



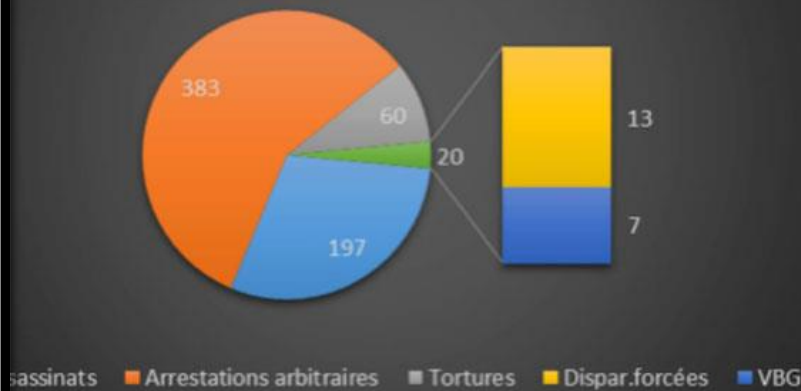
SOS - TORTURE / BURUNDI

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

Annual report on the situation of human rights in Burundi in 2019



Bilan des violations des droits de l'homme en 2019



In the run-up to the elections : political tensions and violence

March 2020

Executive Summary

About four years after the outbreak of the current crisis in Burundi, despite some variations in intensity, the patterns and trends of human rights violations are invariably the same : massive and systematic. The alleged perpetrators of these violations are almost exclusively state agents, relayed or supported by members of the imbonerakure militia.

This extremely worrying human rights situation in Burundi has been documented in detail, including in the report of the International Commission of Inquiry on Burundi. According to the report, " serious human rights violations continue to be committed in Burundi, in a general climate of impunity. Some of these violations constitute crimes under international law. Members of the youth league of the ruling party, the Imbonerakure, are the main authors. Agents of the National Intelligence Service (SNR) and the police as well as local administrative officials were also frequently identified as perpetrators of these violations¹».

This commission also alerted that " serious crimes of the past are the object of selective manipulations of memory, separate commemorations of bloody events through messages; hate speech. The recent reopening of the case of the assassination of President Melchior Ndadaye on 21 October 1993, while concealing the massacres that followed, is a perfect illustration of this.

The government has also enacted numerous measures to limit the exercise of fundamental freedoms, in particular those of opinion, expression, association and the press. The aim seems to be to avoid the presence or action of any independent witness in Burundi.

In this context, the government of Burundi has decided to close the United Nations Office for Human Rights. This measure entered into force on 28 February 2019, marking the end of cooperation with UN Human Rights bodies. The argument is that the country has made sufficient progress in establishing its own human rights mechanisms, so that the existence of the Office is no longer justified

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In this logic of blocking public space, the Burundian government, through the National Communication Council (CNC), extended the sanctions against two international radios broadcasting in kirundi, The Voice of America (VOA) and the British Broadcasting Corporation (BBC) at the end of the first quarter 2019². The first was suspended until further notice, and for the second, the operating order was withdrawn ³.

The desire for opacity on the facts taking place in Burundi was again manifested through the arrest and detention of four journalists of the newspaper IWACU, with their driver, while they

¹ <https://undocs.org/fr/A/HRC/42/49>

² <http://www.rfi.fr/afrique/20190330-burundi-medias-bbc-voa-nouveau-sanctionnees-bankumukunzi-rsf>

³ <https://www.youtube.com/watch?v=w1qvQQ8H7CE>

had gone to cover an armed incursion of the elements of the red-TABARA movement, the 22 October 2019, in the province of Bubanza. A few days later, the driver was released, but the journalists were arbitrarily detained on unfounded charges.

Freedom of association has not been spared. Thus, one of the few free organizations that was still active in Burundi, the Association "Parole et Action pour le Réveil des Consciences et des Mentalités" (PARCEM), was suspended for an indefinite period.

Harassment of civil society has also manifested itself in unfounded prosecutions and convictions of a few human rights defenders who have remained in the country. The best illustration of this is the sentencing of human rights defender Germain Rukuki on 17 July 2019 to a heavy sentence of 32 years. Being a member of a civil society organization has therefore become a serious crime, punishable by heavy prison sentences.

Foreign NGOs were not spared. The government's control over their activities, financial and Human Resources, has been strengthened. After they were called upon to respect the ethnic and gender balance provided for in the Arusha Agreement, the Council of ministers decided to set up a local staff recruitment committee for foreign NGOs in Burundi⁴. These measures were imposed at a time when the Arusha Agreement provides for balances only in state institutions (government, parliament and defence and security Forces) where they would no longer be respected.

The approval of the new party, the National Liberation Council (CNL), led by Agathon Rwasa, on 14 February 2019, after more than five months of a winding procedure, had been interpreted by many observers as an opening sign.

