



SOS - TORTURE / BURUNDI

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

**Quarterly report on human rights situation in Burundi from 1 October to 31 December 2019**



**Burundi : No witness !**

February 2020

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## 1. Socio-political context

The last quarter of 2019 was a tumultuous period marked by numerous political and security events with a considerable negative impact on the enjoyment of human rights and freedoms. These facts seem to be in conjunction with the tensions that characterize the election period, especially at a crucial time when the incumbent President is constantly proclaiming that he will not stand for the next election. Throughout the quarter, his statements continued to create controversies between those who believe the president will keep his word and others, perplexed, for whom Pierre Nkurunziza is a master in the art of concealing his game and would not yet have shot his last Cards<sup>1</sup>.

At the political level, the electoral competition that has already begun for 2020 has led the government to further lock in the democratic space to its sole advantage. To that end, terror is used in all its forms to reduce any real or potential competitor. In this sinister game, the National Council for freedom (CNL), led by Agathon Rwasa, pays the heaviest price. Its members and supporters are subjected to intimidation, harassment, arbitrary arrest and physical attacks, some of which are lethal. Its offices are subject to recurrent acts of vandalism, the alleged perpetrators of which are members and sympathizers of the CNDD-FDD and its militia. In November 2019, the CNL spokesman had denounced the destruction of 50 permanent members of his party and "the grotesque montages of physical and verbal violence, the arrests of the innocents considered as a kind of "Manhunt" (sic ! which the members of the CNL were victims<sup>2</sup>.

This blocking of democratic space and freedoms includes measures to prevent any independent observation of the elections. Several authorities have announced that the elections have been entirely financed by the Burundian population and that no one should come to look at the internal affairs of the country as an observer. Thus, the president of the Burundian Senate stated "**We don't need Belgians, French or Americans** ", " **it's not a match they would come to attend<sup>3</sup>** ». In this context, a code of Conduct for journalists during elections has been promulgated, the aim of which is to instruct journalists not to "**publish or broadcast on any**

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<sup>1</sup> <https://www.jeuneafrique.com/mag/863451/politique/presidentielle-au-burundi-pierre-nkurunziza-maitre-du-suspense/>

<sup>2</sup> <https://www.urumurinews.com/2019/11/10/le-parti-cnl-denonce-la-recrudescence-du-harcelement-de-ses-militants/>

<sup>3</sup> <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.

**channel whatsoever, including the internet, the provisional or final results of an election other than those officially announced by the CENI or its branches"<sup>4</sup>».**

*This closure of the political space is also reflected in the persistent refusal of the government to create conditions conducive to the organization of peaceful, free and transparent elections advocated by several actors and institutions, notably through an inclusive dialogue, especially with the political opposition in exile. Faced with these deadlocks, the UN Secretary-General's special envoy, Michel Kafando, threw in the towel on 30 October 2019, stating that with regard to the inclusive dialogue "unfortunately, things have not moved" and expressed concern "about a rise in political intolerance and attacks on civil and political freedoms in the country"<sup>5</sup> ». Following the government's decision to close the offices of the Office of the High Commissioner for Human Rights in Burundi, the "forced" resignation of the Special Envoy of the Secretary-General of the United Nations in Burundi drastically reduces the scope for external monitoring of the country at these times of tension.*

*As a response to calls for inclusive dialogue, the government has preferred to engage in selective talks with some members of CNARED, the former opposition platform in exile, who support it. The latter, like Anicet Niyonkuru, President of the Council of Patriots (CDP), decided to return to the country to participate in the elections. Others were unable to do so because of the lack of guarantees they had demanded, rejected by the Hawks of the ruling party<sup>5</sup>. This approach aims to further simulate the pluralistic nature of the 2020 electoral process with a view to accrediting it.*

*In this electoral competition, the government decided to use traditional and transitional justice to present itself as the best bulwark of the hutu cause<sup>6</sup> and "to show that he now has all the levers of power in his hands"<sup>7</sup> ». In this regard, it focuses on two sensitive issues. First, it revived and accelerated the case against the alleged assassins of president Melchior Ndadaye hutu and his close associates in October 1993, the vast majority of whom are former tutsi dignitaries, both civilian and military, including former President Pierre Buyoya without, however, prosecuting the alleged hutu perpetrators involved in the subsequent desTutsi massacres. The handling of this case and the irregularities that characterize it make it a perfect judicial parody. Secondly, through the TRC, more and more frequent announcements are made of discoveries of mass graves from 1972 and 1993, of "presumed" hutu victims.*

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<sup>4</sup> <https://www.iwacu-burundi.org/code-de-conduite-des-journalistes-en-periode-electorale-un-hic/>

<sup>5</sup> <https://www.iwacu-burundi.org/le-secretaire-executif-du-cnared-rentre-dexil/>

<sup>6</sup> *Ethnie majoritaire sur le plan démographique*

<sup>7</sup> RFI du 9 octobre 2019 cité par

[http://www.arib.info/index.php?option=com\\_content&task=view&id=19546&Itemid=138](http://www.arib.info/index.php?option=com_content&task=view&id=19546&Itemid=138)

The authorities' desire to be opaque about the events taking place in Burundi increases the anger of any independent observer, particularly those in civil society and the media, who are regularly arrested and arbitrarily sentenced. Proof of this need is the arrest of four IWACU journalists and their driver while they were covering an armed incursion into the Red-TABARA movement on 22 October 2019 in Bubanza province. A few days later, the driver was released but the journalists are being held arbitrarily on unfounded charges, more than three months after.

