



SOS - TORTURE / BURUNDI

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

Quarterly Report on Human Rights Situation In Burundi

From 1st January to 31st March 2018



Burundi: "Yes" referendum, lead scree on the country

May 2018

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1. Introduction

In Burundi, human rights situation in the first quarter of 2018 remains very worrying and continues to deteriorate in the running-up to the constitutional referendum scheduled for May 17, 2018. Indeed, more than half past two years after the outbreak of the crisis in April 2015, the political climate remains tense, as evidenced by the recent report presented by the Secretary General of the United Nations on 25 January 2018 who confirms *that "the Government continues to seek a revision of the Constitution, which exacerbates tensions with the opposition. Embarrassed by mistrust between the Government and the opposition, efforts at the regional level to bring together parties to the conflict have yielded no results yet. Rather than seeking common ground, parties continue to quarrel over the process of dialogue¹ ».*

This situation is the basis of recurring and systematic violations dominated by attacks on physical integrity of individuals and their freedom. These are mainly cases of murder, torture, kidnapping and forced disappearances as well as illegal and arbitrary arrests, most often attributed to law enforcement officials and increasingly to imbonerakure militiamen. All this with impunity.

The launching of the constitutional referendum by President Pierre Nkurunziza, on December 12, 2017, the day after the failure of the last round of dialogue (November 27-December 8), with the sole objective of breaking the deadlock of the presidential term limits, is accompanied by a systematic campaign of terror to stifle any discordant voice or supposed to be. This terror is clearly intended to compel the entire Burundian population to vote in favor of the draft constitution and dissuade anyone who could preach otherwise. This is why activists of the political opposition, presumed opposed to the referendum are the most targeted by the government and its instruments of repression. They are mistreated, harassed, arbitrarily arrested or abducted².

To ensure that all Burundians of voting age will do so, the registration receipt is required at all times. According to several concordant testimonies, pressures of all kinds were exerted notably in the markets, high schools and colleges by the administration, the police and the youth league of the ruling party, Imbonerakure. High school students were thus dismissed from their schools until they had registered. The administration also threatened those who

¹ United Nations Security Council (UNSC), Report of the Secretary-General on the situation in Burundi (S / 2018/89), <https://reliefweb.int/report/burundi/national-secretary-report-on-the-situation-at-burundi-s201889>, January 25, 2018

² International Federation of ACAT, statement at the 37th session of the Human Rights Council, [http://sostortureburundi.org/wp-content/uploads/2018/03/Item-4-CoI-Burundi-D% C3% Declaration-FIACAT-with-CCPR-Center-OMCT-and-Trial-interna.pdf](http://sostortureburundi.org/wp-content/uploads/2018/03/Item-4-CoI-Burundi-D%C3%BC3%20Declaration-FIACAT-with-CCPR-Center-OMCT-and-Trial-interna.pdf), Geneva, March 13, 2018.

did not have a registration receipt to no longer have access to administrative documents or medical care. All these elements tend to show that it is a forced enlistment of voters³.

Forced contributions are required to everyone, without exception. For public service employees, there is a withholding from their salary at source. The protests of the employees unions did not have any effect because they ran up against the firmness and the repression of the authorities. In this context, any protest is quickly repressed, as was the case for at least seven (7) nurses from Kinyinya commune, in Ruyigi province, who were arrested for peacefully protesting against the forced withdrawal of their salaries from these workers for those contributions to elections⁴. Sometimes, civil servants are also forced to contribute doubly. Thus, their forced contributions are deducted from their wages at source by the managers of the public service and they are moreover obliged to contribute in the provinces where they are affected by the local authorities⁵. To ensure a full mobilization of voters and the financial contribution required, the government uses the imbonerakure militiamen, who in several parts of the country have closed markets, schools and health centers to request that voters go to register. In addition, barriers have been erected by the police and imbonerakure at the entrance of markets or on public roads to control the possession of registration and financial receipts. Many people said they went to register or pay to avoid retaliation.

This period was also marked by the demotion of the status of the National Independent Human Rights Commission (NCHR) from A to B at the November 2017 session of the Subcommittee on Accreditation of National Institutions of Human Rights (NHRI). This process was initiated in December 2016. The CNIDH was formally notified of this decision on 24 November 2017. According to the rules of procedure, all appeals must be exhausted after 48 days from the date of notification of the decision to the institution. This deadline ended on January 11, 2018.

The CNIDH-Burundi is criticized for its lack of independence, the minimization of serious human rights violations committed in the country or the lack of cooperation of this institution with the Office of the High Commissioner for Human Rights and the commissions of inquiry on these violations⁶.

³ VOA, massive registration for the May referendum and the 2020 elections in Burundi
<https://www.voafrique.com/a/inscription-massives-for-the-referendum-of-may-and-the-elections-of-2020-at-burundi4262095.html/>

⁴ Report SOS-Torture n° 110, <http://sostortureburundi.over-blog.com/2018/01/report-n-110-of-sos-torture/burundi-publish-on-20-January-2018.html>

⁵ Rapport SOS-Torture n°113, <http://sostortureburundi.over-blog.com/2018/02/rapport-n-113-de-sos-torture/burundi-publie-le-10-fevrier-2018.html>

⁶ RFI, It is now final, the National Commission independent of human rights of Burundi, the CNIDH, lost its status A, a label given to the National Commissions which proved their independence compared to the powers in place, according to the principles of an international agreement signed in Paris, which gave it great prestige, <http://www.rfi.fr/afrique/20180306-burundi-onu-retrograde-statut-cnidh-independance>

Moreover, this commission has been compromised by its indifference to the multiple violations of human rights by agents of the government and their accomplices. Not only did it not cooperate with civil society, it also worked to suspend and cancel some Burundian human rights organizations, demonstrating independence in their work. In addition, various public statements by the CNIDH President and some Commissioners have repeatedly relayed the discourse of the government and the ruling party, characterized by a proven tendency to minimize or even silence the human rights violations denounced by organizations. Burundian human rights and other mechanisms for the protection of human rights at the regional and international levels.