But the facts quickly proved the opposite because the CNL has been systematically obstructed by the government and the executive and the ruling party in the functioning of this party. The government first banned the inauguration of its national office in Bujumbura, and then its activists were systematically chased throughout the country. In November 2019, the CNL spokesman denounced the destruction of more than 50 permanences of his party and "grotesque montages of physical and verbal violence, arrests of innocent people considered a kind of "Manhunt" (sic!) of which CNL members were victims⁵.

These persecutions are well in line with the threatening statement of the police commissioner in Muyinga province, who at a public meeting promised death to anyone holding a meeting at home. In these words : "I would like to say to the one who holds a night clandestine meeting at home that if we are warned (...), he will be drawing misfortune on his whole family ". With "(explosive) devices "at our disposal it" will be enough to throw two of them into this house ". "If you want to disrupt security, I will finish you on the spot, and if you are with your wife and children, you go together⁶ ». Despite the turmoil caused by this statement, the commissioner

⁴ <https://afrique.lalibre.be/36277/burundi-le-gouvernement-veut-recruter-lui-meme-les-employes-des-ong/>

⁵ <https://www.urumuri.com/2019/11/10/le-parti-cnl-denonce-la-recrudescence-du-harcelement-de-ses-militants/>

⁶ Déclarations de Jérôme Ntibibogora, commissaire provincial de Muyinga, lors d'une réunion dirigée par le gouverneur de la province de Muyinga le 27 mars 2019, <https://www.burundidaily.net/single-post/2019/04/23/Le-Commissaire-de-police-J%C3%A9rome-Ntibibogora-casse-l%E2%80%99omerta-du-r%C3%A9gime-burundais-les-opposants-seront-d%C3%A9cim%C3%A9s-sans-sommat>

remained in office. This is a sign of the support of his hierarchy and the impunity that prevails in Burundi.

The year 2019 was profoundly marked by the approach of the 2020 elections, and an increasingly drastic locking of democratic space. The announcement of the elections has awakened the somewhat blunted attention of a part of the international community that has recalled the need to watch over Burundi after the sabotage of the negotiating process by the power.

During a meeting of the UN Security Council in June, UN Assistant Secretary-General for peacebuilding Oscar Fernandez-Taranco noted that the human rights situation in Burundi remains "worrying in view of the many violations of fundamental civil and political freedoms denounced by political actors, some media and civil society organizations in Burundi."⁷ ». As for the Commissioner for peace and security of the African Union, he expressed the wish for "the resumption of dialogue in Burundi as soon as possible to allow reconciliation in this country", necessary for the establishment of conditions "favorable to the organization of free and transparent elections, taking place in a peaceful and peaceful climate" and that the climate was becoming more and more delicate⁸ ».

Faced with the persistent blockage of inclusive dialogue on the part of the Burundian government, the Special Envoy of the UN Secretary-General, Michel Kafando, threw in the towel, the 30 October 2019. He said that with regard to inclusive dialogue "unfortunately, things had not moved". It expressed concern "at a rise in political intolerance and violations of civil and political freedoms in the country". This resignation fulfilled the wishes of the Burundian authorities to reject external observers, expressed by the president of the Senate in these terms: "we do not need Belgians, French or Americans", "it is not a match that they would come to attend"⁹».

As a parade to inclusive dialogue, the government has preferred to engage in selective talks with some members of the National Council for compliance with the Arusha Agreement for peace and Reconciliation in Burundi, the 2005 constitution and the rule of law (CNARED), a former platform of the opposition in exile, which are in favor of it. Some of them chose to reenter while others did not have the guarantees claimed, rejected by the Hawks of the ruling party¹⁰.

In order to avoid any independent publication, even journalists active in Burundi were enjoined "not to publish or disseminate through any channel, including the internet, the provisional or final results of an election other than those officially announced by the CENI or its dismemberings"¹¹».

In terms of security, the country was marked by two major episodes in the last quarter. First, an armed incursion on 22 October 2019 in the Musigati commune of Bubanza province,

⁷ Ibidem.

⁸ Propos de Smaïl Chergui, au Conseil de Sécurité des Nations Unies, le 14 juin 2019.

⁹ <http://www.infosplusgabon.com/index.php?view=article&catid=37:international&id=22191:2020-01-10-14-18-51&tmpl=component&layout=default&page=>, citant la Radio Télévision Nationale du Burundi.

¹⁰ <https://www.iwacu-burundi.org/le-secretaire-executif-du-cnared-rentre-dexil/>

¹¹ <https://www.iwacu-burundi.org/code-de-conduite-des-journalistes-en-periode-electorale-un-hic/>

claimed by the RED TABARA movement, which resulted in clashes between this armed group and elements of the defense and security forces supported by imbonerakure following which the armed elements entrenched themselves in the Kibira forest. The outcome of these clashes remains controversial.