This episode provides an opportunity to look at the security situation in the country with two highlights. First, the armed incursion that took place on 22 October 2019, in the commune of Musigati of Bubanza province, claimed by the RED TABARA movement. It led to clashes between this armed group and elements of the defence and security forces supported by imbonerakure, following which the armed elements entrenched themselves in the forest of Kibira. This attack has caused a stir among the population and has shaken the confidence of the authorities, who have repeatedly affirmed that peace is complete. The outcome of these confrontations remains controversial on both sides. 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 position under attack is on Mount Twinyoni near the border with Rwanda". He further specified that this "armed group of rifles (was) from Rwanda "where he" retreated after<sup>8</sup> ». According to some sources, this strong position of about 112 men was almost wiped out, the last available count being 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 Burundi<sup>9</sup>. This attack has escalated the lingering tension between the two countries since 2015. Burundi has lodged a complaint with several regional and international bodies and complains that it is not being heard. Only ICGLR decided to send a verification mission<sup>10</sup>. Rwanda rejected these accusations and denied its involvement in the attack.

Another worrying aspect of human rights concerns the situation of Burundian refugees in Tanzania. The latter are under constant threat of forced return to Burundi by the Tanzanian authorities in collusion with the Burundian government. To this end, various pressures are exerted on them, some more subtle than others, including the deprivation of certain services (markets, telephone connection, etc.) but also arbitrary arrests in the camps or in the vicinity, detentions and enforced disappearances to which some refugees are subjected. There are also persistent allegations of infiltration of imbonerakure militia and SNR agents into the camps. On 11 October 2019, the Tanzanian President, John Pombe Magufuli, said that Burundian refugees should "return home"<sup>11</sup> ». According to Human Rights Watch, "refugees stated that the reasons they left Tanzania included fear of being caught in a wave of arrests, allegations

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<sup>8</sup> <https://www.burundidaily.net/single-post/2019/11/19/Une-position-militaire-burundaise-d%C3%A9cim%C3%A9e-pr%C3%A8s-de-la-fronti%C3%A8re-rwandaise>

<sup>9</sup> <http://www.rfi.fr/afrique/20191207-burundi-rwanda-pierre-nkurunziza-attaque-armee>

<sup>10</sup> <https://fr.news.yahoo.com/burundi-selon-nkurunziza-rwanda-derri%C3%A8re-130834351.html>

<sup>11</sup> <https://www.hrw.org/fr/news/2019/12/12/tanzanie-les-refugies-burundais-subissent-des-pressions-pour-quitter-le-pays>

*of disappearances and killings in or near refugee camps, and fear of suspected Imbonerakure and Burundian refugees abusing the camps' security with the Tanzanian police<sup>12</sup> ».*

*Concerning the overall human rights situation in the country during the quarter under review, the trends are similar to those of the previous quarters. The systematic hunt for opponents, of whom the militiamen are the linchpin, bodies found in rivers or in the bush, which cannot be identified, and numerous arbitrary arrests. A total of 47 murders, 102 arbitrary arrests and 15 cases of torture were recorded. Some examples of these violations are presented by categories.*

## *2. Violations of the right to life and physical integrity*

*During the period under review, violations of the right to life had almost the same characteristics as in previous quarters, the exception being two armed attacks that went beyond the usual skirmishes. As in the past, one or more bodies together have been found mostly in Rivers, twice in the Rusizi river, or in vacant land. The instructions of the administration remain invariable, bodies must be buried in haste without waiting for their identification, which makes it difficult, if not impossible, the subsequent identification of victims and any subsequent investigation. Sometimes the bodies found are tied up showing that it is an execution. They are also deliberately thrown into places where the chances of being recognized are slim, demonstrating the will of the executioners not only to remain unpunished but above all to make disappear the victims without leaving a trace and without the knowledge of all.*

*The other category consists of well-known, targeted victims killed at or near their homes but where the police do not open investigations or, for various reasons, fail to identify the alleged perpetrators of these crimes, reinforcing the impunity that prevails in Burundi. In this category, we can place two attacks that took place in two bars of Bujumbura, in the neighborhoods of Rohero and Ngagara. The first was carried out with grenades and firearms with presumably pre-designated targets. Two people were killed immediately, and others were seriously injured. The assailants have acted and left without being disturbed by the police, and so far the police have not released anything about the search for these criminals.*

