

Quarterly report on the situation of human rights in Burundi

From October 1 to December 31, 2017



Burundi: Submit yourself or "We will meet again in heaven"

January 2018

1. Introduction	4
1.1. Infringements to the right to life	<i>Error! Bookmark not defined.</i>
1.1.1. Violations to the right to life attributed to imbonerakure militiamen	<i>Error! Bookmark not defined.</i>
1.1.2. Violations of the right to life by police officers	<i>Error! Bookmark not defined.</i>
1.1.3. Bodies found or fished and buried without identification: a practice that protects criminals	<i>Error! Bookmark not defined.</i>
1.1.4. Attacks on women's lives: Marriage violence which is additional to political violence	<i>Error! Bookmark not defined.</i>
1.1.5. Cases of popular justice often covered by impunity	<i>Error! Bookmark not defined.</i>
2. Physical abuse: torture has become a common practice	<i>Error! Bookmark not defined.</i>
2.1. Torture attributed to law enforcement officers	9
2.2. Torture inflicted by Imbonerakure militiamen	<i>Error! Bookmark not defined.</i>
3. Infringements of the right to liberty and physical security	<i>Error! Bookmark not defined.</i>
3.1. Arbitrary and illegal arrests by Imbonerakure militiamen	<i>Error! Bookmark not defined.</i>
3.2. Arbitrary arrests by NIS agents	<i>Error! Bookmark not defined.</i>
3.3. Arbitrary arrests by agents of the National Police of Burundi	<i>Error! Bookmark not defined.</i>
3.4. Police and militiamen agents Imbonerakure: hand in hand in the crackdown	<i>Error! Bookmark not defined.</i>
3.5. Illegal arrests ordered by administrative officials	<i>Error! Bookmark not defined.</i>
3.6. Sequestration and impediments to freedom of movement by imbonerakure militiam	<i>Error! Bookmark not defined.</i>
3.7. Always presumptions of enforced disappearances	<i>Error! Bookmark not defined.</i>
3.8. Violations of freedom of movement: forbidden to flee	<i>Error! Bookmark not defined.</i>
4. Persecution of members of civil society: the cases of Nestor Nibitanga and Germain Rukuki	18
4.1. Nestor Nibitanga: Arrested and arbitrarily detained	<i>Error! Bookmark not defined.</i>
4.2. Germain Rukuki victim of injustice and arbitrary detention	<i>Error! Bookmark not defined.</i>
5. Administration of justice: the independence of the magistrate to the test	<i>Error! Bookmark not defined.</i>
5.1. Release of victims of arbitrary detention: an example of good practice of Ruyigi prosecutor's office tainted by intimidation of witnesses	<i>Error! Bookmark not defined.</i>

5.2. Makamba Prosecutor's Office: Illegal Maintenance of Six Prisoners	___ Error! Bookmark not defined.
5.3. Ngozi Court of Appeal: refusal to recognize acts of torture	___ Error! Bookmark not defined.
6. Prison situation in Burundi: a disturbing increase	_____ Error! Bookmark not defined.
7. Burundian refugees in Tanzania and the Democratic Republic of Congo: Persistent fear and insecurity	_____ Error! Bookmark not defined.
7.1. Precarious security in Lusenda camp in the DRC	_____ Error! Bookmark not defined.
7.2. Burundian refugee camp of Nduta in Tanzania: Incursions of government agents and imbonerakure militiamen	_____ Error! Bookmark not defined.
8. Conclusion	_____ 23
Recommendations	_____ 24
To the Government of Burundi:	_____ 24
To the East African Community:	_____ 25
To the International Community :	_____ 25