Then, on November 17, 2019, a second attack targeted an army position on Marura Hill in Cibitoke province. According to the information officer of the Burundian army" the attacked position is on Mount Twinyoni located near the border with Rwanda ". He also said that this "armed group of rifles (was) from Rwanda "where he" folded after the forfeit¹² ». According to some sources, this strong position of about 112 men was almost annihilated, the last available balance sheet reported 38 dead including the major who commanded the position and several dozen men missing since then. Burundi through its spokesman and later the president of the Republic, Pierre Nkurunziza, accused Rwanda of perpetrating this attack against Burundi¹³. This attack has escalated the ongoing tension between the two countries since 2015. Rwanda rejected these accusations and denied its involvement in the attack.

In economic and social terms, the population has continued to live in extreme poverty. Since the beginning of the year, more than 3 million people have been affected by a real malaria outbreak, representing more than 25% of the population. This is a 50% increase compared to the same period of 2018, affecting the entire Burundian territory. The Burundian government has refrained from declaring a state of epidemic as hundreds of people have been swept away by this disease¹⁴ and that many voices invited him there.

The continued scarcity of foreign exchange and the unbridled fall of the Burundian currency are the basis of incessant shortages of commodities, especially medicines and fuel. Despite this rampant impoverishment, forced "collections" continued, from the entire population and in particular from teachers for the 2020 elections. These collections are made outside the control of the administration and sometimes under strong threats by provincial authorities in charge of Education.

The year was also marked by the looting of houses, located in Bujumbura, belonging to political opponents and high-ranking officers in exile. These acts of vandalism and illegal occupation by police officers followed the government's announcement to allow the dispossession of property owners accused of violating state security.

Outside Burundi, many Burundian refugees in Tanzania are experiencing a worrying situation. They remained under constant threat of forced return to Burundi by the Tanzanian authorities in collusion with the government of Burundi. To this end, they have been subjected to a variety of pressures, some more subtle than others, including the deprivation of certain services (markets, telephone connection, etc.), but also arbitrary arrests in or around the camps, detentions and enforced disappearances of some refugees. There are also persistent

¹² <https://www.burundidaily.net/single-post/2019/11/19/Une-position-militaire-burundaise-d%C3%A9cim%C3%A9-pr%C3%A8s-de-la-fronti%C3%A8re-rwandaise>

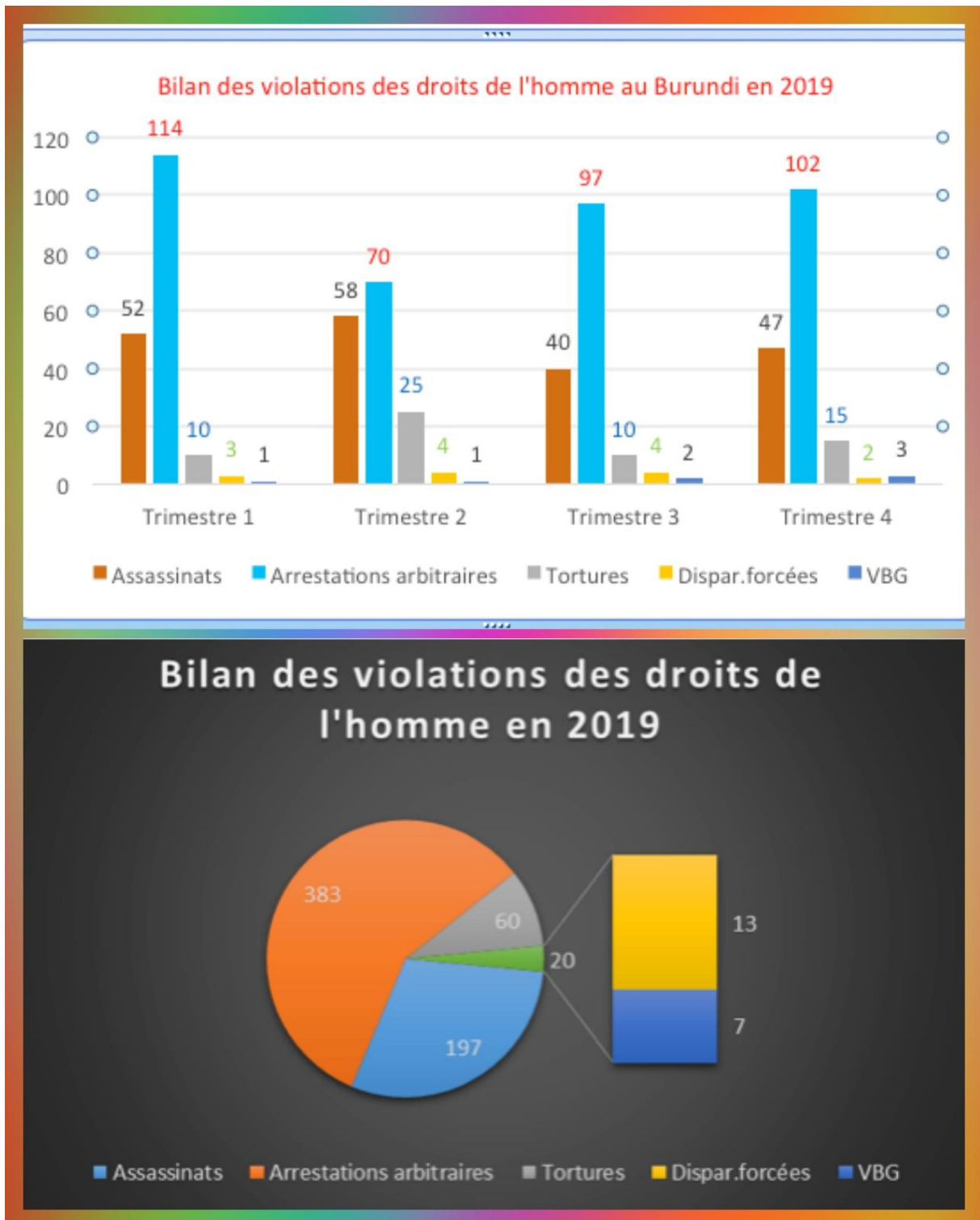
¹³ <http://www.rfi.fr/afrique/20191207-burundi-rwanda-pierre-nkurunziza-attaque-armee>