In a context in which national mechanisms designed to protect and promote human rights do not work or fall under norms, especially in a context of impunity and the instrumentalization of justice, violations of human rights can only continue and systematize. The terror campaign instituted to make the draft constitution voted by force is an aggravating factor.

In the first quarter of 2018, SOS-Torture recorded 26 killings, 26 cases of torture, 226 arbitrary arrests, 29 illegal arrests, 15 cases of forced disappearances and 10 attempted murders. In all these cases, the main victims are the members of the opposition political parties, and in particular FNL militants loyal to Agathon Rwasa, and also with regard to the forced disappearances, the members of the FAB (Burundian Armed Forces), retired or active.

2. Infringement to the right to life and physical integrity

In the first quarter of 2018, multiple physical attacks were committed by the imbonerakure militiamen and law enforcement agents. The observation is that the imbonerakure dare more and more and become the real masters of the field, day and night. They arbitrarily attack people often for political reasons, but also sometimes private, at their discretion. For example, someone can be arrested or tortured because imbonerakure officials judge that his participation in the night rounds is not enough. The various cases noted show that imbonerakure are about to introduce their law, with the complicity or collaboration of the administrative and the police. Several cases of attacks on life and physical integrity are attributed to imbonerakure militiamen in various parts of the country. The perpetrators of these abuses are well known but are generally not prosecuted. In some cases, the inhuman and degrading treatment inflicted is lethal, in others it is severely disabling. Imbonerakure are also cited for responsibility for forced disappearances in various parts of Burundi, alone or with the complicity of law enforcement agents.

But SNR police and police services and agents are also pointed out for various abuses: assassinations, torture, some of which resulted in death and forced disappearances. Some people who were formally arrested and detained died as a result of mistreatment. During the

period under review, several allegations of torture were made by SNR agents. The case that hit the headlines is that of Simon Bizimana, arrested on 14 February 2018 in the province of Cankuzo on the grounds that he refused to enlist as a voter for the constitutional referendum. According to concordant information received, the detainee was detained and tortured by agents of the National Intelligence Service (SNR) and the police and these tortures caused his death on 17 March 2018. A video that circulated a lot on the networks showed the victim on his knees (see photo on cover), after his arrest, holding a Bible, and explaining his refusal to enlist by his religious beliefs. The police denied responsibility for her death, which said was due to malaria, saying he was released in good health. The police published on his Twitter account, rare thing, the medical certificate of the victim. However, several witnesses reported that Mr. Bizimana was allegedly deposed by police agents at Cankuzo hospital, unconscious and dying, on 14 March 2018.

Several lives were also brought away by grenade attacks and other incidents. Also, as in previous periods, the group of former ex-FAB soldiers and non-commissioned officers continued to be the target of harassment, forced disappearances and killings.

With regard to violence against girls and women, six cases of rape have been reported. In two cases, the victims were also murdered by their attackers.

2.1. violations against the right to life and physical integrity attributed to Imbonerakure

The examples that are highlighted illustrate the unlimited power of the imbonerakure militiamen in controlling the population and the territory. This "absolute" power leads them to commit all kinds of abuses with impunity. In this context, these militiamen allow themselves to inflict inhuman and degrading treatment as they wish and on anyone, according to their appreciation. This is often based on political motives but sometimes private and/or villainous. These abuses have repeatedly caused death or severe deterioration of the health status of the victims. Militiamen are also involved in enforced disappearances.

2.1.1. violations to the right to life by militiamen Imbonerakure

On January 2nd, 2018, on Bugiga hill, Bukemba commune, Rutana province, a named Manirakiza was assassinated. According to witnesses, the victim was reportedly arrested by a group of imbonerakure militiamen, accusing him of stealing a sunscreen. These militiamen first shot his eyes and then beat him to death. The victim's body was then sent by his executioners to his residence at Kibinzi hill.

Subsequently, no suspects were arrested. This is also a case of popular justice among many others, attributable to the imbonerakure militiamen. Most of their actions enjoy total impunity.

On 22 January 2018 on Mubavu Hill, Bweru Commune, Ruyigi Province, a man identified by the nickname "Kamotsi" was killed. He had a hearing impairment that was known to many local residents and was working as a servant with local catechists. The young man was murdered with clubs by a group of imbonerakure militiamen. The latter tried to pass the crime for a case of popular justice claiming that the victim had been caught in the act of theft. According to the witnesses, the executioners put on the victim's body a police suit and a bayonet to make him look like a criminal. Police have not identified any suspects to date.

On February 24, 2018, two bodies of men were found on Gatete Hill, Busoni Commune, Kirundo Province. One of the victims was identified as René Pacifique Ntwari, a 22-years boy from Busoni commune. The second victim was beheaded, which did not allow his identification. According to Rene Pacific Ntwari's relatives, he returned from exile from Rwanda. He was said to have fallen into a trap set by a group of imbonerakure militiamen on patrols on the day he arrived in Busoni commune, bordering Rwanda. These militiamen would have tried to cash the life of the young man before killing him.

The police did not arrest any suspects or identify the second victim. These patrolling militias are well known to the local authorities and police. Then, the inhabitants of this area constantly denounce the abuses of these militiamen, without result.

