



SOS - TORTURE / BURUNDI

"Celui qui sauve une vie sauve l'humanité toute entière"

Quarterly report on the situation of human rights in Burundi July 1 to September 30, 2017



Burundi refugees hunted down to refuge

October 2017

- 1. General Introduction _____ 3**
- 2. Violations of the right to life and physical integrity _____ Error! Bookmark not defined.**
 - 2.1. Assassinations and torture perpetrated by elements of the imbonerakure militia _____ Error! Bookmark not defined.**
 - 2.2. Increase of death attacks by grenade: the motives and the authors remain unknown Error! Bookmark not defined.**
 - 2.3. Many victims found in rivers or in wasteland: often tied up but buried in a hurry _____ Error! Bookmark not defined.**
 - 2.4. Violations of life and physical integrity attributable to law enforcement officials _____ Error! Bookmark not defined.**
- 3. Arbitrary arrests, forced disappearances and harassment: the joint action of the Police, the SNR and the Imbonerakure _____ Error! Bookmark not defined.**
 - 3.1. Arbitrary arrests attributed to the NIS _____ Error! Bookmark not defined.**
 - 3.1.1. Arrest and harassment of political opponents or perceived as such **Error! Bookmark not defined.**
 - 3.1.2. Civil society still in the sight line of the SNR: the case of Germain Rukuki _____ **Error! Bookmark not defined.**
 - 3.1.3. Arrests and harassment of Rwandans or Burundians going or from Rwanda **Error! Bookmark not defined.**
 - 3.2. Arbitrary arrests attributed to agents of Burundian National Police: permanent repression and violation of the law _____ Error! Bookmark not defined.**
 - 3.2.1. Arbitrary arrest and repression of persons considered as opponents _____ **Error! Bookmark not defined.**
 - 3.2.2. Untimely rounds by the police: systematic violations of the freedoms of assembly and movement _____ **Error! Bookmark not defined.**
 - 3.2.3. The kidnapping of Léopold Habarugira: a communication from the police that create the doubt and lets fear a forced disappearance _____ **Error! Bookmark not defined.**
 - 3.3. Arbitrary arrests attributable to the Imbonerakure: abuses guaranteed and covered by the Police and NIS _____ Error! Bookmark not defined.**
 - 3.3.1. Arbitrary arrests: imposing the ruling party and harassing political opposition _ **Error! Bookmark not defined.**
 - 3.3.2. Arbitrary arrest with inhuman and degrading treatment _____ **Error! Bookmark not defined.**
 - 3.3.3. Imbonerakure: unlimited interference and permitted abuse _____ **Error! Bookmark not defined.**
- 4. Refugee protection and compliance with international conventions Error! Bookmark not defined.**
 - 4.1. Suppression of Congolese refugees by the State of Burundi: blatant violation of international conventions _____ Error! Bookmark not defined.**
 - 4.2. Precarious situation of Burundian refugees in host countries _ Error! Bookmark not defined.**
 - 4.2.1. Situation of Burundi refugees in camps of the Democratic Republic of Congo: threatened to their refuge --- _____ **Error! Bookmark not defined.**
 - 4.2.2. The killings of the refugees of Kamanyola: precarious protection _ **Error! Bookmark not defined.**

4.2.3. Burundi refugees in Nduta camp: uncertain protection and permanent insecurity _____ **Error! Bookmark not defined.**

5. Prison administration: tensions maintained and numbers constantly rising -----

Error! Bookmark not defined.

5.1. Tensions and serious incidents in Rumonge prison _____ Error! Bookmark not defined.

5.2. Management of Tensions in Some Prisons and High Risks for Certain Categories of Prisoners _____ Error! Bookmark not defined.

5.3. Refusal of appropriate care for certain prisoners: systematic violation of the law ____ Error! Bookmark not defined.

5.4. The prison population: unprecedented overcrowding _____ Error! Bookmark not defined.

6. Administration of justice _____ *Error! Bookmark not defined.*

6.1. Good practices still rare _____ Error! Bookmark not defined.

6.1.1. Release of detainees in prolonged detention by the Cibitoke prosecutor's office: an encouraging but partial measure _____ **Error! Bookmark not defined.**

6.1.2. The Tribunal has decided to acquit two members of the 'Mukoni' **Error! Bookmark not defined.**

6.2. Dysfunctions and practices contrary to the law _____ Error! Bookmark not defined.

6.2.1. Refusal to apply a judicial decision by the public prosecutor of Rutana ____ **Error! Bookmark not defined.**

6.2.2. Refusal to apply a judicial decision by the Musinga prosecution service ____ **Error! Bookmark not defined.**

7. Conclusions _____ 23

8. Recommendations _____ 24

To Government of Burundi : _____ 24

To the East African Community : _____ 25

To the International Community: _____ 25

1. General Introduction

Notwithstanding incessant official speeches on the country's return to normality, Burundi remains characterized by serious violations and often extreme brutality, in particular extrajudicial executions, arbitrary arrest and detention, forced disappearances, torture and other cruel, inhuman or degrading treatment and sexual violence. These types of violations had already been observed in the previous quarters and since the onset of the current crisis in April 2015.

The end of the quarter was marked by the presentation of the report of the Commission of Inquiry into Burundi before the United Nations Human Rights Council at its 36th session in Geneva on 19 September 2017. This perspective has led, upstream and around the dates of presentation, to many hostile reactions from the Burundian government, accompanied by martial and hate speech. This hostility was mainly directed towards the Burundian society, accused of collaborating with the "enemies" of Burundi, which are the Western countries. It also targeted the United Nations, accused of attacking Burundi.

It is against this background that an attack was perpetrated against the offices of the United Nations High Commissioner for Human Rights in Burundi the night of 13 September 2017. According to testimonies "six armed men threatened the security guards who stood guard before entering the offices. "The police and prosecution have made a succession of contradictory interventions on this case.

The witch-hunt proclaimed by the Secretary General of the ruling party, Evariste Ndayishimiye, is an additional sign of the government's desire to further reduce political space. All the evidence shows that Imbonerakure militiamen throughout the country persecute and harass members of the opposition parties or perceived as such, or even ordinary citizens who are not members of the CNDD-FDD party. They are subjected to permanent threats, racketeering, arbitrary arrests, torture and even killings. These abuses

are often committed through the triple collusion between the police, the national intelligence service and the Imbonerakure militia. In some cases, these militiamen even attack local authorities or even police agents. Usually these acts enjoy total impunity.

The areas of freedom continue to be extremely limited and are subject to constant monitoring. It is in this context that the government, through the National Council of Communication (CNC), decided to suspend for a period of three months one of the few private radio stations, which was still working; the CCIB FM + belonging to the Chamber of Commerce of Burundi. The decision, challenging the content of an editorial, was made public on 28 September 2017. In the same decision, the National Communication Council (CNC) permanently withdrew the license to operate on the radio stations Bonesha FM and Public African Radio "RPA" as well as the radio-television Renaissance. These three radios had their premises and equipment ransacked, in the aftermath of the putsch missed on May 14, 2015, and their authorizations suspended by a governmental measure. The new measure is an indicator of the ongoing government's will to gag the press and freedom of expression.