¹⁴ <http://www.rfi.fr/afrique/20190625-burundi-frappe-epidemie-paludisme>, publié le 26 juin 2019.

allegations of infiltration of imbonerakure militiamen and SNR agents into the camps. This situation has been documented by several organizations¹⁵.

¹⁵ <https://www.hrw.org/fr/news/2019/12/12/tanzanie-les-refugies-burundais-subissent-des-pressions-pour-quitter-le-pays>

Graph of human rights violations during the quarters of the year.



Recommandations

To the Government of Burundi:

1. Release without conditions and without delay IWACU journalists Agnes Ndirubusa, Christine Kamikazi, Egide Harerimana and Terence Mpozenzi ;
2. Put in place the necessary political measures for the organisation of peaceful, pluralist, free and transparent elections enabling the country to emerge from the crisis ;
3. Take all necessary measures to immediately stop the persecution of CNL activists and other political parties ;
4. Open up democratic space by guaranteeing political parties, civil society and the media the exercise of the rights and freedoms guaranteed by national, regional and international instruments;
5. Immediately and unconditionally release human rights defenders Germain Rukuki and Nestor Nibitanga, unjustly sentenced ;
6. Immediately and without preconditions end the recent selective prosecution of the alleged assassins of president Melchior Ndadaye by sparing the alleged perpetrators of the serious crimes and other massive human rights violations that followed this sad event and prepare the related comprehensive framework as called for by the Arusha Agreement, in order to end impunity for the crimes of the past, without exception and in ;
7. Cooperate fully with national, regional and international human rights mechanisms in the implementation of Human Rights Council resolutions and collaborate with the International Criminal Court (ICC).

To the East African Community:

1. Scrupulously respect the relevant conventions to ensure the protection of refugees in different countries and strictly abide by the principle of voluntary return and put an end to the various and subtle pressures exerted on refugees to this effect especially by the Tanzanian government ;
2. Learn from the failures of the inter-Burundian dialogue as a sponsor of the Arusha Peace Agreement and engage other multilateral partners for an effective inclusive dialogue among all Burundian actors to consolidate the gains of the basic principles of the Arusha peace and reconciliation agreement signed in 2000 and the 2005 constitution of Burundi. ;
3. Take coercive measures, including the use of an embargo, to ensure that the Burundian government accepts inclusive negotiations without preconditions, as Pierre Nkurunziza's stubbornness poses a threat to peace not only in Burundi but also in the region, and poses risks to the stability of the East African).

To the international community:

1. To take the necessary economic, political and diplomatic measures to bring the government of Burundi into compliance with its international commitments and to commit itself in a concrete and verifiable manner to the return of the rule of law and the Arusha Agreement ;
 2. Support the work of the International Criminal Court to complete the investigations started on Burundi with a view to prosecuting without delay the perpetrators of serious crimes committed since the outbreak of the crisis in Burundi in 2015 ;
 3. Take appropriate measures to urge the Burundian authorities to cooperate fully with United Nations mechanisms and the ICC ;
 4. Closely monitor the human rights situation in Burundi, taking into account risk factors developed by the International Commission of inquiry to prevent mass violations of Human Rights.
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