2.1.2. violations of physical integrity attributed to Imbonerakure militiamen

On January 8, 2018, on Kigazi Hill, Murwi Commune, Cibitoke Province, members of the Imbonerakure militiamen tortured Jean Petit Ntakirutimana. According to witnesses, the young man was taken by a group of militiamen who were conducting night patrols. They beat and injured him, accusing him of not helping them with night patrols.

The victim, in critical condition, was saved only by the intervention of her family members who evacuated her to a health center. The witnesses clearly identified the leader of the attackers but the police have so far done nothing to prosecute those responsible for this attack.

On 6 February 2018, in the same province of Cibitoke, Buhayira Hill, Murwi commune, members of the imbonerakure militiamen tortured Jonathan Nzobonimpa, a well-known opposition FNL party activist, wing led by Agathon Rwas. After ambushing him, his attackers beat him until the victim lost consciousness. The man's fault is that he was suspected of campaigning against the draft constitution. The police have not taken any action to find those responsible for these acts.

On the same day, at Nyamigina hill, Kinyinya commune, Ruyigi province, a group of imbonerakure militiamen led by Pierre Nzigo tortured a man who could not be identified by the witnesses. This man was returning to his home when he was intercepted. After the tortures inflicted on her, the victim was taken to the police cell in Kabanga zone and detained there. She was released early the next morning in a critical state of health, and her belongings were stolen by members of the imbonerakure militiamen. This is just one example of police complicity with members of the imbonerakure militiamen. The police condoned the abuses committed and protected their perpetrators, leaving them free from prosecution.

On February 9, 2018, on Ruharo hill in Nyabitsinda commune, Ruyigi province, a group of imbonerakure militiamen tortured Jean Citegetse, nicknamed Mai-Mai. The latter was returning home when he encountered patrolling militiamen who caught him and subjected him to inhuman and degrading treatment. Mr. Jean Citegetse was left in critical condition after being beaten.

The leader of this group, a certain Ferdinand Kanani, was identified by witnesses. Moreover, the latter is cited in many human rights violations but enjoys total impunity⁷.

2.1.3 Forced disappearances of an FNL member attributable to Imbonerakure

On 6 February 2018, on Carurambo hill, Ntega commune, Kirundo province, members of the imbonerakure militiamen abducted Jean Pierre Mushengezi from his home. The witnesses report that the kidnappers were sent by the leader of the ruling party of Ntega commune, Jean Marie Mugumyankiko, as well as the head of the imbonerakure militiamen of the same commune, Alphonse Ntereke. According to his relatives, the victim is a member of FNL opposition party. He was accused of carrying out an awareness campaign against the draft constitution. At the time of his arrest, Mr. Mushengezi was subjected to beatings and then taken to an unknown destination.

His relatives found his shirt near the Kanyaru River separating Burundi and Rwanda. The police have not yet done anything to prosecute the perpetrators of this act.

2.2. Torture and forced disappearance attributed to agents of the National Intelligence Service (SNR)

⁷ See the SOS-Torture Burundi reports n° 86 and n° 99: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-86-en-Fr-1.pdf> et <http://sostortureburundi.over-blog.com/2017/11/rapport-n-99-de-sos-torture/burundi-publie-le-4-novembre-2017.html>

In addition to the case of Simon Bizimana in which agents of the SNR and the Police are suspected of having subjected him to torture that led to his death, there is also that of the Juma, deceased, while he was arrested by SNR agents. The latter are still pointed out in several cases of forced disappearances.

On January 8, 2018, Maurice Juma died of injuries in a police cell of Muyinga. The victim was arrested a few days earlier as part of a double homicide investigation. According to the information received, Maurice Juma has succumbed to torture inflicted by agents of the national intelligence service.

No action has been taken to determine the circumstances and responsibilities of the death of Maurice Juma. The agents presumed to be responsible for this death are still in their position and free from their movements.

During the week of January 27 to February 3, 2018, National Intelligence Service (SNR) agents abducted Jonas Uwimana and Johnson Nzobarimpa from their whereabouts at Cibitoke Provincial Police Station. According to their relatives, the two young men were arrested on Buhayira hill, Murwi commune, Cibitoke province, a few days earlier, accused of "participation in armed groups".

Witnesses reported that Jonas Uwimana and Johnson Nzobarimpa were violently tied up and loaded into a pickup truck belonging to the head of Cibitoke's National Intelligence Service. Their destination was not communicated to relatives. The safety of these two men is the responsibility of the SNR.

On February 18, 2018, in Rugombo commune, Cibitoke province, agents of the national intelligence service kidnapped Thaddee Mbarushimana. Witnesses testified that agents Anaclet Bikorimana and another nicknamed 'Maboulo' went to the workplace to pick up the victim at the Rugombo market where Mr Mbarushimana was a butcher. Since that day, this man is missing in all the official cells of Cibitoke province. No communication was made by this service to clarify the situation of Thadée Mbarushimana.

2.3. Ex-FAB members continue to be targeted for killings and forced disappearances

Several soldiers from the former FAB have been the victims of harassment, forced disappearance, summary executions and torture since the beginning of the crisis in 2015. Many have been pushed into exile and continue to do so to make themselves

safer abroad. During the period under review, two active ex-FAB soldiers were reported to have been the victims of forced disappearances. Another narrowly escaped the death after being tortured. Their cases are presented below. A fourth soldier by the name of Mberamiheto, from Kirundo, was forced into exile to escape from threats he faced for several months after the assassination of his cousin, Serge Barutwanayo, a former administrator of Kirundo, murdered on November 28, 2018. Some illustrative cases are highlighted.