The situation in this country seriously affects the refugees who are outside. Those in DR Congo are regularly subjected to permanent threats of suppression. On a number of occasions, some of them, mostly young people, have been handed over to the Burundian authorities by the police or the Congolese authorities. In Tanzania, the situation is hardly better, especially for the Nduta camp. The information indicates that militiamen sent by the Burundian government can enter as they see fit. Weapons were discovered there. Those who oppose the return advocated by the emissaries of the Burundian regime are threatened to death. Several refugees have already been killed.

With regard to the prison situation, when the beginning of the year was marked by a decline, a rapid and remarkable increase occurred during the third quarter. It has led to a very high level of overpopulation. Violent incidents have also occurred in some prisons in the country, particularly in Gitega and Rumonge.

Overall, the record of human rights violations is similar to those of previous quarters, with the same characteristics. In all, more than 76 assassinations were reported, 309 arbitrary arrests, 24 cases of torture, abduction and forced disappearance. These various abuses are committed concurrently by the National Police of Burundi (PNB), the National Intelligence Service (SNR), and the militiamen Imbonerakure, sometimes lending a helping hand. Other abuses are committed by unidentified individuals who remain so, thus enjoying total impunity. The fact that the police and the SNR accept and detain persons arrested by Imbonerakure reinforce the authority of the latter, in the arbitrary and illegal manner.

2. Violations of the right to life and physical integrity

Several aggressions, some mortal, were perpetrated by elements of the imbonerakure militia. The militia has become an important cog in the grid of territory and population. Apart from the paramilitary exercises that these militiamen engage in, they make nocturnal rounds, and it is in these, but not only, that they arrest people and subject them to cruel, inhuman and degrading treatment.

These militiamen gave to themselves the prerogatives of the police and the administration, arresting or mistreating the citizens, mainly of the opposition parties, ransom, and interfere more and more in private affairs. In this context, many abuses were noted. Sometimes the Imbonerakure even attack the police or the administration. This was noted twice in Ruyigi where a militiaman attacked the police and injured them. Another case was at Muramvya. There, the police in charge of the protection of the institutions tried to intervene to put an end to an aggression of the Imbonerakure against a citizen. A fight broke out. Three of the policemen were injured. At the end of the day, a few policemen in the group were punished. However, globally, these militiamen work hand in hand with the police and the National Intelligence Service (SNR).

As in previous periods, the country continues to be the scene of assassinations, a total of 76 cases were recorded during this quarter. Dozens of bodies with arms tied behind their backs have been found in rivers or in wasteland, and in the majority of cases, these victims are not recognized around the place where they were found. And without waiting for identification, the administration hastened to order the burial.

During this quarter, several grenade attacks took place in the country, targeting bistros and households. Until now the police have not been able to determine the perpetrators and motives of these acts.

Another type of crime is developing. Unidentified individuals, armed with machetes and clubs, who operate in groups during the night and which targeted victims.

2.1. Assassinations and torture perpetrated by elements of the imbonerakure militiamen

On July 16, 2017, on the Bweru hill, Bweru commune, Ruyigi province, Imbonerakure militiamen attacked and tortured Mr. Martin Kayimba. The latter owns a bistro, and his fault was to have claimed payment to this group of militiamen who had just consumed beer but did not want to pay. The witnesses recognized the perpetrators and the person who directed them. To date, police in the Bweru commune have done nothing to shed light on this incident in order to do justice to the victim.

On July 20, 2017, in Rugombo commune, Cibitoke province, imbonerakure militiamen tortured and murdered Jean Marie Banimba, living in Buhinyuza village, located on the 7th

crossroad. The victim was returning from a bistro and militiamen armed with clubs attacked him, beat him, and left him dying. The victim died in the hospital where she was transported. These militiamen were doing nocturnal rounds. According to the information available, the police have not arrested any suspects in this case.

On July 24, 2017, Imbonerakure militiamen in Ruziba quarter of Kanyosha zone of Bujumbura seriously injured two young men named Alexis and Claude. These militiamen entered the home of Tharcisse Habonimana, the father of the victims, and to attacked them using machetes. A few days before the assault, the father of the two victims, Tharcisse Habonimana, was arrested and taken to the Mpimba prison in Musaga zone. The fault of this family is that another son, had taken refuge in Rwanda. Mr. Habonimana remained in custody when he was not charged with any offense. This case again demonstrates the level of collusion between the imbonerakure militiamen, the police and here the prosecution service who has done nothing to release this innocent person.

On August 27, 2017, in Gasanda Quarter of Ruyigi commune and province, a member of the imbonerakure militiamen, attacked eight (8) persons, including five (5) police agents and three civilians. The author of the attack was identified as Reverien Manirakiza. The perpetrator, himself seriously wounded, was immediately arrested. But the police denied him the right to be treated, in violation of the law.

2.2. upsurge of killing attacks by the grenade: the motives and the authors remain unknown

During the third quarter, 12 grenade attacks were perpetrated in the country, specifically in Bujumbura, in the center and north of the country. Half of these attacks were directed against households and half against bistros. These attacks took place in Bujumbura, Gitega, Gatara in the province of Kayanza and in Rusaka, in the province of Mwaro. These acts have not been claimed. In most cases, the alleged perpetrators of these crimes remained unpunished, or were arrested arbitrarily. Here are some examples.

On 9 July 2017, in Gatara, Kayanza Province, individuals attacked a bistro by grenade on the Shinya Hill. Five (5) persons were killed and about forty were injured.

Following this incident, the police arrested four (4) suspects whose names were not disclosed. However, these arrests were made after a provincial security meeting where, according to witnesses, the governor of the province asked participants to record the names of the suspects on paper. Instead of conducting a professional investigation, the police have relied on a process that can slip into denunciation, and cannot guarantee that the alleged perpetrators of the attack have been arrested.

On 6 August 2017, individuals threw a grenade into a household located on Nyamarumba Hill, Muyinga commune and province. Two children, who were in the house with their parents, were killed on the spot. To date, the police have not identified any suspects. Another deadly attack was committed two days later in Buyenzi zone of Bujumbura City. Two persons were killed, and six were injured. No suspects have been arrested to date.

On 22 September 2017, in Rusaka, Mwaro province, individuals threw a grenade at a bistro in the main town of Rusaka commune. The grenade allegedly injured four (4) persons, including one seriously. Another grenade was launched in the same zone the previous month. The Police arrested three suspects, including two (2) teachers who are members of opposition parties. But they were released later, after a few days of detention.

