Law on the Revision of the Penal Code and the Criminal Procedure Code, which would authorize night searches and without a judicial warrant that could reinforce the rule of arbitrariness;
4. Ending the paramilitary training of the Imbonerakure and disarming those who have received firearms;
5. To instruct justice to prosecute the Imbonerakure who sang slogans inciting rape and prosecute all those who commit abuses in the country, following the example of the Judges of Cibitoke Intermediate Court.
6. To renounce the practice of systematically refusing to cooperate with human rights protection mechanisms at the national, regional and international levels, in particular the resolution 33/24 set up by the commissions of inquiry of United Nations General Assembly on Human rights;
7. Cancel warrants of arrest against certain political and civil society figures;
8. Immediately re-establish political parties, civil society organizations and the media in their rights to work unhindered in the country and to guarantee the freedom and security necessary for their full functioning;

9. Engage in an inclusive and genuine dialogue in order to find a lasting peaceful solution to the crisis in Burundi since April 2015, instead of pursuing the use of terror as a means of maintaining power.

- **To the East African Community :**

1. Take appropriate measures to ensure that Burundi strictly respects its commitments made within the community, in particular with regard to the movement of goods and persons;
2. As the sponsor of Inter-Burundi dialogue, take appropriate measures to engage the Burundian government in an inclusive dialogue with a view to a peaceful and lasting solution to the current crisis.

- **To the International Community :**

1. Initiate prompt and independent investigations within the framework of the International Criminal Court to identify those responsible for serious human rights violations in Burundi and to institute international prosecutions of persons and entities convicted of these crimes;
2. Ensure the implementation of UN Security Council Resolution 2303 in connection with the deployment of 228 UN police officers in Burundi to monitor the security situation and to support the Office of the United Nations High Commissioner for Human Rights in the collection of information on human rights violations committed in the country;
3. Take appropriate measures to ensure the full cooperation of the Burundian authorities in the framework of the United Nations Human Rights Council resolution 33/24 so that the Commission appointed for this purpose can carry out its mission to Burundi. Freely and safely.