1. Introduction

During the fourth quarter of 2017, the human rights situation in Burundi has kept the main features of the previous quarters: numerous arbitrary arrests, targeted assassinations following the same procedure, forced disappearances and a lockdown of the democratic space. The latter remains under the strict control of the ruling party CNDD-FDD and its imbonerakure militiamen who squat the entire country in complicity with some elements of the police, to put the footsteps of citizens, especially those of the opposition, many of them are permanently threatened, abused, tortured, kidnapped or killed. The victims are mainly members of the National Liberation Front (FNL), the branch headed by Agathon Rwasa. But other victims exist potentially, in a targeted and geographically limited way, in the province of Kirundo where according to some testimonies lists of opposition upronists, loyal to Charles Nditije and those of former military (ex-FAB) indexed by the local repressive machine, would have been elaborated. The fear of their elimination increased after the knife-killing¹, on November 28, 2017, the former Administrator of Kirundo, Serge Barahinduka, provincial head of the Union for National Progress (UPRONA). This assassination was the result of threats received before and repeatedly².

The climate of terror was particularly aggravated after the failure of the last round of the external political dialogue held in Arusha, Tanzania under the facilitation of former Tanzanian President Benjamin Mkapa, from 27 November to 8 December 2017, when a political agreement was expected by Facilitation. This missed appointment was followed by the official announcement, on December 12, 2018 in Bugendana, of the referendum of the constitutional amendment in May 2018, by President Pierre Nkurunziza, who did not fail to warn anyone who will oppose this referendum. The main objective of this constitutional revision is to break the deadlock of the presidential term limits and allow President Pierre Nkurunziza to seek a new presidential term of 7 years renewable without the crisis related to the current mandate is still resolved .

Previously, President Pierre Nkurunziza announced the color of the upcoming crackdown in his speech at Cibitoke on November 18, 2017, during the commemoration of the day of the

¹ Voir image de la couverture.

² Sos-Torture Burundin rapport N°105 : <http://sostortureburundi.org/wp-content/uploads/2017/12/SOS-Torture-Burundi-nume%CC%81ro-105-en-Fr.pdf>.

combatant. Warnings and direct threats were made to potential rebels in the CNDD-FDD party by announcing zero tolerance to party members who will behave badly. On this occasion, the President expressed regret that he had lost his time giving advice to rebels opposed to the third mandate in 2015, warning of possible new rebels in these terms: "We will meet again in heaven³ » to insinuate that they will be killed if they persist in their critical positions.

The political space thus remains extremely controlled by imbonerakure militiamen who acquire more and more powers every day, such as the right to do round during night, to arrest, to impose fines illegally, to torture and to kill, with impunity, sometimes with the complicity of administrative, police or military authorities. . The same imbonerakure militiamen have become a powerful and ubiquitous instrument of gridlock and terror. It is in this context that paramilitary training of these militiamen was reported in several regions of the country, particularly in the provinces of Rumonge, Makamba and Cibitoke. .

At the same time, the repression continues against all those who have a discordant voice or who are considered active in the work of watch and defense of human rights. Thus after the arrest of Germain Rukuki, former employee of ACAT-Burundi (canceled) on July 13, 2017, another member of the civil society, Nestor Nibitanga, member of APRODH (canceled), was arrested on November 21, 2017 , in Gitega.

It is against a backdrop of this gloomy picture of massive and persistent violations of human rights and impunity that the decision of the International Criminal Court (ICC) to investigate crimes in Burundi has fallen. It could have a major historical significance in the fight against the culture of impunity in Burundi. On 9 November 2017, Pre-Trial Chamber III of the International Criminal Court issued its decision under seal, taken on 25 October 2017, on the prosecutor's request for authorization to investigate crimes committed in the country. Burundi since April 2015. According to the words of the prosecutor of the International Criminal Court, Fatou Bensouda, this authorization was "exceptionally" kept secret and placed under seal in order to protect the integrity of the investigation and the lives of the victims. witnesses and victims⁴.

In terms of the record of violations during the fourth quarter of 2017, SOS-Torture was able to record 75 murders, 59 cases of torture, 185 arbitrary arrests and 16 illegal arrests, 2 extrajudicial executions, 9 enforced disappearances and 49 attempted murders. So we have a monthly average of 25 killings and about 62 arbitrary arrests.