2.2. Many victims found in rivers or in wasteland: often tied up but buried in a hurry

The crisis which began in April 2015 saw the multiplication of the practice of tying before killing them, then burying them or, more often, throwing them into streams or wasteland. This practice continues, and for lack of investigation, the authors remain unknown. In many cases, very often the victim is not known near where the body is found. The usual reflex of the administration and the police is to carry out a burial, hastily, before any identification, thus making any investigation impossible. Around 20 bodies have been found across the country. In rivers, almost always tied, sometimes violently.

Given the number of recovered and unrecognized bodies, it is very likely that this is a deliberate strategy. That is, people kidnapped, killed, and thrown away from their place of abduction to avoid their identification. Therefore, this should be a prerequisite, in accordance with the requirements of Article 71 of the Code of Criminal Procedure.

A few examples to illustrate this worrying and persistent phenomenon.

On July 1, two bodies were found, one in the south of the country, in the province of Bururi and the other in the northwest, in the province of Cibitoke. In Bururi, in Matana commune, it is a man, who could not be identified by the inhabitants of the neighborhood. On Gabiro-Ruvyagira hill, in Rugombo commune, Cibitoke province, the victim was a woman. It could not be identified either. In both cases, the administration immediately ordered the burial.

On 24 July 2017, the body of a young girl was found on Kinyota Hill, in the commune and province of Muyinga. Despite appearances to suspect a rape, the deceased not being immediately identified, was quickly buried by order of the administration. Without investigation.

On August 7, 2017, three (3) bodies were found in the Ruhwa River, the natural border between Burundi, Cibitoke Province and Rwanda. According to the witnesses, the police and

the administration proceeded to the burial, immediately after the drafting of the bodies. No steps were taken to identify the victims and the circumstances of their deaths.

On August 16, 2017, the body of Elie Kwizera was found almost unrecognizable in the Ndurumu River, between Buhiga and Bugenyuzi communes, in Karusi province. The body was packed in a mosquito net with arms and feet tied. The victim was a member of the imbonerakure militia of the CNDD-FDD ruling party in Gitega, where she lived. No suspects have been identified by the police to date. A few days earlier, more precisely on 10 August, another decapitated body had been found in this river, in the commune of Giharo, in the province of Rutana.

On August 19, 2017, Noëlla Masabarakiza's body was discovered near the Bridge of Jiji River separating the communes of Bururi and Songa, in Bururi province. The victim was naked, his arms tied behind his back with a rope. The body of the victim was recovered, and deposited at the mortuary. And this allowed the identification of the body by relatives, August 23, 2017.

The deceased was a widow, and lived in the province of Gitega. She worked as a manager in a bar called "Cercle" located in the premises of the Moso Sugar Company (SOSUMO), in Rutana. According to the Burundi National Police, two suspected perpetrators of the murder were arrested. One allegedly attempted to assassinate the Prosecutor of Rumonge during interrogation and committed suicide the first night of his detention. The second is the Jean Luc Bukebuke, arrested on September 23, 2017¹.

2.3. Violations of life and physical integrity attributable to law enforcement officials

A few cases have been reported in which members of the security forces, the army, the police or the national intelligence service, abusing their position, have infringed the life or physical integrity of persons . Here are some illustrative examples.

On July 18, 2017, Master Corporal Etienne Nzosaba was executed in the Rukoko Natural Reserve, Mpanda Commune, Bubanza Province, killed by two bullets by members of his unit. He had been abducted and released by an unknown armed group to this day. After this execution, the army refused for more than a week to return the body to the family. The army authorized the soldier's funeral on July 28, 2017. No investigation to date has been conducted into the circumstances surrounding the death of Master Corporal Etienne Nzosaba. The army also refused to organize the funeral as he was a soldier still active at the time of execution.

On September 14, 2017, Kagazi Hills and Mparambo II, in Rugombo Commune, Cibitoke Province, individuals attempted to assassinate a young man who was rescued in extremis by

¹ <http://www.securitepublique.gov.bi/spip.php?article566>, consulté le 12 octobre 2017.

passers-by while he lay almost dying in the canal of the river Dogodogo. Witnesses reported that the victim, who had not yet been identified, was abducted on her return from the Democratic Republic of Congo (DRC), on the border of Gatumba, in Mutimbuzi commune. Transferred to the police station by her rescuers, instead of being cared for and secured, the victim was hidden in the premises of the national intelligence service of Cibitoke. The people who rescued him were also incarcerated in the police cell of Rugombo commune. These acts are detrimental to the life of the person whose first need was to be able to receive care.

On August 3, 2017, in Rumonge Prison, police officers fired at prisoners and injured at least ten (10). This violence is the result of tensions sustained by the prison director, OPC2 police officer Jean Claude Ntirandekura, between pro-power inmates and those considered to be enemies of the country. Tensions have degenerated into confrontations between the two groups, and the police intervened to stop them. The wounded, some of them serious, could not be treated after being evacuated to Mpimba prison in Bujumbura.

On August 28, 2017, in Gitega, the head of the National Intelligence Service in Muyinga province, seriously injured a man in Shatanya quarter. The victim is a material handler who unloads goods from a truck. Witnesses reported that the SNR officer Gérard Ndayisenga who was out of his riding asked for the IDs of the handlers present and took out his weapon to shoot the victim without explanation. The ball touched the left shoulder to go out through the chest. The victim, seriously injured, was evacuated to the hospital, Gitega and then Bujumbura, for treatment. The perpetrator remained free for at least two weeks after these events. He gained the reputation both in Gitega and Muyinga to be "untouchable² ».

3. Arbitrary arrest, forced disappearance and harassment: Joint action by the Police, the SNR and the Imbonerakure

Arbitrary arrests continue to be the rule in Burundi. They are carried out concurrently by police, SNR and elements of the Imbonerakure militia. Sometimes, two or three of the groups operate jointly or one of them supports the other. Most often the imbonerakure serve as the eye or arm of the police and the SNR, and usually give them arrested persons, with their complicity and support. Thus the three entities work together in the repression and harassment of political opponents or persons perceived as such. In this context, on several occasions, young people, often in groups, have been arrested, regularly taken from buses, accused of joining the rebellion or of people of Rwandan nationality, Burundians or even Tanzanians, from or leaving for Rwanda.

² <http://www.iwacu-burundi.org/gerard-ndayisenga-lintouchable>, Gérard Ndayisenga, l'intouchable ?, 12 septembre 2017.

Numerous round-ups by the police reveal a certain nervousness and the practice of an undeclared state of emergency. The biggest evidence is that the Imbonerakure militia is imposing its law all over the country. The case of the provinces of Cibitoke and Ruyigi are emblematic of this situation, where the militiamen substitute themselves to the administration.