On January 18, 2018, on Kiyazi hill, Vugizo commune, Makamba province, the body of the so-called Martin was discovered, obviously victim of assassination. The deceased was a police agent from the former Burundian Armed Forces (FAB). The Police have not identified any suspects to date.

On January 24, 2018, on Songa Hill, Gitega commune and province, Mr. Jean Marie Ndabagiye was found in critical condition. According to witnesses, the victim was tied up when she was found and had violent marks of torture on her body.

Mr. Ndabagiye is a soldier from the former Burundian Armed Forces (ex-FAB). He was not seen for two days. The Police have not identified any suspects to date.

On March 13, 2018, in the center of Ngozi town, Pascal Ngendakumana was abducted by unidentified individuals. He was on leave and had just shared a drink with friends. The person concerned was a serving soldier stationed in Rukoko, Gihanga commune, Bubanza province.

The Police and local military authorities have not communicated anything about this kidnapping. The experience of this type of situation raises the risk of forced disappearance and execution.

About two weeks later, on March 25, 2018, in Bujumbura, near the so-called "Chez Siyoni" market, another ex-FAB soldier, Master Corporal Rubin Ndayikeza, was abducted by unidentified persons. This soldier, who was still working as a driver at the Ministry of National Defense, had answered a fixed appointment following a phone call. He never reappeared.

2.4. Forced disappearances by unidentified persons

Forced disappearances are one of the abuses that became recurrent during the crisis that began in 2015. A few cases of disappearances reported are repeated here. If

their authors remain unidentified, many presumptions weigh on the SNR whose modus operandi is well known. What is common around these disappearances is that the police remain silent or announce the opening of investigations without results.

On February 8, 2018, in the center of Bujumbura city, nonidentified individuals abducted Ladies Theodosia Ahishakiye (aka Aimée Ncuti) and Rehema Kaneza. The two women were returning from their workplace at the time of their abduction. The judicial police were seized by relatives of the victims and could arrest a suspect. The second suspect was not arrested because he would have been protected by a "high-ranking police officer". . But the arrested suspect was subsequently released on the orders of the Attorney General. Following the interferences of high ranked persons in this case, the police reportedly gave up the pursuit of investigations.

On February 10, 2018, in Musaga Zone, Muha commune of Bujumbura Town Hall, unidentified individuals abducted Pascal Bigirimana, not far from his home. Mr. Bigirimana is a retired Burundian police. After this abduction, no investigation was conducted to establish the facts and responsibilities. Based on the modus operandi used, relatives of the victim have a strong suspicion of National Intelligence Service agents being the perpetrators of this abduction.

The case of J.M. Arakaza is emblematic of the most common mode of operation in the abductions made public. The man was kidnapped on March 3, 2018, around 9 am in the morning after answering a phone call from his friend. He was reportedly abducted just after his arrival near the Burundi brewery in Bujumbura Town Hall. Since then, the victim remains untraceable in Burundi's jails and official detention centers. No certainty about the motives and perpetrators of this kidnapping, but many eyewitness accounts agree that the perpetrators of this kidnapping were identified as SNR agents.

2.5. Persistence attacks and incidents on grenade

Several targeted grenades attacks were reported during the period under review. Apart from the activism of politically motivated armed groups, grenade attacks are recurrent and are likely to be used in revenge and settling scores.

On January 12, 2018, on Rambo hill, Kirundo commune and province, a grenade was thrown at André Nteziryayo's home. His wife Nivelles Ngendakumana and her 3-years child died on the spot. The husband was seriously injured during this attack.

The police have speculated that this attack would be motivated by land conflicts. In this context, the police arrested (3) three members of the victims' family. However, relatives of this family reported that a few weeks before the attack, Mr. Nteziryayo was subjected to persecution and arbitrary arrest following his refusal to join the ruling party CNDD FDD in Kirundo.

On February 25, 2018, in Cibitoke zone of Ntahangwa commune, Bujumbura city, a grenade was thrown at the Petrol station service located at 15th Avenue. The craft injured four (4) persons. Many similar attacks took place in the city of Bujumbura and could be linked to acts of sabotage with political motives. The Police announced the arrest of a suspect, without revealing his identity.

During this period, four other grenade attacks were perpetrated, two in the south of the country, in Magara, Rumonge, and another in Munini, Bururi province. These two attacks did not cause human damage. Two other grenade explosions in Kavomo, Kirundo Province and Kinama, Bujumbura City, each injured.

2.6. Violations of the right to life and sexual violence

Six cases have been reported of which the victims are underage or adolescent girls. In one case, the victim was raped and killed. Suspects could be arrested, the remaining challenge being to overcome social gravity to prosecute the perpetrators of such crimes and punish them in accordance with the law.

On 4 and 5 January 2018, two incidents of rape were committed in Bubanza Province, at Gahongore Hill and Buhororo II, respectively, in Bubanza commune, aged 19 and 18 years. The police arrested two alleged perpetrators in both cases. However, the same police announced the escape of one of the suspects, the same day.

On January 18, 2018, on Munanira Hill, in Musigati Commune, Bubanza Province, an individual raped a 7-year-old girl. A suspect was arrested. This is a 15-years boy from Muhanga commune, Kayanza province.

On March 23, 2018, on Muhweza hill, Muramvya commune and province, the body of Bélyse Ndayikengurukiye, a girl who was 13 years old, was discovered. According to the relatives of the victim, the girl was raped before being murdered. Since then, no suspects have been identified yet.

The last reported rape occurred on March 29, 2018 on Rusunu Hill, Musongati area and commune, Rutana province. The victim is a 12-years girl. His alleged attacker is Methode, an imbonerakure militiaman. After this act, the alleged rapist was caught

by other militiamen who beat him to "correct him" and handed him over to the Musongati police, who then opened a criminal case.