³ Athanase Karayenga, « Rendez-vous au paradis », <https://mybujubumburanews.wodpress.com/2017/11/20/rendez-vous-au-paradis-par-athanase-karayenga/>

⁴ Maria Malgardis, « Burundi : la CPI crée la surprise en ouvrant une enquête visant le régime », Libération, 10 novembre 2017. http://www.liberation.fr/planete/2017/11/10/burundi-la-cpi-cree-la-surprise-en-ouvrant-une-enquete-visant-le-regime_1609134

1. Violations of the right to life

In the last quarter of 2017, violations of the right to life and physical integrity affect almost all provinces of the country, in a variable manner. The leading provinces are Ruyigi, Cibitoke and Karusi, with more than 10 persons killed during this quarter. The least affected provinces are Cankuzo, Muramvya and Mwaro. A new and disturbing phenomenon is observed, more and more women are victims of killings and other attacks on their physical integrity. While some facts may be related to domestic violence, husbands are often among the perpetrators of these crimes, others are likely to be related to the prevailing political climate, and deeply hurt the foundations of Burundian culture, as in case of seven women who were arrested and tortured by young imbonerakure militiamen on 28 October 2017, beaten with clubs, then handed over to the police and then illegally detained in Bweru Prison, Ruyigi Province, for three weeks, while some of them were in critical condition.

During the reporting period, the country experienced six grenade attacks, two of which were directed against households. One took place in Mugina commune, where it caused one death, one child, and six wounded. The other targeted a family in an displacement camp in Buhiga, Karusi Province, where it injured three others. The other grenade attacks, four in all, were perpetrated in the city of Bujumbura, on bus parking lots and in public houses. These attacks totaled 11 wounded.

Many attacks on the right to life have been committed by people who remain unknown, and the bodies found are generally not identified, and are buried by order of the administration without any identification, thus reinforcing the impunity that covers the crimes committed in Burundi. In some cases, the administration has even banned the picking of bodies floating in rivers and ordered the surrounding population to remain silent on these facts. This is the case of bodies seen in the Rusizi River in the communes of Rugombo and Buganda⁵. Recurrent and frequent, bodies are found in places where no-one around can identify them. This reinforces the hypothesis of a deliberate intention of criminals to throw the bodies of their victims away from their places of origin.

As for the authors, in many cases they remain unidentified. However, in a few cases, the perpetrators of violations have been clearly identified, including members of the imbonerakure militiamen, elements of law enforcement and administrative personnel. Of the many violations identified, some illustrative examples will be given by type of violations.

⁵ Rapport Sos-Torture Burundi N°102 : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-102-en-Fr.pdf>

1.1. Suffering of the right to life attributed to imbonerakure militiamen

On October 26, 2017, at Kumana Hill, Nyagisozi Zone, Busoni Commune, Kirundo Province, imbonerakure militiamen tortured Mugabonihera. The victim succumbed the same day as a result of these tortures. Some of the torturers have been identified. They accused the victim of not supporting the ruling party CNDD-FDD, and called it "igipinga", a kirundi term meaning a heretic. Two suspects, both imbonerakure militiamen, were later apprehended by the police.

On December 2, 2017, on Benga Hill in Kanyosha Commune, Bujumbura Province, individuals murdered Adelin Hakizimana and Eric Ndabakeshimana. According to eyewitnesses, this crime was allegedly committed by Imbonerakure militiamen youth patrolling the area. The police refused to disclose the exact circumstances of this double murder, as well as the identities of the alleged perpetrators.

Patrols of militia tend to become the rule, while they are illegal. Many abuses are committed in this context, especially during the night rounds, and are often covered by the authorities.