2.4. Arbitrary arrests attributed to the NIS

All those who are regarded as political opponents are subjected to harassment and arbitrary arrests for various reasons, including holding unauthorized meetings, contempt of the head of state or institutions. These acts of destabilization of the persons considered as belonging to the political opposition are jointly carried out by agents of the NIS, the police, and the Imbonerakure. The NIS also regularly arrests Rwandan nationals, whether resident or not in Burundi, or Burundians, going and from Rwanda. In this context, some arrested persons have disappeared.

2.4.1. Arrest and harassment of political opponents or perceived as such

On July 24, 2017, in Gashikanwa commune, Ngozi province, agents of the National Intelligence Service arrested Charles Bizimana, Jérémie Ndoriyobija and Christian Citegetse. The three persons are responsible for the Movement of Young Patriots (MJP) of the National Forces of Liberation (FNL), led by Agathon Rwasa. According to information received, these NIS agents did not have a mandate to carry out this arrest. The three (3) persons were accused of insulting the institutions.

On August 7, 2017, in the center of Buganda commune, the deputy head of the national intelligence service of the province Cibitoke arrested Claude Nzeyimana and Jérôme Kwisesa. These two persons are all militants of the FNL party, led by Agathon Rwasa. According to their relatives, they were embarked in a vehicle registered D3978A, accused of returning to Burundi three days earlier from the Democratic Republic of Congo (DRC). They were then transported to the city of Bujumbura. Freedom of movement being always guaranteed by law, this arrest is arbitrary.

On 13 August 2017, on the Kagome hill, Vyanda commune, Bururi province, National Intelligence Service agents arrested Manasseh Kazungu. This pastor of the Pentecostal church had just finished his worship. According to witnesses, the SNR agents accused Pastor Kazungu of subversion and attempts to prevent civilians from exercising their civil rights. In his sermon, the pastor would have asked the faithful present not to go to the elections in 2020 and to the Imbonerakure not to return to attend his sermons. Mr. Kazungu is also a former soldier, retired from the Burundi Armed Forces (formerly FAB). After his arrest, Mr. Kazungu was transferred to Bururi Central Prison on 16 August 2017 on a warrant issued by the Bururi Prosecution Office.

2.4.2. Civil society still in the sight line of the NIS: the case of Germain Rukuki

The case that attracted the most attention was that of Germain Rukuki. While it represented no danger, the NIS used impressive and disproportionate means and methods to stop it.

On 13 July 2017 Germain Rukuki was arrested at his home in the Ngagara area of Ntahangwa commune in the city of Bujumbura, officers of the National Intelligence Service. According to witnesses, the operation began at four o'clock in the morning with a closure of the building where Mr. Rukuki lived, and a search was conducted at his home without a search warrant. Joseph Mathias Niyonzima, nicknamed 'Kazungu', was known for his alleged involvement in numerous human rights violations. Germain Rukuki is a former employee of the Action of Christians for the Abolition of Torture (ACAT, Burundi), and today president of the association 'Njabutsa Tujane'.

The NIS officers seized a computer at Mr. Rukuki's home and then demanded that they be escorted to their office for another search. There they seized another computer and a few working papers. The day after this arrest, the police stated that Mr. Germain Rukuki was charged with an offense against the state security. This is a charge commonly used by the National Intelligence Service to justify the arbitrary imprisonment observed since the beginning of the crisis, generally for political reasons.

After his arrest, Germain Rukuki was detained at the National Intelligence Service, where he was interrogated without the presence of an Advocate. Since then, on 26 July 2017, he was transferred to Ngozi Prison. In addition to accusing the internal security of the state, Germain Rukuki is accused of collaborating with people outside Burundi. His detention is probably related to his former membership in ACAT-Burundi. Unlike his period of detention in the NIS, where he was denied all assistance, he was assisted by lawyers during his appearance on 14 August 2017 in the Ntahangwa District Court (Bujumbura), whose judges had traveled to Ngozi Prison to audition him. In an order made on 17 August 2017, the judges decided to keep him in detention.

2.4.3. Arrests and harassment of Rwandans or Burundians from or to Rwanda

Since the beginning of the crisis in 2015, people returning to and from Rwanda have been arrested in Burundi. The most targeted are mainly young people, many of whom were not found after their arrest.

In this context, on 11 July 2017, in the province of Makamba, the head of the National Intelligence Service of Makamba province, arrested two (2) Rwandan nationals who were traveling to Tanzania. According to the witnesses, after their travel documents were requested, the two persons were taken on board and detained in the National Intelligence

Service cell. The SNR did not communicate either the reasons for the arrest or the identity of the persons arrested.

On August 12, 2017, on Ruhwa Hill, Rugombo commune of Cibitoke province, the provincial head of the National Intelligence Service arrested Damzi Nzomwita. The latter, a Rwandan national, had lived in Rugombo commune for over 20 years. According to the witnesses, he was boarded in the vehicle of the responsible of SNR registered D3978A. The chief of the NIS of Cibitoke Province did not have a warrant at the time of the arrest. He accused Mr. Nzomwita of collaborating with Rwandan soldiers. However, there is no evidence to support these allegations. Mr. Nzomwita's place of detention was not disclosed by the NIS.

On 18 August 2017, in Kamenge zone, Ntakangwa commune of the city of Bujumbura, agents of the National Intelligence Service arrested Fiston Nsengiyumva. According to his relatives, he was arrested on a barrier located at the entrance to the city of Bujumbura, where police and militia regularly check. The NIS did not disclose the reasons for his arrest or his place of detention. Mr. Fiston Nsengiyumva lived in Rwanda and came to visit his mother. He was released on 30 August 2017.

2.5. Arbitrary arrests attributed to Burundian National Police (BNP) agents: permanent repression and violation of the law

During this quarter, a less more than the SNR, the police was very active in arresting people considered to be members of the political opposition. The most targeted were the FNL militants, the branch led by Agathon Rwaswa. The police also carried out many raids, in the city of Bujumbura and Gitega. People were arrested in groups on public transport vehicles. The arrest of persons of Rwandan or Burundian nationality, originating or coming from Rwanda, seems to respond to a slogan shared by the NIS and the police, sometimes even by the Imbonerakure.

2.5.1. Arbitrary arrest and repression of persons considered opponents

On July 11 2017, in Kirundo province, police agents arrested Elie Niyonzima, Deo Ndayizeye, Anatole Karorero, Salomon Nkurikiye and Ezekiel Nduwayo. These five persons were members of the local governing bodies of the FNL party, a branch led by Agathon Rwaswa. They were accused of holding unauthorized and clandestine meetings. The charges against these individuals were not supported by any evidence.

On July 13, 2017, police officers arrested Espérance Ndiwenumuryango 'Kinigi' in the Minago area, in the commune and province of Rumonge. The latter is a hillside member, member of the FNL party, the branch led by Agathon Rwaswa. Ms. Ndiwenumuryango was accused of

organizing an unauthorized meeting. According to the witnesses, she would have instead sensitized women on reproductive health as a community relay.