3. Violations of the right to liberty and physical security

The constitutional referendum campaign exacerbates the climate of tension, fear and suspicion in which the power, its satellites and its instruments of repression are doing everything to terrorize the population, so that everyone is on the roll, and no one dares 'to oppose himself. To this end, all means are good such as intimidation, harassment, threats, kidnapping, torture and cruel, inhuman or degrading punishment or treatment "and massive arrests, most of which are aimed at those considered as opponents the most targeted are the FNL members of the branch led by Agathon Rwas.

In this crackdown, the national police agents beat the record of violations followed by Imbonerakure and the agents of the national intelligence service. The agents of each service or group act alone or in coalition with others. Apart from unlawful and arbitrary arrests, the police and the SNR have committed violations of the right to liberty, the freedom to come and go and even freedom of worship.

The abuses of members of the imbonerakure militiamen were frequently legitimized by police or SNR officials by detaining people illegally arrested by these militiamen. Sometimes, some police agents turn a blind eye to the abuses committed by imbonerakure and sometimes even protect their perpetrators from prosecution. It is with this protection, and the resulting power, that some militiamen are constantly expanding the scope of their abuses. For example, Makamba's imbonerakure stopped the governor of Rutana and his driver in February. After mistreating them, they released them after taking their mobile phones. The troubles of this governor could have a political motivation when this one is a member of the FNL, the branch of Agathon Rwas. During this period, two police attacks by imbonerakure took place, as well as that of a magistrate of the Bururi High Court, who was rescued by the president of that jurisdiction.

During the first quarter, some professional and denominational categories were targeted by the crackdown. In various parts of the country, teachers have been arrested on suspicion of campaigning against the draft constitution. Also religious people or groups were targeted for their religious activities suspected of being a cover for propaganda against the referendum. Thus in January, 90 persons in Ruyigi prayers, belonging to a Marial group were arrested and detained for forty-eight hours (48h) while all authorizations had been obtained. In the same province, in Butanganzwa commune, a woman named Léa was also arrested and detained on the grounds that her church would urge the faithful not to enlist in the referendum. In this deleterious political atmosphere, opposition leaders are also mistreated like the members of the FNL. Also, Léonce Ngendakumana's home has been surrounded and

searched and this is happening for the fourth time. Police said it was looking for weapons. Given frequent positions against the power in place defended by the concerned, including the referendum, the assumption that it is a maneuver credible intimidation.

Throughout the country, the imbonerakure are the spearhead of terror and engage in multiple abuses either to impose the party or to terrorize in favor of the referendum or for other reasons of their own. For example, in March, in the Nyagasha and Karindo hills of Nyabitsinda commune, Ruyigi province, these militiamen with clubs and police raincoats started arresting and hitting anyone who was not a member of the ruling party, with impunity.

3.1. Violations of the right to liberty attributable to the police

Some thirty arbitrary arrests attributable to the police have been reported. These arrests have targeted both single individuals and groups ranging from 2 to 90 persons, about half of whom are members of the FNL, the branch headed by Agathon Rwasa. So :

On 6 January 2018, on Kirengane Hill, Rugazi commune, Bubanza province, police agents arrested Christophe Nyabenda (known as Gasabune), Jean de Dieu Bigirimana, Irakoze, Habonimana and Egide Ndayiragije. All five (5) men are activists of the FNL opposition party, the branch headed by Agathon Rwasa. They were all arrested at their respective homes. The police accused them of organizing an unauthorized meeting.

These arrests are clearly part of the crackdown on opposition activists, especially members of the FNL, since the official launch of the draft revision of the Constitution and especially the announcement of the referendum to be held on 17 May 2018.

On January 13, 2018, in Kinyinya commune, Ruyigi province, police agents arrested seven (7) nurses. According to witnesses, these nurses held up signs protesting the compulsory contributions forcibly removed by the authorities on their salaries.

The police accused them of unauthorized protest. These arrests are arbitrary, as the law governing demonstrations does not require prior authorization, since people have peacefully demonstrated with signs at their workplace. These nurses, just like other categories of the population and employees are forced to contribute between 5,000 and 10,000 francs each month on their income. These forced contributions are

imposed throughout the country and at all levels. These nurses were released after four days of detention on January 17, 2018⁸.

Attacks on freedom of movement also occurred, some of which targeted groups of travelers. For example, on January 16, 2018, on Magara hill in Bugarama commune, Rumonge Province, police officers arrested ten (10) young men on board a public transport bus. These young men came from different localities in Burundi, including Mukike, Bugarama and Burambi communes. The police accused these young people of wanting to travel to Tanzania without travel documents. Also, on March 12, 2018, nine (9) young men traveling to Rwanda were arrested by the police and SNR agents, accusing them of traveling to join armed groups.

3.2. Arbitrary arrests attributable to the SNR

During this period the number of arrests attributed to the SNR agents is relatively small compared to those carried out by the police and the Imbonerakure, but almost all the arrests are politically motivated or aim to annihilate people, who by their expertise or their membership, are considered to be able to lend a hand to the enemy. Ex-FOB military and police officers fall into this category. Here are some examples to illustrate.

On 16 February 2018, in Cendajuru commune, Cankuzo province, agents of the national intelligence service arrested Luc Ndayiragije. The latter was arrested at his service as an agent of the organization Solidarity for the promotion of development (SOPRARD), accused of sensitizing the inhabitants he framed against the draft constitution that will be presented in the referendum.

In addition to the testimonies collected implicate these accusations, legally raising awareness of the rejection of the draft constitution does not constitute an offense under Burundian law. This arrest violates the country's constitution and illustrates the anti-democratic drift currently underway in Burundi.