1.2. Violations of the right to life by police officers

On October 21, 2017, in the center of Rumonge City, a police agent shot and killed Issa Ibrahim Nduwayo. The policeman shot him in the head and the victim died on the spot. The police evoked an attempt to escape the cell by the victim. The Rumonge prosecutor's office issued an arrest warrant against the police agent who shot Mr. Nduwayo.

On November 30, 2017, in the Gasekebuye quarter Musaga zone south of Bujumbura city, police agents shot and killed a man named Fabien during the night. They were guards of a high-ranking police officer who shot him, accusing him of being a thief

.On December 2, 2017, in the Kanyosha zone of Muha commune, south of Bujumbura city, a police agent shot and killed one of his colleagues and injured another. The author of the shooting was apprehended. To date, the reasons for his act are not known.

1.3. Bodies found or fished and buried without identification: a practice that protects criminals

On October 14, 2017, in the Rusizi River in Buganda Commune, Cibitoke Province, two lifeless floating bodies were found. According to the witnesses, the two men had been missing since 11 October 2017, in Rugombo commune, on their return from the Kamanyola camp in the Democratic Republic of Congo, and were last seen on 14 October 2017 in the car of the Head of Cibitoke's National Intelligence Service. According to other reports, on 17 October 2017, an army major by the name of Pascal Hekenya allegedly made threats of reprisal to residents of Rukana Hill, in Rugombo commune, who allegedly gave information about the disappearance.

On October 17, 2017, in the Nyawisesera River, in Matongo Commune, Kayanza Province, a man's body was found floating. The victim was buried without identification or investigation.

On November 22, 2017, in the Rusizi River at Nyamitanga Hill in Buganda Commune, Cibitoke Province, three (3) floating bodies were sighted. Fishermen have alerted local administrative and military authorities to fish the bodies. Witnesses report that a few days earlier, other bodies had been seen floating in the same river in the commune of Rugombo, but no operation was conducted to retrieve them⁶.

Later, on December 12, 2017, other witnesses reported the discovery of two (2) floating bodies in the Rusizi River, near Ruhagarika Hill, in Buganda commune, of the same Cibitoke province. According to witnesses, both bodies had their arms tied up. Local residents also warned local authorities, but no rescue operation was conducted.

1.3. Attacks on women's lives: Marital violence that is additional to political violence

During this quarter, many women lost their lives and were found in rivers or vacant lots. Some were found tied up, recalling the typical scenes of political violence. In a few cases, the first suspects were their husbands. Is political crime a source of domestic violence?

On October 15, 2017, in the Jiji River, Bururi commune and province, the body of Frédiane Kankindi was found floating. The police arrested the husband as an alleged perpetrator, but has not yet confirmed his direct involvement or the motives behind the assassination. Ms. Kankindi's husband is a serving soldier who had just returned from a peacekeeping mission in Somalia.

⁶ Rapport 102 de SOS-Torture : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-102-en-Fr.pdf>

On November 6, 2017, between the 11th and 12th crossings (secondary road) of the Buringa Zone, Mpanda Commune, Bubanza Province, the Florida Nibigira Corps was discovered, half-naked. The victim was married and lived in the Musenyi zone of the same Mpanda commune. The police arrested the young woman's husband as the main suspect.

On 17 November 2017, on the Mabanza Hill, in the Muyama zone, Buyengero commune, Rumonge province, a young woman named Valérie Ndikuriyo was murdered. A few days later, the police announced that they had arrested the victim's husband, Pascal Murekambanze, as the main suspect. The main defendant was sentenced on 28 November 2017 to life imprisonment by the High Court of Rumonge in the context of a trial held following the procedure of flagrante delicto.

On December 5, 2017, on Kibagiro hill, in Mbuye commune, Muramvya province, the body of Laurence Nkurikiye was discovered. According to witnesses, the body lay a few meters from his home. Police announced the arrest of the victim's husband as the main suspect.