On 17 July 2017, on Samwe hill, Rugombo commune, Cibitoke province, the police chief of Rugombo commune arrested four (4) activists of the FNL party, led by Agathon Rwasa. Those arrested are Jean Claude Kwizera, Claude Bigirimana, Innocent Barutwanayo and a nicknamed Demon. The Rugombo police chief had no warrant at the time of the arrests. According to their relatives, they are accused of burning houses.

On August 5, 2017, in the same province, on Rusenda hill, Bukinanyana commune, police agents arrested five (5) young men, all activists of the FNL party, a branch led by Agathon Rwasa. They were all accused of not participating in a communal celebration which is not an offense. Thanks to the intervention of the communal administration, the five persons were released after two hours of illegal and arbitrary detention.

2.5.2. Untimely rounds by the police: systematic violations of the freedoms of assembly and movement

The police have become accustomed to conducting round-ups on a fairly regular basis. Several witnesses have said that sometimes these operations, including sometimes minors, aimed at ransoming those arrested.

For example, on 7 August 2017, in Bujumbura City, police agents arrested at least one hundred and fifty (150) persons, including some thirty street children, beggars and persons accused of prostitution. The police accused all these persons, without distinction, of causing insecurity in the city of Bujumbura. These accusations are arbitrary because they are not supported by evidence.

On August 19, 2017, police agents arrested ninety-eight (98) persons in the compound of the Mutanga university campus in Mukaza commune. The arrests took place after a search and seizure carried out by heavily armed policemen, including agents of the Anti-Riot Brigade (BAE) regularly involved in human rights violations. All those arrested are students of the University of Burundi and their comrades from other higher institutions who were staying in the Mutanga campus; with a predominance of students at the end of the university cycle, a total of 78 students, all of whom are in the process of preparing their final theses. These arrests occurred after days of tension caused by night rounds carried out by students members of the party CNDD FDD. They attacked their comrades, not members of that party.

On August 25, 2017, in Nyabugogo quarter, in Gitega commune and province, police agents arrested sixty-eight young persons (68). The arrest took place while the young men were meeting to discuss their problems related to unemployment. The neighborhood chief who

appealed to the police accused the youths of having organized an illegal meeting. Tackling unemployment problems is not an offense. These arbitrary arrests constitute a violation of freedom of assembly. Those arrested were released on 28 August 2017, after three days of arbitrary detention.

Two other mass arrests were made by the police against two groups. One took place on 30 August 2017 in Kamenge zone of Ntakangwa commune. It targeted twelve (12) young men in a bus from Uganda.

The officers proceeded to sort out the passengers, to extract these young people, before beating them and taking them on board. They were accused of having stayed in Uganda to join rebel groups. However, these charges have not been proved to date, and the police have not communicated the whereabouts of these young people.

Two weeks earlier, on August 16, 2017, on Gitamo Hill, Ruhororo commune, Ngozi province, police officers arrested 36 young men from the Ruhororo displaced persons' site. According to their relatives, they traveled to Tanzania looking for work and were intercepted in three vehicles. At the time of their arrest, the police did not specify the offense for which they were charged. The only reason for arrest was that they were traveling in groups to the same destination. This is a violation of freedom of movement and movement.

2.5.3. The kidnapping of Léopold Habarugira: a communication from the police that create doubt and lets fear a forced disappearance

On 12 September 2017, in Gihosha zone, Ntakangwa commune, city of Bujumbura, armed individuals abducted Leopold Habarugira. The latter was a member of the opposition party UPD-Zigamibanga and a former member of the ruling CNDD-FDD party. At the time of the abduction, the victim was walking with his wife. His wife claimed to have seen three men, one wearing the uniform of the Burundian National Police and two others in civilian clothes and armed.

After the kidnapping of Leopold Habarugira, the police spokesman said she was unaware of the disappearance, to announce two days later the initiation of an investigation after filing a complaint. This type of contradiction was characterized by the disappearance of another opponent, Mr. Hugo Haramategeko, who headed the New Alliance for the Development of Burundi (NADEBU), which disappeared on 6 March 2016, Oscar Ntasano, a businessman, abducted on 20 April 2017.

2.6. Arbitrary arrests attributable to the Imbonerakure militiamen: abuses sanctioned and covered by the Police and SNR

Throughout the country, the Imbonerakure are acquiring almost unlimited powers, including arrest, administration, trial, imposition of "fines", and interference in private affairs, sometimes even to the detriment of the government. administration, the police or the judiciary. The frequency and severity of abuses committed by the Imbonerakure varies according to the provinces and communes of the country. During this quarter, their activism appears to be highest in the provinces of Cibitoke and Ruyigi.

2.6.1. Arbitrary arrests: Imposing the ruling party and harassing political opposition

In several cases, the Imbonerakure do not limit themselves to arrest but also inflict ill-treatment or impose fines.

On July 31, 2017, on Kabondo hill, Nyanza Lac commune, Makamba province, imbonerakure militiamen , illegally arrested Léonidas Niyukuri, a militant of the opposition party Front for Democracy in Burundi (FRODEBU). The police incarcerated Mr. Niyukuri for hours to interrogate him on the fact that he had hoisted a flag of his party. He was released after interrogation. The refusal to exercise his political rights was notified to him as long as the FRODEBU party was a member of the opposition coalition called the National Council for Compliance with the Arusha Agreement for Peace and Reconciliation in Burundi, Constitution and the Rule of Law (CNARED). Here, as in other cases, the collusion between the police and the Imbonerakure seems obvious, which in turn reinforces the authority of this militia.

On August 9, 2017, in Matongo commune, Kayanza province, Imbonerakure militiamen illegally arrested Emmanuel Nzambimana, Emile Bankuwunguka and Claude Nizigiyimana. These three men are teachers and at the same time members of the political opposition. Mr. Nzambimana is a member of the UPRONA party while Mr. Nizigiyimana is an activist of the FNL party, a branch led by Agathon Rwaswa. Their are accused of file a complaint against the ruling party CNDD-FDD.

The persecution of political opponents or perceived as such is widespread in the country. An example among many others, two days later, in the neighboring province of Cibitoke, on the Musenyi hill, Rugombo commune, an imbonerakure militiaman Frederic Ngendakumana arrested Zachée Ndagijimana. The only accusation of the latter is to be a local leader of the FNL party, the branch led by Agathon Rwaswa. Despite the illegality of his arrest, the militiaman handed him over to the police, who then detained him. Without any other form of trial.

Finally, on 12 August 2017, on Kagege hill, Mpinga zone, Vugizo commune, Makamba province, imbonerakure militiamen illegally arrested seven (7) persons. These persons were accused of wanting to join rebel groups. After their arrest, these Imbonerakure tortured

them with sticks, until some of them are seriously wounded . They had to be evacuated to a health center for treatment. Subsequently, those arrested were handed over to the police, who detained them.