*Unlike in previous cases, investigations may exceptionally be initiated to find the alleged perpetrators of crimes committed against well-identified persons. These cases are encouraging examples to multiply in order to reduce the level of impunity in Burundi. Three cases of rape have been reported. The alleged perpetrators have been identified and arrested. Some examples are chosen to illustrate these different types of crimes.*

### *2.1. Bodies abandoned in unidentified streams or bushlands and buried in haste*

*A total of Twenty (20) bodies have been found abandoned in streams, or in vacant lots. This type of situation is widespread, accounting for 42.5 per cent of violations of the right to life*

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<sup>12</sup> *Ibidem*

*during the period under review. On three occasions, in or on the banks of the Rusizi River, four bodies were discovered in military uniforms, four bodies were bound, and five bodies were abandoned on the banks of the river. In one case, the victim was locked in a house, which was then locked with a padlock. In a few cases, the bodies were found to be decomposing. Without exception, the administration gives the order for the immediate burial of the bodies.*

On 28 September and 17 October 2019 respectively, in the Rusizi River, at the level of the Nyamitanga Hill in Buganda commune of Cibitoke province, four unidentified bodies were found floating on the river. In the first case, on-site testimony indicated that the victims were in military clothing and in the second, each of the four bodies was bound.

Administrative officials ordered the burial of the victims, without allowing their identification or investigations that could identify their perpetrators.

On 14 November 2019, two bodies were found floating in Lake Rweru on the side of Sigu Hill, in the municipality of Busoni, in the province of Kirundo. According to witnesses, the victims were a baby and a man wearing a suit. The bodies were not recovered, although local authorities were alerted.

The consequence of this omission by the administrative authorities is that it is impossible to identify the victims and to reconstruct the circumstances of their deaths, thereby enshrining the impunity of the executioners.

On November 2, 2019, five bodies were found along the Rusizi River on cross section 10 of rusiga Hill, in the commune of Rugombo, Cibitoke province.

According to witnesses, each of the bodies was tied up. The bodies were buried without any prior investigation to identify the victims, the circumstances of their murder and their executioners.

SOS-TORTURE Burundi notes a recurring and deliberate failure by the administration and the judiciary to identify the perpetrators of the victims killed in unknown circumstances and to prosecute them. This is a flagrant violation of the provisions of article 109 of Act No. 01/09 of 11 May 2018 amending the code of Criminal Procedure.

The article states that " in the event of the discovery of a corpse, whether or not it is a violent death, but if the cause is unknown or suspicious, the judicial Police officer who is notified shall, if possible, inform the public prosecutor before travelling to the scene and making the first observations.

The judicial Police officer must visit the premises and make the findings when it has been impossible for him to contact the Public Prosecutor. The report of findings must be communicated to him without delay.

The Public Prosecutor shall visit the place if he considers it necessary and shall be assisted by any doctor, expert or technician capable of assessing the nature, cause and circumstances of the death. However, it may delegate for the same purpose a judicial Police officer of its choice.

Where the circumstances of the death have remained unknown, whether or not the offence was committed, the Public Prosecutor must open an investigation to investigate the causes of death. »

## *2.2. Killings of well-targeted people go unpunished*

*During the quarter under review, seven (7) cases of assassinations were reported on which the police could not or did nothing to identify the circumstances of the crime and its perpetrators. Yet in one case, it was a matter of people's justice, where the persons responsible for the execution could be easily identified, and in the other case, the victim was killed after being arrested by individuals who had been identified by witnesses. And none of them have been prosecuted for this crime.*

On October 2, 2019, in District VII of the Ngagara zone, in the commune of Ntahangwa of the Town Hall of Bujumbura, the body of Déo Arakaza was discovered to give up. The victim served as a second division football referee.

The circumstances of his death of the young man are unknown to this day.

On 20 November 2019, on the Bugera Hill in Ndava commune of Mwaro province, Mr. Marius Bukuru was killed with machetes. According to eyewitnesses, the victim was caught in an attempt to steal cows, and the people around him took the law into their own hands with multiple machete strokes to death.

The police have not apprehended any suspects to date while the persons involved are within an identifiable perimeter, suggesting a lack of Will on the part of the police to shed light on the assassination and prosecute the culprits.

On October 2, 2019, in District VII of the Ngagara zone, in the commune of Ntahangwa of the Town Hall of Bujumbura, the body of Déo Arakaza was discovered to give up. The victim served as a second division football referee.



On 23 October 2019, the body of Désiré Hakizimana was discovered in a cassava field on Buramata Hill in the commune of Gihanga in Bubanza province. Several testimonies converged on the fact that he had been illegally arrested the previous day by four members of the imbonerakure militia armed with guns and dressed in military fatigues. Désiré Hakizimana was himself a local leader of the same imbonerakure militia on Buramata Hill.