On February 20, 2018, in the capital of Karusi province, agents of the national intelligence service arrested a doctor named Claude Niyongere. According to his relatives, this doctor allegedly shared on social networks (whatsapp) a photo montage of the president of the ruling party CNDD-FDD, wearing a cap calling to vote "no", the constitutional referendum of May 2018. Dr. Niyongere n was not the author of this photo montage, which circulated on many social networks of Burundians. Dr. Niyongere was transferred on 22 February from Karusi to Gitega Prison and released on 16 March 2018.

⁸ See the report *Sos-Torture Burundi N ° 109*: <http://sostortureburundi.org/wp-content/uploads/2018/01/SOS-Torture-Burundi-num%C3%A9ro-109-en-Fr.pdf>

On March 28, 2018, in the center of Bujumbura city, agents of the national intelligence service arrested lawyer Ladislas Ndayiragije near his office where the lawyer had just left after a phone call. Police announced that Mr. Ndayiragije had been arrested for "undermining the internal security of the state", as well as two (2) other alleged "accomplices" not named by the police in his message posted on Twitter. The attack on the internal security of the State is a charge regularly used by the Burundian security services to justify arrests of a political nature.

On the same day, in the town of Bujumbura, the SNR was arresting Corporal Janvier Bizimana, a serving soldier, assigned to the Kirundo camp, currently serving in Bubanza province. Since this arrest was not made public by the police, the risk of torture or even enforced disappearance is plausible, as happens repeatedly in similar cases..

3.3. Attempts against the right to liberty and physical security attributed to Imbonerakure

The imbonerakure are strongly implicated in the terror imposed in favor of the change of constitution. During the period under review, imbonerakure comes in second place in terms of arrests which in their case are illegal. Very often these are accompanied by inhuman and degrading treatment. Those arrested irregularly are often handed over to the police or the SNR who places them in detention, legitimizing the de facto authority conferred on imbonerakure and the abuses they commit. Here are some examples to illustrate these facts.

On January 3, 2018, in Rugombo commune, Cibitoke province, members of the imbonerakure militiamen forced Paul Ntahimpera to live in hiding for at least a week after he was arrested and beaten by these militiamen. The victim is a driver at the Société Burundaise de Gestion des Entrepôts and Assistance des Avions en Escale (SOBUGEA). He is also a demobilized from an old armed movement, who returned to civilian life after the maquis.

On January 9, 2018, in Rutana, members of the imbonerakure militiamen illegally arrested Mamerthe Haruna. According to the information received, this teacher was beaten by these militiamen in front of her students before being arrested. The militiamen demanded that the teacher report to the police. However, Rutana's police had not issued a warrant or summons to this person.

On 25 February 2018, on Muriza Hill, in Butaganzwa commune, Ruyigi province, a group of imbonerakure militiamen arrested Clement Ruhaza, accusing him of insulting the institutions. After this illegal arrest, the militiamen took Mr. Clement Ruhaza to the police agents of Muriza zone who put him in detention in the cell of that zone, without a warrant

or file incriminating him. The victim was released the next day after being forced to pay 50,000 francs to Butaganzwa commune officials.

On March 2, 2018, on Murambi Hill, Gatara Commune, Kayanza Province, a group of imbonerakure militiamen arrested thirteen (13) teachers, including six (6) women. These teachers had a fight with the principal of their school.

It is an unlawful and improper arrest by people who are not authorized to do so. This group of arrested teachers was detained while they included a pregnant woman and lactating mothers. This example illustrates the increasing power of the militiamen, with the possibility of intervening in an ever-increasing range of cases, including private ones. And these abuses are often legitimized by high ranked authority, administration or members of the security forces.

On 3 March 2018, on Mukerwa hill, Busoni commune, Kirundo province, elements of imbonerakure militiamen arrested Jean Népo Bimenyimana. The latter is the representative of the youth movement of the FNL opposition party on his original hill. He had refused to pay the forced financial contribution for the construction of a local headquarters of the ruling party CNDD FDD, without being a member. After his unlawful arrest, the militiamen handed Mr. Bimenyimana to the Busoni police, who arbitrarily detained him.

3.4. Arbitrary arrests by police and Imbonerakure: a growing complicity

In the terror system established in Burundi, collaboration between elements of the imbonerakure militiamen and agents of the security service, the national police and the intelligence service is an essential means of controlling the country. Just a few illustrative examples of active cooperation between the Imbonerakure and the police are listed below.

On January 12, 2018, in Buganda Commune, Cibitoke Province, elements of the Imbonerakure militiamen illegally arrested five persons. They are Jean Ndikumana, Nsengiyumva, Hakizimana, Nibizi and Nzoyihaya, all known to be activists of the FNL opposition party, headed by Agathon Rwaswa. They were accused of carrying out an awareness campaign for the rejection of the draft Constitution initiated by the Burundian government.

Despite the illegal nature of this arrest, the police agreed to detain the five (5) persons, thus legitimizing the illegality of the acts committed.

On the same day, on Nyabigozi hill, Musongati commune, Rutana province, members of the Imbonerakure militiamen arrested and beaten three people: Bukeyenzeza, Rwayovyve and Mujawaha. The three (3) men were accused of setting fire to a pineapple field owned by the Burundian President.

This case first illustrates the use of violence by members of the imbonerakure militiamen against those they arrest. Then, by substituting themselves to the police forces under the cover of the police, the imbonerakure militiamen enjoy de facto legitimacy while their actions remain reprehensible by law. Indeed, Musongati police agents agreed to take into custody the three (3) men illegally arrested without a record.