By accepting these illegally arrested persons, as has been found in many other cases, the Police have acknowledged their complicity and endorsed these acts.

2.6.1. Arbitrary arrest accompanied by inhuman and degrading treatment

The use of violence is one of the methods used by the Imbonerakure to impose, as illustrated by these few cases, among many others.

On 30 June 2017, on Mugina hill in Kirundo province, imbonerakure militiamen beaten Juvenal Sinibagiye and Emmanuel Nduwimana. According to witnesses, Mr. Nduwimana's wife, Immaculate Mukerabirori, was also beaten as she attempted to intervene in her husband's favor. The two men are activists of the opposition party FNL , the branch led by Agathon Rwasa. The police subsequently arrested the two men who were the victims of gunshot wounds rather than prosecuting the perpetrators.

On August 19, 2017, on Mwumba hill , Mutaho commune, Gitega province, imbonerakure militiamen illegally arrested and beat Richard Ntakarutimana and Jean Marie Ndayishimiye. These imbonerakure militiamen criticized the two young men for taking down the flag of the CNDD-FDD party.

On 6 September 2017, on Gasasa hill, Butaganzwa commune, in the province of Ruyigi, imbonerakure militiamen arrested two (2) men and subjected them to beatings. According to the witnesses, the victims had been tied up before, while even the chief of the Gasasa hill was there. Simeon Ndabwarukanye tried to help the victims, and in turn found himself beaten by the same militiamen. Mr. Ndabwarukanye managed to flee to escape from his torturers. The police have not conducted any investigation to arrest the perpetrators of torture who impose their will by force on the hills.

2.6.2. Imbonerakure: unlimited interference and permitted abuse

In several communes of the country, if not all, the Imbonerakure are in the process of acquiring powers without limits. As a result, they allow themselves to be regented, because their abuses are covered or authorized by the administrative authorities or police. This is how they impose their law, including in the private sphere, for example in the treatment of individual disputes, even within households. A few cases illustrate this phenomenon.

Thus, on 18 July 2017, on Muyange hill, Butezi commune, Ruyigi province eight (8) imbonerakure militiamen tortured Thomas Nirera (19 years).

Witnesses report that the young man was charged, without evidence, for stealing a solar plate and a radio. He was seriously injured as a result of beatings. An investigation was

opened by a judicial police officer, but none of the perpetrators of the attack has been arrested to date.

On 29 July 2017, on Ruharo hill, Muhwazi zone, Nyabitsinda commune, Ruyigi province, Imbonerakure militiamen tortured Thacien Nyarubira. According to the victim's relatives, these militiamen illegally entered the victim's home and began to strike Mr. Nyarubira and his wife with clubs on the grounds that the couple was disputing. These Imbonerakure militiamen, led by Ferdinand Kanani, broke the legs of Thacien Nyarubira, who since then is no longer able to move. These militiamen also extorted a sum of 15,000 francs from him, as a condition to stop the cruel and inhuman treatment they inflicted on him. According to the information received, the police did not investigate the matter and the perpetrators were not prosecuted.

On 31 July 2017, on Bigera hill, Butaganzwa commune, Ruyigi province, imbonerakure militiamen tortured Donatien Konkoro. The latter was arrested while repairing his bicycle. He was then tied up and beaten. These militiamen reproached him for not taking his wife to the doctor. The blows administered to Mr. Konkoro caused bleeding in the ears. The perpetrators led the victim to the chief of the hill, who refused to take the case. But he did not demand medical treatment of the victim, who was in a critical condition, and did not seize the police to prosecute these perpetrators. Which constitutes a complete complicity with the wrongdoers.

3. Refugee protection and compliance with international conventions

3.1. Suppression of Congolese refugees by the Burundian state: blatant violation of international conventions

On 21 July 2017, fifty-seven (57) persons of Congolese nationality were handed over to their Embassy after their arrival in the province of Rumonge. These people had fled fightings between rival communities in the DRC. The governor of the province of Rumonge, Juvénal Bigirimana, did not want to answer their requests related to the causes of their exile, and handed them to their Embassy. The Government of Burundi has refused asylum seekers in total violation of international law and especially the Geneva Convention of 1951. This is in addition to a recurrence in violation of international laws on the protection of refugees and applicants asylum³.

3.2. Precarious situation of Burundian refugees in host countries

³ Voir à ce sujet le rapport **Sos-Torture Burundi N°85** : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-85-Francais.pdf>

3.2.1. Situation of Burundi refugees in the Democratic Republic of Congo camps: threatened to their refuge

According to the information received, Burundian refugees living in Lusenda camp Democratic Republic of Congo face many challenges, the first of which is security-related, largely due to the geographical location of the camp. Lusenda camp is located in the province of South Kivu (eastern DRC), in the territory of Fizi Tanganyika area. The camp is built within 2 km of the shore of Lake Tanganyika serving as a natural border between Burundi and the DRC. The Lusenda camp is also 65 km from the Kavimvira border crossing. Then both west and south, the camp is lined with areas occupied by numerous armed groups including May-May group Yakutumba.

The other major challenge is the protection of Burundian refugees. Many of them were forcibly deported to Burundi. These refugees are arrested by the intelligence services and the Congolese police without warrants, accusing them of attacking the state internal security, before handing them over to the Burundian authorities. Before being deported, Burundian refugees were first arrested, detained and sometimes subjected to torture in the prisons. Refugees report that they have been regularly subjected to threats and intimidation by Congolese police agents who predicted their return to Burundi by force and bullets.

In addition to security issues, the social and economic rights of refugees in the Lusenda camp are also undermined. For example, the educational system in this camp does not guarantee the right to education for children. Thus, when humanitarian organizations are slow to pay operating costs to local schools, students are expelled. Moreover, pupils do not benefit from education in a language they understand, despite the constant demands of parents to hire Burundian teachers in camp schools. Higher education, for its part, is non-existent, leaving many young academics refugees idle and unable to pursue their studies.

3.2.2. The massacre of the refugees of Kamanyola: precarious protection

The refugee site of Kamanyola is a transit camp with about two thousand refugees. The massacre of dozens of Burundian refugees, which occurred on 15 September 2017 in Kamanyola, is the result of the typical security problems in the DRC, similar to those in the Lusenda camp. There, on 13 September 2017, the Congolese police arrested and detained four refugees, with the aim of handing them over to the Burundian authorities. It was then that several refugees protested against the extradition of theirs and that the Congolese Forces of security and order fired live bullets on the protesters, causing 34 deaths immediately, but the balance sheet became heavier thereafter to reach 39 dead and 117 injured on the refugee side. A Congolese officer died in these clashes. Following this massacre, the Special Representative of the Secretary General of the United Nations in the

DRC, spoke out against the use of disproportionate forces on the part of the Congolese army.