This could be a summary execution by members of the ruling CNDD-FDD party. None of the alleged perpetrators have been arrested to date.

### ***2.3. Killings followed by police investigations and arrests of alleged perpetrators: examples to follow***

*In seven of the reported cases of murder, the police succeeded after investigations in arresting alleged perpetrators of the crimes committed. As in three cases, the arrested persons are influential members of the ruling party (CNDD-FDD) or its militia; there is a change from the usual protective reflex of suspected criminals when they come from the ruling party. It is therefore an uncommon practice, to encourage. However, in a few cases, even when the alleged perpetrator or perpetrators are identified or arrested, doubts remain as to the accuracy of the results of the investigation with regard to the physical or mental capacities of the alleged perpetrators. In this regard for example, the arrest of the servant of Mr. Jean Marie Vianney Rugerinyange, as the main suspect is difficult to understand, when we know that the victim was killed, buried after being wrapped in a tarpaulin. A task rather attributable to death squads beyond the capabilities of this domestic worker.*

On 4 October 2019, in Kinanira IV Neighborhood of Muha Commune, in the Town Hall of Bujumbura, the body of Mr Jean Marie Vianney Rugerinyange was found buried in the garden of his residence, five days after the announcement of his disappearance. According to his relatives, the disappearance of the victim, who was an official of the Ministry of sports and Culture, was reported on 29 September 2019.

State television footage showed Red Cross agents digging up the body, which was wrapped in a blue plastic tarp. The private press had been denied access to the perimeter where the victim was buried, leading to suspicions that the police wanted to hide certain facts.

The discovery of the body was announced by the police, who said nothing about the circumstances of Mr. Rugerinyange's disappearance and assassination. It was limited to announcing the arrest of the victim's domestic as the primary suspect. However, it was the latter who alerted the family to the disappearance of his boss.

On 5 November 2019, on The Kivuvuma Hill, Gahombo Commune, Kayanza province, Mr. Casimir Busabusa was assassinated in the evening not far from his home. The victim was a

legal representative of the Agape Church in Gahombo and a member of the movement for solidarity and democracy (MSD), which was disowned by the government.

The police arrested three suspects in connection with the case, all members of the CNDD-FDD party, including an agent of the National Intelligence service (SNR).

On 22 November 2019, on Mbizi Hill, Kibago commune, province Makamba, Mr. Jean Misambi (68 years old) was assassinated at his home. According to the testimonies collected, the victim was reportedly beaten several times with machetes.

Kibago police has announced the arrest of eight (8) people, all of whom are Mr. Misambi's neighbours.

#### *2.4. Rape and sexual violence: a move towards ending impunity?*

During this quarter, three cases of rape and sexual violence were reported. In all these cases, the alleged perpetrators were apprehended by the police.

On 12 November 2019, on Nyavyamo Hill, Kiganda Commune, Muramvya province, the body of Marie Claire Niyongere (40 years) was discovered in the Bush. According to the testimonies received, the victim was raped before his throat was cut by his executioners. Ms. Niyongere was secretary of CNL opposition women's League. It could therefore be a political crime. Police have announced the arrest of a suspect.

On 27 November 2019, in the town of Mutaho commune, Gitega province, a 15-year-old D.N girl was raped. Relatives and witnesses reported that the alleged perpetrator of the rape was Anatole Mbazumutima, deputy representative of imbonerakure militia in Mutaho commune, whose victim was a domestic worker. Medical analysis confirmed the rape.

The alleged perpetrator was arrested and detained in Mutaho police cells. Other sources reported the arrest of Prosper Manirakiza, a representative of the civil society organization Parcem in Mutaho. Paradoxically, this activist is being prosecuted for denouncing the rape of the young teenager.

On 15 December 2019, on the Migereka sub-Hill, on Shari Hill, in Bubanza commune and province, a young pupil was raped. According to witnesses, the alleged perpetrator is another student of Bubanza Technical School.

Bubanza police announced the arrest of the alleged perpetrator and owner of the house where the rape was committed, as well as other alleged accomplices.

## *2.5. A targeted armed attack in the centre of Bujumbura: a modus operandi attributed to death squads*

On 1 November 2019, at 9 p.m., on Muyinga avenue, in the Rohero zone, in Mukaza commune of the town hall of Bujumbura, of the individuals Town Hall of Bujumbura, unidentified gunmen attacked customers of a bar called "Chez Gilbert" located on said avenue. According to witnesses, three people were killed immediately, at close range, and five others were seriously injured.

According to the testimonies received, the perpetrators of the attack used grenades and automatic assault weapons to commit their crime, before escaping, after throwing a grenade to cover their escape. The assailants having stolen nothing, it seems obvious that their objective was to kill well-identified persons whom a guide among them named them, according to eyewitnesses<sup>13</sup>. The victims are Joseph Hicuburundi aka Mugamba, Melchisédech Ntaraka, an employee of the Bank of the Republic of Burundi (BRB) and Juvéna. The other two were relatively successful businessmen, all of Tutsi ethnic group.