1.4. Cases of popular justice often covered by impunity

On 23 October 2017, Emmanuel Rwsa from Vumbi commune, Kirundo province, was killed. According to witnesses, the victim is a thief who was caught in the act by a goat owner. He was killed in the property. According to the information gathered, no prosecution has been undertaken by the police.

On November 11, 2017, in Rugombo commune of Cibitoke province, the body of a young man was collected at the health center of this commune. The victim has not been identified.

According to the local administration, this is a thief who was caught in flagrante delicto and lynched by the population. The police neither confirmed these facts nor identified the perpetrators of this assassination.

2. Physical abuse: torture has become a common practice

1.4. Torture attributed to law enforcement officers

On 17 October 2017, on Muguruka Hill, Mukungu Zone, Nyanza Lac Commune, Makamba Province, police agents tortured Lewis Nyandwi. The victim has a physical disability and worked as a night watchman at the Muguruka fishing port.

The alleged torturers are police agents who acted on the orders of the Mukungu zone chief Audace Ndayitwayeko. They would then have stolen from the victim more than a hundred thousand francs. No investigation has been conducted by the police and no prosecution has been brought against the perpetrators.

On 9 November 2017, the head of the national intelligence service of Gitega Province arrested Françoise Kwizera without a warrant at the post office of Makebuko commune, Gitega province. The same day, this SNR official delivered it to imbonerakure militiamen to

torture her. The victim was manager of the post office of Makebuko, and had just reported, on his arrival at work, a theft of money committed in the same office.

According to the relatives of the victim, Ms. Kwizera was taken to the Gitega district military camp, and instead of being handed over to the police for possible investigations, the head of the Gitega SNR, named Blaise, delivered it to three imbonerakure militiamen. The militiamen tortured her horribly all night long. The victim was released the next day in critical condition. She had to hide in the town of Gitega where she received precarious care, because she was afraid to go to a hospital to avoid being found by her tormentors. A judicial file has been opened at the Gitega prosecutor's office and Mrs Françoise Kwizera, despite her state of health, has been put under arrest warrant and is now in Gitega prison since 16 November 2017.

On November 28, 2017, on the Ruvyagira hill in Bweru commune, Ruyigi province, the police chief of Bweru commune arrested and tortured Jean Claude Nduwimana. The victim had just returned from exile after having fled to Rwanda. The Bweru police chief accused him of joining his Tutsi brothers in Rwanda and wanted to enlist for the rebellion. The police chief of Bweru commune is not at his first victim of torture. He had previously arrested and tortured Sylvain Kaganagiza on Kirambi hill, Bweru commune, Ruyigi province, on September 2017. He then put him in jail while the victim was bleeding and his health was deteriorating. This police officer has never been prosecuted for any of these acts of torture so far.

1.5. 1.5. Torture inflicted by Imbonerakure militiamen

The abuses committed by the imbonerakure militiamen are numerous and very often perpetrated with impunity. These abuses include torture inflicted on victims under various pretexts. Most of these victims are targeted for political reasons, but sometimes for private or villainous reasons. For example:

On October 7, 2017, on Ruharo Hill, Muhwazi Zone, Nyabitsinda Commune, Ruyigi Province, members of the Imbonerakure militiamen arrested and tortured Edward Mabwire, his nephew Damas Sibomana, Janvier Bankuwunguka, Prosper Harerimana, Firmin Nyandwi, Elias and Diomedes Ntakarutimana. All these men were at the home of Edouard Mabwire's father. It was then that these imbonerakure militiamen arrived and began to beat all those present after having tied them up, on the pretext that they were disputing. Some of the militiamen who committed this crime have been identified but have not been prosecuted.

While Mr. Edward Mabwire was badly wounded, these imbonerakure militiamen took him with all the others to a police station in Nyaruganda. The police agents present put these men in arbitrary detention, still tied up for two days. They released them after paying 20,000 Burundian francs, in exchange for their release. The impunity enjoyed by the imbonerakure militiamen in this area has already caused some local residents to flee for fear of suffering the same fate.