On March 13, 2018, on Nzozi hill, Bweru commune, Ruyigi province, police agents arrested Joachim Nayabagabo. He was arrested in front of his students at Nzozi Basic School where he works as a teacher. During this operation, members of the police were accompanied by imbonerakure militiamen.

The victim was accused of campaigning against the draft constitution that will be submitted to referendum on May 17, 2018. Nayabagabo is known to be an active member of the opposition party FNL, the wing led by Agathon Rwasa.

3.5. Freedoms of expression and press constantly monitored and gagged

The three cases that have occurred are emblematic of the constant monitoring of freedom of the press and the strict control of freedom of expression. Everything that needs to be said or broadcast must be strictly in line with the thinking of the ruling CNDD-FDD party.

For example, on 7 February 2018, the governor of Ruyigi province banned journalist Jean Claude Nshimirimana, a correspondent for Isanganiro radio, from practicing in Ruyigi province. This radio is one of the independent radios attacked after the failed coup attempt of May 13, 2015, but it was re-authorized to broadcast in 2016.

The criticism of this journalist is to have mentioned the forced contributions imposed by the provincial authority to the officials of Ruyigi for the elections, in addition to the deductions made on their salaries at source. Ruyigi governor, Abdallah Hassan, accused the journalist of disturbing public order.

The hostility of the authority to the dissemination of information is symptomatic in the following case occurred in the province of Bubanza: On February 22, 2018, police agents arrested two (2) men including the director of the school Bubanza technical school. The reason for their arrest is to have granted an interview to a media outlet on the content of a meeting hosted by Burundian President Pierre Nkurunziza on February 20, 2018 in Bubanza, content that they had been asked not to communicate. Yet this communication had been made in a public meeting. This arrest is based on mere suspicion, as the journalists who organized the interview did not reveal their sources.

Another violation of press freedom occurred on February 24, 2018 in Giheta commune, Gitega province. There, members of the imbonerakure militiamen assaulted, beat and injured Désiré Sindiheburu, a journalist with the Iwacu press group. These militiamen blamed him for spreading bad news critical of the ruling party or power. No prosecution has been initiated by the police to do justice to the victim, demonstrating the authority's tacit support for these reprehensible acts.

4. Alarming situation in some cells and justice administration

4.1. Arbitrary, irregular or precarious detentions

The situation in some jails and prisons is characterized by non-compliance with the law with regard to extended preventive detention beyond the authorized time limits and their arbitrary character.

4.1.1. Arbitrary detention of Nestor Nibitanga: repression of human rights defenders continues

On January 3, 2018, judges of the Intermediate Court of Mukaza in Bujumbura Town Hall decided to keep Nestor Nibitanga in detention. The latter is a former head of the regional center of the Eastern Center of the Association for the Protection of Human Rights and Detained Persons (APRODH), an association suspended by the Burundian government and several officials have been forced to exile to escape the repression. Mr Nestor Nibitanga was arbitrarily arrested on 21 November 2017 at his home in Gitega. He is incarcerated in the Murembwe prison Rumonge province and prosecuted for undermining the security of the State.

4.1.2. Arbitrary detention extended in Makamba province

A group of people including Lin Niyomukiza, Claude Nshimirimana, Ildephonse Ntihebuwayo and a minor boy Trésor Nkundubumwe have been detained in Makamba province for more than 6 months without having been auditioned by a magistrate. These four (4) people were arrested on September 9, 2017 on Kibago Hill and Commune in Makamba Province after they defended themselves against the violent assault of Kibago's Imbonerakure militiamen⁹. This act has earned them to be accused of undermining the internal security of the state. Their trial was repeatedly postponed by the Makamba intermediate Court without any valid reason and

⁹ Read in the report *Sos-Torture Burundi N ° 95*: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-ume%CC%81ro-95-en-Fr-1.pdf>

without the delivery date being communicated. Article 111 of the Code of Criminal Procedure clearly states that "the appearance before the judge must take place at the latest within fifteen days of the issue of the arrest warrant. After this period, the accused is allowed to seize by the application of the court of competent jurisdiction to rule on the preventive detention, all prejudice of disciplinary and penal sanctions of the investigating magistrate defaulter " This is clearly an arbitrary detention, especially since, during these six months, no prosecution witnesses were presented by the public prosecutor.

4.2. Functioning of justice and interference of the executive in its operation

4.2.1. An arbitrarily detained student finally released

On February 15, 2018, student Philbert Ninganza was released in the city of Bujumbura. He was arbitrarily arrested on 6 February 2018 by soldiers on Mukara Hill, Mugamba Commune, Bururi Province. Since his arrest, he has been successively detained in three (3) different jails, namely the Mugamba police station, the army headquarters in Bujumbura and the national intelligence service in Bujumbura. He was accused of being part of a rebel group based in Rwanda¹⁰.

4.2.2. Irregular release of criminals under presidential pardon at the end of the year: concerns and reinforcement of impunity

In its crusade against impunity, civil society had fought for the prosecution of certain suspected criminals, whose crimes were well known to the public. This campaign had taken place before the crisis and had allowed the prosecution and condemnation of some of these criminals, placed at lower levels, those of higher rank continuing to enjoy total impunity. Those tried and sentenced included a certain Patrice Mazoya, a former chief of the Nyabitare zone in Ruyigi province, who was repeatedly accused of torture. He was sentenced in 2014 to fifteen (15) years of penal servitude and to damages.

This was also the case for a police officer Jean Bosco Cishahayo nicknamed "Kabanda", also convicted in 2013 of acts of torture and sentenced to five (5) years of criminal servitude by the intermediate Court of Ruyigi and the Court of Appeal of Gitega. These two people were released thanks to the presidential pardon granted at the end of 2017¹¹.