The modus operandi, the prior identification of the assassinated persons and their ethnicity have given rise to suspicions converging on action carried out by death squads in power, their remaining motives difficult to pin down. The police arrived the following day at approximately 9 a.m. and announced that an investigation would be initiated. About three months later, it has not yet released any information on this case.

## *2.6. Allegations of enforced disappearances followed by summary executions: SNR officers at work*

On 22 December 2019, on Ndora Hill, in Bukinanyana commune, Cibitoke province, agents of the National Intelligence service (SNR) abducted two men who could not be identified by witnesses' present. The operation was led by the head of the SNR in Cibitoke province. Since the abduction, the SNR has kept the victims in a secret place where the two men were allegedly subjected to torture.

According to several sources within the police, the two men were executed by SNR officers after three days of torture. The bodies of the two victims are said to have been packed in a bag weighted with large stones, and then thrown into the river Rusizi on the side of the hill Rusiga, in the commune of Rugombo, Cibitoke province.

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<sup>13</sup> <https://www.sosmediasburundi.org/2019/11/02/3-morts-et-plusieurs-blesses-dans-une-attaque-dhommes-armes-au-centre-ville-de-bujumbura/>

### *3. Violations of the right to liberty and physical security*

*In the last quarter of 2019, the violations of the right to freedom and physical security are strongly marked by the tension related to the general elections scheduled for 2020. In this context, the police, the intelligence service and the imbonerakure militia are mobilized to track down the political opposition with the aim of destabilizing it to prevent it from gaining a foothold in the country and especially to have a say in the organization of the elections, by destabilizing the observers mandated by the CNL. All the efforts of these three entities (GNP, SNR and imbonerakure) focus on the members of the CNL, its representatives and representatives. The roles seem to be distributed, mainly by police officers who have made arbitrary arrests in about 80% of cases, sometimes with the active support and complicity of the imbonerakure militia. The latter, on the other hand, are confined to the role of verbally and physically persecuting and mistreating members of the CNL, some fifteen of whom have been beaten, some of whom have been seriously ill-treated until they are hospitalized.*

*The tension between Burundi and Rwanda led to people being arrested simply because they were of Rwandan origin, even though they had been living in Burundi for decades, without any history. The main charge is to be smart with Rwanda.*

*The arbitrary arrest and continued detention of four Iwacu journalists and their driver on a mission to Musigati to cover clashes between RED TABARA fighters and the defence and security forces on 22 October 2019 shows how power wants no witnesses on sensitive security and election issues. The imposition of a blackout seems to be the rule.*

#### *2.1. Militia-related physical security violations: continuing with impunity*

*During the period under review, more than 15 cases of ill-treatment and inhuman and degrading treatment attributable to the imbonerakure militia were reported. The victims are almost exclusively members of the National Congress for freedom (CNL), attacked alone or in groups. When this happens, it is those who try to defend themselves who are arrested, while their aggressors are left free, which encourages them to continue their crimes with impunity. They dare more and more and do not hesitate to go after judges or law enforcement officers. The reasons for aggression vary, sometimes some victims are accused of having left the CNDD-FDD party or of having refused to join, but overall it is membership in the CNL that provokes the wrath of the militiamen. In their actions, the active or passive complicity of the police is gained. Here are some examples.*

*On 10 October 2019, in Nyange-Bushaza Quarter of Kirundo municipality and province, members of imbonerakure militias attacked CNL activists who were sharing a drink in a bar.*

According to the testimonies received, these CNDD-FDD party militiamen landed in the bar and demanded that the owner remove CNL party members who were there. Clashes ensued and five people were injured.

The violence of the clashes triggered by the imbonerakure militias has caused serious injuries to three CNL militants, namely Cyprien Nkuzimana, Philbert Jumapili and Jean Hatungimana. Two members of the imbonerakure militia were also injured. They are Marie Mbarushimana and Jean Barukwege. The police in Kirundo did not carry out any investigation to determine who was responsible and to arrest those responsible for the violence.

On October 23, 2019, on Kigaza Hill, Kayogoro commune, Makamba province, members of the imbonerakure militia beat up Vénuste Hitimana, known to be an active member of the opposition CNL party. Witnesses reported that they had identified the perpetrators of the beatings, who were none other than the local secretary of the ruling CNDD-FDD party and the hill leader

In addition to the beatings, Mr. Hitimana was arrested for being held in the police dungeon of Kayogoro commune where he spent one night. None of the alleged perpetrators were brought to justice for their actions. According to his relatives, the victim had previously been threatened by the militia, accusing him of promoting the ideology of the CNL party. This case is an example of the close cooperation and complicity of the authorities, the local police and the militia in covering up the crimes committed by the latter.