On October 27, 2017, on Ruharo Hill, in Nyabitsinda Commune, Ruyigi Province, imbonerakure militiamen tortured Method Ntawukirishiga and his brother-in-law, Bosco. These militiamen were led by Ferdinand Kanani, one of the leaders of imbonerakure militiamen in Nyabitsinda Commune. The two (2) victims were tied up and violently beaten. The victims had to pay respectively twenty thousand (20,000) and seventy thousand (70,000) Burundian francs to save their lives. According to witnesses, the same group of militiamen also tortured a young man⁷ who had a drink in a bistro on the same hill in Ruharo. He was forcibly taken to his home, militiamen continued to beat him with clubs, and finally demanded to pay forty thousand (40,000) francs in exchange for life. The police and the communal authorities of Nyabitsinda turn a blind eye to the actions of these militiamen.

On November 4, 2017, on Butare hill, Kayogoro commune, Makamba province, at night, imbonerakure militiamen tortured a man, whose identity remains unknown. The surrounding residents were awakened by cries for help from the victim. But nobody was allowed to approach the place. Some of the members of this group of militiamen could be identified. The victim was hidden so that it could not be identified by the neighborhood, where the risk of execution or forced disappearance was very high.

⁷ Selon les informations reçues le jeune homme et l'un des fils de Pierre Claver Ndarurereye.

On November 10, 2017, on Mparambo II hill, Rugombo commune, Cibitoke province, Mr. Jean Ndavuga was violently beaten by young people of the imbonerakure militiamen, led by their leader. The victim was taken to the nearby health center in critical condition.

2. 2. Violations of the right to liberty and physical security

During the period under review, the number of arbitrary arrests recorded remained high, although comparatively lower than the previous quarter. These arrests are concurrently or simultaneously carried out by agents of the NIS, the National Police and elements of the Imbonerakure militiamen, all over the country. Sometimes militiamen operate in complicity with law enforcement officials or the administration. During the last quarter of 2017, many arbitrary arrests have targeted FNL members, loyal to Agathon Rwaso, and to a lesser extent other opposition party activists and members of civil society. These arrests are carried out by police and NIS agents as well as by imbonerakure militiamen, or jointly by two or even three of them.

Other people who are most targeted include those who travel or have stayed abroad, particularly in Rwanda and the Democratic Republic of Congo. Some of them are arrested and sometimes missing.

2.1. Arbitrary and illegal arrests by Imbonerakure militiamen

The power recognized to the imbonerakure militia is increasing every day. One of the most common abuses allowed is to illegally arrest anyone considered a political opponent, with limited geographic skills, at any time of day or night. Here are some illustrative examples of these abuses.

On September 24, 2017, in Rugombo commune of Cibitoke province, Imbonerakure militiamen arrested Gaspard Ntawundorera at his home. The victim, a pastor of a local church, was arrested at the same time as six other faithful of her church. The local police agreed to detain those unlawfully arrested without charge or warrant, de facto recognizing the authority of the militiamen, in violation of the law.

On October 21, 2017, on Jomati Hill, in Rutana commune and province, imbonerakure militiamen arrested five (5) activists of the opposition National Front for Liberation (FNL) party led by Agathon Rwaso. According to the testimonies collected, these militiamen were acting under the supervision of the municipal administrator of Rutana Isidora Nkundizanye.

In the process, the same militiamen assaulted Godeberthe Hatungimana, a member of parliament from Rutana and a member of the FNL party faithful to Agathon Rwas. They ransacked his vehicle. The administrator of Rutana commune accused them of organizing an unauthorized meeting. This is a violation of freedom of assembly and movement, enshrined in the constitution of the Republic of Burundi. In fact, an elected member has the right to meet his electors freely.