He also recalled the obligation of the police to use force only as a last resort and asked the Congolese authorities to open investigations to shed light on this carnage. A request for an international investigation was made by MONUSCO and the Government of Burundi.

3.2.3. Burundi refugees in Nduta camp: uncertain protection and permanent insecurity

The security of Burundian refugees in Tanzania is also precarious, especially in the Nduta camp. It has about 130,000 Burundian refugees. New refugees continue to arrive, despite the constant calls for repatriation by the Burundian authorities. Approximately 15,000 refugees have expressed the need to be repatriated. This group has arrived in Nduta early in 2017. But at the same time other refugees fleeing insecurity in Burundi continue to flock.

In this camp, the supporters of the Bujumbura power are very active. They enter and leave as they wish. They constantly sensitize the refugees for the return, during clandestine meetings, threatening to death certain reluctant.

With regard to living conditions, information received indicates that refugees receive insufficient rationing. Some sources mentioned the possible complicity of the Tanzanian authorities with those of Bujumbura. In addition, the World Food Program (WFP) in Tanzania has significantly reduced the amount of food. This lack of food increases the food insecurity of the refugees. The halving of the food ration of refugees is also perceived as a strategy to starve to push them back forcibly.

The other aspect concerns the physical security of the refugees because the Nduta camp is a few kilometers from the Burundian border. Refugees evoke back and forth movements of Burundian intelligent service agents. Assassinations were also recorded among the refugees, as well as the discovery of firearms held by some refugees. The security of the refugees in Nduta is also threatened by local populations in Tanzania who are chasing refugees who are trying to find firewood outside the camp. In addition, cases of rape have been reported, including victims of Burundian refugee women in the Nduta camp.

The Tanzanian police have begun to resort to ill-treatment of Burundian asylum-seekers in order to deport them. Some of them had already been admitted to the Bukiriro reception center. Tanzanian police agents ordered them to forcibly return to Burundi. In doing so, the Tanzanian government is complicit in the repression carried out by the Burundian government and violates the relevant international conventions.

4. Penitentiary administration: tensions maintained and numbers constantly rising

4.1. Tensions and serious incidents in Rumonge prison

On August 3, 2017, police officers fired live ammunition at prisoners in Rumonge prison and at least ten (10) wounded. According to reports, the violence is a result of divisions maintained by the prison director, OPC2 police officer Jean Claude Ntirandekura, between those in power and those labeled as enemies of the country. These divisions affect all prison services, even in the management of prisoners' food rations. It was the latter that was the direct cause of the outbreak of clashes between the two groups, the non-close prisoners denouncing an unequal and selective distribution of food and encouraging the diversion of part of their food rations.

Some of the detainees who refused this treatment sent delegates to verify the compliance of food rations with the quantities indicated by ICRC agents. The opposing group dissuaded them and using sticks, axes and machetes began to hit them. They were wounded and tied up. Clashes ensued in which the prison director and the police officers were involved. The cessation of hostilities occurred only with the arrival of the Provincial Governor and the Provincial Police Commissioner

But the police had already wounded detainees like Colonel Adrien Kadende who was quickly taken to the hospital in Rumonge.

Following these incidents, the director of Rumonge prison, OPC2 Jean Claude Ntirandekura, ordered the transfer of sixteen (16) detainees including Major Vital Ndikumwenayo 'Ruhiza', Lieutenant Akimana, Nathal, Nzisabira, Aimable, Elvis dubbed 'Gucci' and Lewis without disclosing their place of transfer on 4 August 2017.

In addition to Colonel Adrien Kadende hit by bullets in the hips, two other detainees and a police officer wounded by another police officer were evacuated to the hospital in Rumonge. Another inmate Ferdinand was also shot, but was not evacuated from his cell for proper care.

4.1. Tensions created by the management in Some prisons and High Risks for Certain Classes of Prisoners

According to the verified information received, the head of Gitega prison, Chief Police Officer OPC Alexis Manirakiza, does not hide his hostility towards the detainees "coup ", including General Cyril Ndayirukiye and other senior officers rank. In this context, the Director has made adjustments with the aim of isolating the prisoners accused of the coup, so that what happens there is not known to the other detainees.

On July 18, 2017, the categorization of the prisoners, maintained by the director of this prison, almost caused serious incidents. Two groups, one close to the power, the other supposed to be opposed, clashed with first invective, and later degenerated into stones for five (5) hours. This incident is indicative of the uneasiness that reigns following the indoctrination of certain prisoners close to the CNDD-FDD by the director. It would be supported by SNR agents.

4.2. Refusal of appropriate care for certain prisoners: systematic violation of the law

Colonel Kadende's state of health remained worrying because he was not given proper care. Driven to the military hospital of Bujumbura, doctors recommended his hospitalization. This was rejected by the prison authorities who brought him back to detention house, where his condition continued to deteriorate. The case of Colonel Kadende is not isolated. The same management of the Mpimba prison refused to grant the right to leave to the student Audace Nkuzimana in order receive appropriate care, while his state of health continues to deteriorate. He has been detained in Mpimba for several months. He is among the students arrested after the launch of the strike triggered by the presidential decree transforming the stock exchange into a loan at the end of March 2017.

4.3. The prison population: unprecedented overcrowding

Since the onset of the current crisis, the constant rate of arbitrary arrests has been a factor in prison overcrowding. In some prisons, the number of prisoners exceeds triple the capacity. While the decree granting the presidential pardon in December 2016 resulted in the release of about 2,000 detainees between February and March 2017, this slight decongestion was only short-lived. The prison population had risen from 10,051 in December 2016 to 8,611 inmates in April 2017.

In July 2017, the prison population rose to 9,734 inmates, in addition to 73 infants detained with their mothers due to the lack of appropriate reception facilities.

At the beginning of August 2017, the number of detainees increased to 9,879. Thus in one month, 145 new prisoners came to swell the numbers of the prisoners.

At the end of September 2017, the number of prisoners reached 10,210, to which are added 94 infants. In the last five months, 1,599 new detainees have been registered, a monthly average of 319 new detainees in the country. The number of defendants (5,621) exceeds that of convicted persons (4,480). The prison situation for this month of September 2017 is summarized as follows:

PRISON	ACCOMMODATION CAPACITY	AMOUNT	NUMBER OF DEFENDANTS		NUMBER OF CONVICTED		MINORS DEFENDANTS		MINORS CONVICTED		INFANTS		PERCENTAGE
			H	F	H	F	G	F	G	F	G	F	
BUBANZA	100	539	242	8	269	20					8	4	539.00%