However, the Decree No. 100/003 of 31/01/2018 holding a measure of pardon, makes it clear that the prisoners concerned are only those whose judgments have been final, but also

¹⁰ See *Sos-Torture report Burundi N ° 113*: <http://sostortureburundi.org/wp-content/uploads/2018/02/SOS-Torture-Burundi-num%C3%A9ro-113-en-Fr.pdf>

¹¹ See the report *Sos-Torture Burundi N ° 33*: <http://sostortureburundi.org/wp-content/uploads/2016/10/SOS-TORTURE-BURUNDI-RAPPORT-N%C2%B033.pdf>

sentenced to sentences of five years or less by the head of the court. all offenses, with the exception of genocide, crimes against humanity, war crimes, armed robbery, illegal possession of firearms, breach of internal and external security State, rape, intentional homicide, mercenarism, terrorism, corruption and related offenses, torture and cruel, inhuman or degrading treatment and trafficking in human beings. The release of these two people is against the law and can be considered as a manoeuver to guarantee them impunity under the guise of presidential pardon.

4.1.3. Two magistrates arrested in Gitega: a perfume of interference in the functioning of justice

On 21 February 2018, in the town of Gitega, the police arrested magistrates Thomas Ntimpirangeza and Prime Habiyambere respectively president of the Court of Appeal of Gitega, and adviser to this same court. They were arrested on the mandate of the Attorney General of the Republic.

According to the information gathered, the two magistrates were arrested because of a court decision rendered, acquitting an accused detainee. He was accused of diverting cement, granted by the Office of the Presidency of the Republic of Burundi for the construction of a stadium in Karusi. The two magistrates were sent directly to the central prison of Mpimba in Bujumbura.

The Attorney General of the Republic issued a press release to clarify that this arrest was made after the opening of an investigation into certain facts that may constitute acts of corruption against these magistrates arrested.

Given the sensitivity of the case because of the quality of the donor, the decision of magistrates contrast the will to punish the alleged thief could be considered a rebel and a non-compliance with orders received. This is reinforced by the fact that in front of the decision taken by the magistrate, the public prosecutor's office had other legal avenues of appeal to challenge the judgment. A signal to other magistrates who would venture to say the right.

5. Conclusion

The first quarter of 2018 is marked by the campaign for the constitutional referendum scheduled for May 17, 2018. The facts gathered testify to a reinforcement of the terror directed mainly against political opponents or considered as such. The members of the FNL, the branch headed by Agathon Rwaso, are those who pay the highest price.

In addition to the "yes" campaign, forced contributions are imposed on all segments of the population. For public sector employees, contributions are withdrawn at source, and sometimes they are forced by some governors to give another contribution in their home

provinces. The funds collected are intended to finance the referendum and the elections of 2020, but nothing has been communicated to publicize the amount needed and the modalities of its management.

The current campaign aims at strengthening the reign of the CNDD-FDD as a single party and President Pierre Nkurunziza, proclaimed meanwhile "eternal guide", as President for life.

To do this, a de facto autocratic system is established by the CNDD-FDD to ensure the control of the territory by the imbonerakure militiamen with the support of the zealous elements of the police and the administration. All free spaces of expression are locked so that multiple violations and abuses continue to be shielded from the spotlight of the media and witnesses, any critical voice being automatically called enemy of the country.

Ongoing developments call for the responsibility of Burundians and the international community to prevent hate speech and the arming of militias from leading to the irreparable. Indeed, calling into question the provisions of the Arusha Peace Agreement, obtained with the help of the international community, which had allowed the country to return to democracy, peace and above all a beginning of the process of national reconciliation. will inevitably lead to the collapse of all these pillars of hope for the Burundian people.

In short, the risk is potentially huge for peace, security, political stability and development of the country and region.

6.Recommandations

6.1. To Gouvernement of Burundi :

1. Guarantee the rights of people living in Burundi in accordance with the international obligations and conventions to which Burundi has subscribed. In this context, stop the campaign of terror in progress for the "yes" vote in the referendum.
2. Put an end to the violence committed by the imbonerakure militiamen and their impunity and to stop without delay all the militiamen's paramilitary training and the distribution of weapons against them.
3. Immediately release all political prisoners detained since the outbreak of the crisis and before and arbitrarily detained human rights defenders.

4. Stop the constitutional referendum process and instead engage in an open and inclusive dialogue to find a lasting and peaceful solution to the ongoing crisis in Burundi since April 2015.

5. Cooperate fully with human rights mechanisms at the national, regional and international levels for the implementation of Human Rights Council resolutions and collaborate with the International Criminal Court (ICC)

6.2. To the East African Community :

1. As a sponsor of the Arusha Peace Agreement and inter-Burundian dialogue, appropriate the facilitator's conclusions and re-launch the inter-Burundian dialogue on another basis, with a view to achieving a peaceful and lasting peaceful outcome in the current crisis.

2. To actively cooperate with other regional and international mechanisms such as the African Union and the United Nations Security Council in the search for a lasting solution to the Burundian crisis.

6.3. To the International Community :

1. Support with all necessary means all peace initiatives and fight against impunity for crimes committed in Burundi.

2. Draw conclusions from the various reports, including those presented by the Secretary General of the United Nations on the gravity of the situation in Burundi, and take the necessary steps to take appropriate measures for the protection of the civilian population.

3. In this regard, continue to closely monitor the situation in Burundi, in particular hate speech, training and arming of the imbonerakure militiamen, and actively engage in the prevention of mass crimes that may be committed in Burundi.

4. Take appropriate measures to urge the Burundian authorities to cooperate fully with United Nations mechanisms and the ICC.