On December 3, 2017, in the Ntamba zone of Musigati commune, Bubanza province, members of the imbonerakure militiamen arrested and tortured Emmanuel Niragira. The victim is also a member of the imbonerakure militiamen. Mr. Niragira was taken to the home of militiamen's representative in Bubanza province, where he was tortured to give him a correction. The victim, in critical condition, was taken to a health center. None of the alleged torturers have been arrested so far.

2.1. Arbitrary arrests by NIS agents

Highly involved in the repression and terror, NIS agents participate in many arbitrary arrests throughout the country, for various reasons. Their prime targets are people considered as political opponents. For example:

On October 15, 2017, in Mabayi commune, Cibitoke province, the head of the national intelligence service of Cibitoke province, arrested five (5) men, all militants of the FNL opposition party, branch headed by Agathon Rwas. This NIS official accused them of having organized a meeting during the night. No evidence has been presented to support these accusations.

On 16 October 2017, on Kibumbu hill, Mbuye commune, Muramvya province, National Intelligence agents arrested Ms. Rogatienne Niyonzima in the evening. Ms. Niyonzima resides in Mbuye displaced site where she was arrested before being taken to the police cell in Muramvya. She was accused of undermining the internal security of the state. According to the testimonies collected, these accusations would be linked to the departure of several inhabitants of the site abroad. This lady was arrested for responding to decisions made by other adults, which is incomprehensible and abusive. Moreover, going abroad is in no way an offense.

On December 13, 2017, in the center of Gisuru commune, Ruyigi province, the head of the national intelligence service of Cankuzo province arrested Rogatien Serufyiri. According to

the witnesses, Mr. Serufyiri was accused by the Cankuzo Prosecutor's Office of insulting the institutions of the Republic . According to other sources, the man was arrested because of his political affiliation, being a member of the provincial office of the FNL party, branch headed by Agathon Rwaswa, which could be the main cause of his arrest.

2.1. Arbitrary arrests by agents of the National Police of Burundi

Through many facts, the role of the police as an instrument of repression of the political opposition is clear. The most targeted in quantitative terms are the FNL militants, all over the country, but other people considered as opponents are the subject of arbitrary arrests and harassment by the police, as can be seen through these few examples.

On October 7, 2017, on Rusenda Hill in Bukinanyana Commune, Cibitoke Province, police arrested Faustin Ndikuriyo and Georges Ntaganzwa. According to the witnesses, these persons were arrested because of their refusal to attend the opening of the local headquarters of the ruling party CNDD-FDD. Then they would have tried to convince others not to go there. Subsequently, the police banned any visit by family members. These persons are victims of their opinions. Presumably, the police aimed to deter anyone who dared to express an opinion contrary to the line of the ruling party.

On October 21, 2017, on Nyabage Hill, Kabezi zone and Kanyosha communes, in Bujumbura province, police agents arrested six (6) militants from the FNL party led by Agathon Rwaswa. They are David Niyinezera, Jean Marie Vianney Ntakiyiruta, Claude Butoyi, Vianney Manirambona, Audifax Ninfashije and Epimaque Ndayambaje. These people were accused of organizing an illegal and unauthorized meeting. The six (6) activists were detained at the National Intelligence Service in Bujumbura province, but no charges were confirmed.

On November 18, 2017, in Butihinda commune, Muyinga province, police agents arrested Balthazar Misago. The latter is the communal representative of the opposition party Sahwanya-Frodebu Nyakuri, chaired by Jean Minani, now chairman of the opposition platform called the National Council for the Respect of the Arusha Agreement for Peace and Reconciliation in Burundi and the Restoration of the Rule of Law (CNARED). The police accused him of insulting the Head of State, which is contested by his relatives who evoke rather political motives.

On 6 December 2017, in Gitanga commune, Rutana province, police agents arrested Constantin Gisanganya, communal leader of the youth league of the FNL opposition party, the branch headed by Agathon Rwaswa. The man was arrested after an altercation with members of the imbonerakure militiamen who had just assaulted him in a bistro. The police, however, did not arrest anyone else among the attackers of Mr. Gisanganya. This unequal treatment is a sign of the political inclination of some police agents, in an apolitical principle.