On 25 November 2019, on Mudahandwa Hill, in the commune and province of Bururi, members of the imbonerakure militia kidnapped and beat up judges and a court clerk in order to prevent them from executing a judgment against one of their comrades, a member of the ruling CNDD-FDD party.

The police intervened and arrested the leader of the Mudahandwa sub-Hill who was one of the aggressors. But the other members of the imbonerakure militia were not harmed.

On 20 December 2019, on Gasenga Hill in Kayogoro commune, Makamba province, members of the imbonerakure militia beat Mr. Ézéchiel Nizigiyimana in front of his home. According to relatives of the victim, this group of militiamen was waiting for him outside his property. Mr. Nizigiyimana was narrowly rescued by another member of the imbonerakure militia who had refused to join his comrades in this violent attack.

This violent attack caused injuries to the victim who had to be hospitalized. The political nature of this attack can be presumed, given that Mr. Nizigiyimana is a member of the CNL party and that he had no other known conflicts with his aggressors. As in other cases, we note here the complicity between the police and the imbonerakure militia because none of the

alleged perpetrators of the violent blows was apprehended despite the fact that all three were identified by the victim.

### *3.2. Arbitrary arrests attributed to police officers: all politically motivated*

*In this quarter, police officers account for the lion's share of arbitrary arrests, with about 80%, and all are politically motivated. The targets are mainly CNL supporters, members and officials. The latter are arrested individually or in groups, the largest of which is that of 31 persons arrested during the same operation in the commune of Nyamurenza, in the province of Ngozi. During the period of voter registration for the 2020 general elections, some observers in polling stations were targeted by these arrests or others like this dame member of the Electoral commission in the province of Bururi, member of the CNL, who denounced the overrepresentation of activists of the party in power in the communal commissions. In several cases, police officers have acted with the assistance of the militia in either arresting or designating persons to be arrested.*

On 4 October 2019, on Karonda Hill, in the municipality and province of Rumonge, police officers arrested five people, including four teachers, all known to be members of the opposition CNL party. Before they were arrested, they were all appointed to the police by members of the ruling CNDD-FDD imbonerakure militia, accusing them of holding a night party meeting.

Clearly, these arrests are arbitrary and politically motivated on the basis of false accusations by militiamen of the ruling party.

On 13 November 2019, in Nyamurenza commune, Ngozi province, police officers arrested at least thirty-one (31) people believed to be CNL party activists. Of those arrested, 13 were detained in the police cell of the Marangara commune of the same province. He is Emmanuel Ntirandekura, Zidane Ishimwe, Vincent Ndayisaba, Elias, Sibomana, Innocent Ciza, Daniel Rwaswa, Fabien Miburo, David Rwaswa, Gabriel Colloquium, Emmanuel Rwaswa, Emmanuel Karenzo, Stephen Kabura and Genevieve Niyimpaye. The other members of the CNL party arrested were detained in the urban centre in Ngozi (10), 5 in the Nyamurenza commune (5) and (3) others in the Gashikanwa commune. During the arrest operations, witnesses reported that the communal administrator of Nyamurenza and the head of the imbonerakure militia of the ruling party CNDD-FDD in the commune of Ngozi were personally involved.

All these arbitrary arrests were based on the political affiliation of the victims, a sign of the intolerance displayed by members of the ruling party towards people considered to be members of the political opposition.

On 28 November 2019, on the Ndago and Mago hills of Nyabitsinda commune in Ruyigi province, police officers arrested at their homes Eric Mpawenimana, Bernard Nduwimana, Léonidas Bizimana, Marcelline Bucumi and Divine Nduwimana with her baby. The operation was conducted by the Nyabitsinda communal police commissioner and the local leader of the imbonerakure militia named Viateur Nizigama. All arrested persons are deemed to be members of the CNL party. They were arrested five days after a brawl between members of the CNL and Imbonerakure militiamen that occurred after the latter had been provoked.

These arbitrary arrests were, in a way, reprisals against members of the opposition, in which the complicity of police officers is evident. According to local sources, Ms. Marcelline Bucumi and Ms. Divine Nduwimana with her baby were arrested in place of their husbands who had fled before the arrest.

On 8 December 2019, Police officers arrested Philippe Bucumi, Chadrak Niyonkuru, Eric Nshimirimana, Élie Ntakirutimana, Salvator Bivugire and Emmanuel Ntahonsangiye, all known to be members of the opposition party CNL, on Kanazi Hill in the commune of Musigati, Bubanza province. They were accused of having painted the previous day the permanence of their party, which was to be officially inaugurated.

As in previous cases, these are arbitrary arrests orchestrated by members of the ruling CNDD-FDD party. In addition, witnesses reported that during the arrests, police officers were assisted by the militia's deputy chief imbonerakure and The Hill chief and his deputy.