BURURI	250	238	115	6	108	9					1	1	95.20%
GITEGA	400	1,064	564	43	434	23					5	5	266.00%
MPIMBA	800	3,471	2,481	97	851	42					9	12	433.88%
MURAMVYA	100	658	348	24	272	14						6	658.00%
MUYINGA	300	480	137	5	320	18					1	3	160.00%
NGOZI (W)	250	145		40		95		4		6	15	12	58.00%
NGOZI (M)	400	1,488	810		678								372.00%
RUMONGE	800	1,163	350	7	791	15					3	1	145.38%
RUTANA	350	307	112	8	175	12					1	3	87.71%
RUYIGI	300	558	214	10	318	16					2	2	186.00%
CENTRE RUYIGI	72	44					11		33				61.11%
CENTRE RUMONGE	72	55					8		47				76.39%
TOTAL	4,194	10,210	5,373	248	4,216	264	19	4	80	6	45	49	243.44%
			5621		4480		23		86		94		

5. Administration of justice

5.1. Good practices still rare

5.1.1. Release of detainees in prolonged detention by the Cibitoke prosecution Services: an encouraging but partial measure

On July 10, 2017, the Cibitoke prosecution service decided to release eight (8) of the eighteen (18) detainees who had been detained illegally in the police custody for nearly a month. However, this measure is partial. Two women in detention were released but ten (10) others were kept in custody, in total violation of the law, as the legal time limits for police custody were largely exceeded.

5.1.2. The court has decided to acquit two military in the 'Mukoni' case

On August 4, 2017, Muyinga Intermediate Court ruled the release of two soldiers incarcerated in the case of Mukoni camp attack since January 2017. They are Lieutenant Moise Nimbona and Adjutant Antoine Nizigiyimana. The level of sensitivity and politicization of this case is commensurate with the courage of these judges to say the right. Five (5) other soldiers were sentenced to between 6 months and 5 years' imprisonment for interference with the internal security of the state and complicity in armed robbery against the Mukoni military camp. The convicted soldiers had been arrested at their posts in various provinces of the country.

5.2. Dysfunctions and practices contrary to the law

5.2.1. Refusal to implement a judicial decision by the prosecutor of the Republic of Rutana

While Bururi Court of Appeal sitting in the council chamber has decided to release Mr. Boniface Nibigira since 5 July 2017, the Rutana prosecution service refused to execute this decision by illegally holding Boniface Nibigira, jail. The latter is a manager of Moso Sugar Company (SOSUMO). He was arrested on 18 May 2017 at his place of work in Rutana province. He was accused by the public prosecutor of attacking the internal security of the State. Holes dug in the SOSUMO enclosures are the cause of his arrest, the public prosecutor accusing him of wanting to bury people favorable to the third term of the Burundian president Pierre Nkurunziza.

The refusal of the public prosecutor to execute the court's release order is a flagrant violation of the law, especially Article 203 of the Burundian Code of Criminal Procedure. This arbitrary and illegal prolongation of detention indicates a serious dysfunction in the Burundian judicial system.

5.2.2. 5.2.2. Refusal to implement a judicial decision by the Muyinga prosecution service

The Muyinga prosecution service still refuses to comply with a decision of the Muyinga Intermediate Court, issued on 4 August 2017, concerning the release of two soldiers acquitted by the judges. They are officer Moise Nimubona and non-commissioned officer Antoine Nizigiyimana (see above).

In spite of the appeal made by the Muyinga prosecutor's office, the latter must execute the judgment in accordance with the law and especially in article 203 of the Burundian Code of Criminal Procedure. These two soldiers have therefore been illegally detained for more than four weeks. And this is a sign of dysfunction of the Burundian judicial system.

6. Conclusions

Since the outbreak of the current crisis in Burundi, the country has continued to be the scene of serious and massive violations of human rights. According to the International Commission of Inquiry, which published its report, on 4 September 2017, even crimes against humanity were committed and would continue to be committed in the country. Based on the information gathered for the third quarter, on average, at least 25 murders

were recorded, and more than 103 arbitrary arrests. The vast majority of these abuses are committed jointly or separately by elements of the police, the SNR and the Imbonerakure. Most of these packages have total impunity.

The point is that these assassinations are not just simple criminal facts. Rather, it is a recurring phenomenon, disguised extra-judicial executions, when we see the bodies that are most often found, tied up. Moreover, the police and the administration hastened to authorize their burial, rendering any further investigation impossible, thus putting the perpetrators of these crimes at the mercy of any prosecution. In addition, bodies are increasingly found in places where nobody recognizes them, suggesting a deliberate act of throwing them away from where the crime was committed.

The frequency and the pace of arbitrary arrests increase the prison population, which reached a very high level of overcrowding in September 2017, up to three times the carrying capacity of some detention centers. In some prisons, the climate is unhealthy. Divisions are maintained there by the officials, and this provoked violent confrontations like in Rumonge and Gitega.

The other major problem in respect of human rights concerns the security of Burundian refugees in the host countries. The existing flaws in refugee protection, which resulted in the deaths of 39 refugees, are not unique to the Kamanyola camp alone. In Tanzania, there are threats to Burundian refugees, sometimes because of the hostility of the Tanzanian authorities or police, or because the refugee camps, especially Nduta, are stories where Burundian government officials enter and go out as they please. There, they push the refugees to return and the recalcitrants are threatened with death.

The best way to end the commission of serious and continuing human rights violations in Burundi is to use all available legal, national and international means to put an end to the culture of impunity. Many calls, including by the International Commission of Inquiry, have been launched at the International Criminal Court (ICC) to investigate crimes committed in Burundi since 2015.

7. Recommendations

To the Government of Burundi:

1. Immediately and unconditionally lift the broadcast suspension measure imposed on CCIB FM + and cancel the actions taken with respect to the other three radios;
2. Ending human rights violations and violations of human rights, including arbitrary detention and restrictions on the work of human rights defenders and the media. As

stated in the resolution of the United Nations Human Rights Council voted by the Government of Burundi.

3. Ensure the security and protection of the Burundian and foreign population living in Burundi with full respect for international law and to protect and guarantee all human rights and fundamental freedoms in accordance with the international obligations to which Burundi has subscribed ;
4. Cancel warrants of arrest against certain political and civil society figures;
5. 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;
6. 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;
7. Cooperate fully with national, regional and international mechanisms for the protection of human rights, in particular the group of experts and commissions of inquiry set up by resolutions of the Human Rights Council, General of the United Nations at its 36th session;
8. Forbidding the refoulement of refugees and implementing the relevant conventions;
9. Follow up on the request for an international investigation into the killing of Burundian refugees in Kamanyola, with a view to the prompt establishment of the facts and responsibilities and the perpetrators of the massacre prosecuted in accordance with the law.

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 ongoing crisis.

To the International Community :

1. Initiate prompt and independent investigations within the framework of the ICC to identify those responsible for serious violations of human rights in Burundi and to institute international prosecutions of persons and entities found guilty of these crimes;
 2. Ensure the implementation of the resolutions adopted on Burundi by the Human Rights Council at its 36th session in September 2017;
 3. Take appropriate measures to engage the Burundian authorities to fully cooperate with the United Nations mechanisms and the ICC.
-