### *3.2. Arrests attributed to SNR agents: clear political motives*

*Like the police, the arbitrary arrests carried out by intelligence agents targeted persons considered to be members of the political opposition (CNL, RANAC ) or targeted persons of Rwandan origin or accused of being in contact with the Rwandan government or Burundian armed groups believed to be there. SNR officers are becoming less and less involved in routine arbitrary arrests, leaving the bulk to police officers and militiamen. During the period under review, only four cases of abuse were attributed to them, the details of which are set out below.*

On 7 November 2019, in Kiriri quarter, in Rohero zone, Mukaza commune of the town hall of Bujumbura, Agents of the National Intelligence Service abducted Lambert Bibonimana near his home. The young man was returning at the time of his arrest by the officers who took him in a vehicle with tinted windows. The victim of abduction is the son of Léonce Ngendakumana, a Burundian political opponent and candidate in the 2020 presidential elections for the Front for Democracy in Burundi (FRODEBU).

The young man was later taken to the dungeon of the Bujumbura police station. He was accused of participating in an attack against zone chief Muyira in Bujumbura province.

On 11 December 2019, in kizingwe-Bihara and Kajiji quarters, all of them in of Kanyosha zone in commune of Muha in the town hall of Bujumbura, National Intelligence service officers arrested Rémy Havyarimana and Patrick Kanyabwero. The first was arrested near his home. Mr. Havyarimana is Secretary of the opposition CNL party in Kanyosha and Mr. Kanyabwero is a collinarian in Kajiji.

These arbitrary arrests all have political bases given the political affiliation and Mr. Kanyabwero, arrested without any other reason, and for the second, the only complaint is that he refused to cooperate in the hunt for and harassment of members of the political opposition.

On 25 December 2019, in Magarama quarter of Gitega municipality and town, Agents of the National Intelligence Service arrested Guillaume Kwizera, 31 years old. According to witnesses, Mr. Kwizera was arrested on his way home from Christmas Mass. The young man is reportedly accused of supplying armed groups in Rwanda.

This is an arbitrary arrest, without warrant or evidence of the charges against the victim. Mr. Kwizera is also known to be a member of the National Rally for development (RANAC), a party supposedly belonging to the political opposition.

#### *3.4. Persecution of persons of Rwandan origin in Burundi*

*The continuing tension between Burundi and Rwanda has led to the regular persecution and arrest of people from and to Rwanda. Some have even gone missing or been murdered. The attack in Marura, in the commune of Mabayi, on 17 November 2019, which the Burundian government attributes to Rwandan troops may have contributed to increasing the level of suspicion against people of Rwandan origin or simply from Rwanda. Three cases which occurred during the period under review are highlighted which testify to the suspicions held by certain elements of the security forces against persons of Rwandan origin or having any link with Rwanda.*

On 27 October 2019, in the centre of the city and province of Gitega, agents of the National Intelligence Service arrested Jean Seburakeye, 61 years old. According to witnesses, this person was arrested without a warrant on his way to work. Mr. Seburakeye has been living in Burundi since he was 2 years old. He studied and founded his family in Burundi.

He was accused of spying for Rwanda and of holding a Burundian identity card. According to his relatives, the victim was briefly imprisoned in the Office of the SNR in Gitega before being taken to the police cell in Gitega. His Rwandan origins are clearly at the origin of these troubles.



According to information received, Mr. Seburakeye was released two weeks after his arrest. On 25 December 2019, police officers made another attempt to arrest him. To escape these persecutions, Mr. Seburakeye was forced to flee his home and the province of Gitega, as well as his family.

On 4 November 2019, Police officers arrested 20-year-old Olivier Nduwayezu on Muzye Hill in Giharo commune, Rutana province. Witnesses reported that this young man, of Rwandan origin, was violently bound before being taken on board.

The police in Giharo did not inform the person concerned of the reasons for his arrest.

On 6 November 2019, on Mparambo I and II Hills, in Rugombo, Cibitoke province, police and military officers raided several households. At least eighty (80) people were arrested during the operation, including 10 people of Rwandan origin who had been living in Rugombo for some 20 years.

The purpose of these arbitrary arrests was to create fear in order to carry out robberies. Several witnesses reported that police officers used these searches to steal property and money. In addition, each of the arrested persons was forced to pay between 2,000 and 5,000 francs for his release. The same witnesses reported that the households of members of the ruling CNDD-FDD party were not searched.

### *3.5. Violations of press freedom: prohibited witnesses*

On 22 October 2019, in Musigati commune, Bubanza province, police officers arrested journalists from the newspaper Iwacu Agnès Ndirubusa, Christine Kamikazi, Aegis Harerimana, Thérance Mpozenzi and their driver Adolphe Masabarakiza. They were on their way to collect information on the earlier reported clashes between combatants who later claimed to be members of the RED TABARA movement and elements of the army and police. Journalists' equipment and phones were confiscated. According to eyewitnesses, journalist Christine Kamikazi was slapped by one of the police officers.

After spending three nights at the police station, the Bubanza prosecutor's office ordered the transfer of these journalists and their driver to Bubanza prison on charges of complicity in an attack against the state's internal security. On 21 November 2019, the Ntahangwa Court of Appeal in Bujumbura City Hall decided to keep the four journalists in prison and release their driver. On 30 December 2019, after a little over two months of unjustified detention, the four journalists were brought before the court. The prosecutor requested 15 years of imprisonment and 20 years of deprivation of civil rights against them. The defendants face a

sentence ranging from 10 years in prison to life imprisonment. Iwacu journalists ' lawyers and many defenders of human rights and press freedom demand, in vain, an outright acquittal<sup>14</sup>.

In view of the way in which the cases were handled, the statement by the president of the Burundian Association of broadcasters seemed emblematic of the authorities ' desire to silence any independent witness. Indeed, "if they remain in prison, this can have repercussions on press freedom in general, as other journalists will be afraid to deal with sensitive subjects for fear of being imprisoned ". The investigations could continue as journalists were free, as they had a well-known address and employer. If they have not been released, the will to tighten the gag of the press is only evident<sup>15</sup>.

## *Conclusion*

The approach of the elections scheduled for 2020 is accompanied by a rise in political tension and intolerance. Sympathizers and members of parties regarded as part of the political opposition paid the heaviest price, led by the CNL. Obviously, the government deploys its repressive forces (Territorial Administration, Police, militia) to mistreat or stifle any initiative supposed to overshadow the party in power and its domination in the electoral competition. To this end, provisions have been put in place to lock in the political and democratic space. Observers monitoring voter registration are on the lookout, and any reports of abuse are severely punished by mistreatment, arrest and imprisonment, as has been observed in a few cases. There is reason to believe that this trend is likely to increase, leading to renewed tensions and political intolerance.

The will to prevent any witness from following the electoral process and to report the facts independently is evident in the leadership. The code for journalists during elections is the most successful manifestation of this. Also, the arbitrary arrest and imprisonment of IWACU journalists is another sign that does not deceive about the will of the government to act without witnesses.

Under these conditions of lack of transparency, the 2020 elections will be neither free nor transparent, and their results, instead of helping to bring Burundi out of the crisis, will only crystallize tensions with a high risk of political violence. Preventing this is an emergency.

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<sup>14</sup> <http://www.rfi.fr/afrique/20191230-burundi-quinze-ans-prison-requis-journalistes-iwacu>

<sup>15</sup> <https://www.iwacu-burundi.org/lassociation-burundaise-des-radiodiffuseurs-plaide-pour-la-liberation-des-4-journalistes-du-journal-iwacu-et-leur-chauffeur/>

## *Recommandation*

### *To the Government of Burundi:*

1. The journalists of the IWACU group: Agnès Ndirubusa, Christine Kamikazi, Egide Harerimana and Terence Mpozenzi, must be released unconditionally and without delay.
2. Put in place the necessary political measures for the organisation of peaceful, pluralist, free and transparent elections to enable 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. Opening up the democratic space by guaranteeing political parties, civil society and the media the exercise of rights and freedoms guaranteed by national, regional and international instruments;
5. Immediately and unconditionally release Human Rights Defenders Germain Rukuki and Nestor Nibitaga, unjustly convicted ;
6. To put an immediate and unconditional end to 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 to prepare the overall framework for it as called for by the Arusha Agreement, in order to put an end to impunity for the crimes of the past, without exception and in full equity ;
7. Cooperate fully with human rights mechanisms at the national, regional and international levels in the implementation of human Rights Council resolutions and collaborate with the International Criminal Court (ICC).

### *East African Community :*

1. Scrupulously respect the relevant conventions to ensure the protection of refugees in the various countries and strictly the principle of voluntary return and put an end to the various and subtle pressures exerted on refugees for this purpose especially by the Tanzanian government;
2. Drawing lessons from the failures of the inter-Burundian dialogue as a sponsor of the Arusha Peace Agreement and involving other multilateral partners in an effective inclusive dialogue among all Burundian actors with a view to consolidating the achievements of the fundamental principles of the Arusha peace and reconciliation agreement signed in 2000 and the 2005 constitution ;
3. Take coercive measures, including the use of an embargo, to ensure that the Burundian government accepts an inclusive negotiation without preconditions, as the stubbornness of Pierre Nkurunziza constitutes a threat to peace not only in Burundi

but also in the region, and entails risks to the stability of the East African Community (ECA).

*To the international community:*

1. Take the necessary economic, political and diplomatic steps to ensure that the government of Burundi complies with its international commitments, and make a concrete and verifiable commitment 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 begun 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 the United Nations mechanisms and the ICC;
  4. Closely monitor the human rights situation in Burundi, taking into account the risk factors developed by the International Commission of inquiry to prevent massive human rights violations.
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