2.2. 2.2. Police and militia agents Imbonerakure: hand in hand in the crackdown

The abuses committed by the imbonerakure are constantly legitimized by police agents by agreeing to detain people illegally arrested by these militiamen. Elements of both groups are also working hand-in-hand in the repression of anything that is seen as opposed to the regime, or by engaging in other abuses. Here are some illustrations.

On November 1, 2017, on Rushwahunga Hill and Bweru Commune in Ruyigi Province, police agents arrested Martin Kayimba, Thacien Igirivyiza and Adrien Bavugamenshi. According to witnesses, these police agents were accompanied by imbonerakure militiamen led by the nicknamed Pému. The three (3) men were searched at their homes, accused of illegally possessing of weapons, before being taken into Ruyigi Police Commissioner's vehicle and put in the same police station. As the search did not allow saisure of any weapons, the imbonerakure militiamen accused them of holding clandestine meetings.

The three (3) arrested men are militants of the opposition party FNL, branch headed by Agathon Rwasa. Their arrest came two weeks after Pascal Bizumuremyi, a member of the party on this hill, was attacked by a group of imbonerakure militiamen. No action had been taken on the MP's complaint, and the police did not communicate the reasons for the arrest of these three (3) activists.

On 7 October 2017, on Kamurenda sub-hill of Kirungu Hill, Nyabitsinda Commune, Ruyigi Province, police agents arrested three men. These persons were having a drink at the home of a friend they had visited at the time of their arrest. The three men were arbitrarily detained and forced to pay 20,000 Burundian francs each to be released late at night around 11 pm Another man who came to inquire about the situation was also arrested by imbonerakure militiamen, accusing him of collaborating with journalists in exile.

2.3. Illegal arrests ordered by administrative authorities

On 6 November 2017, in Makamba urban center, the governor of Makamba province ordered the arrest of Leonidas Ndayishimiye, director of the Gahosha communal high school. The latter was arrested while he had answered an appointment at the cabinet of the same governor. According to the information gathered, no reason was given for his arrest. This detention is thus abusive, the governor do not have the quality of a judicial police officer.

On 18 November 2017, the head of Bigina zone, Kayogoro commune, Makamba province Paul Rwajekera illegally arrested Patricie and put him in jail in Gatwe police station in the same commune. According to the information received, Ms. Patricie is the second wife of the Bigina zone chief . By imprisoning her, the zone chief was trying to prevent him from harvesting in their cornfield. It is therefore illegal and arbitrary detention on the basis of

marital conflict. The police became accomplices in the chief zone leader's abuse of power by agreeing to put the woman in prison⁸.

On November 17, 2017, members of the imbonerakure militiamen, accompanied by the administrator of Makamba commune, Japhet Ntungwanayo, assaulted Edouard Ndizeye and his family. According to the witnesses, Mr. Ndizeye was beaten and forced out of his house and his belongings were ransacked. Police agents were present at the scene and did not intervene to enforce the law, accomplice in this illegal act. The victim is a former civil status officer in Makamba, who is in dispute with the commune over the renting of a house belonging to the Makamba administration. Mr. Edouard Ndizeye was illegally arrested the day before the attack by the same communal administrator of Makamba and spent a few hours in solitary confinement.

According to Burundian law, a municipal administrator does not have the status of Judicial Police Officer and therefore does not have the power to order the arrest of anyone. It is therefore an abuse of power.

2.3. 2.3. Sequestration and impediments to freedom of movement by imbonerakure militiamen

The control and terror exercised by the imbonerakure militiamen over the population is causing many abuses. More and more money extortion is observed for various reasons but also sequestration, as these following examples show.

On October 13, 2017, on Gatwaro hill, Bweru commune, Ruyigi province, imbonerakure militiamen seized 12 inhabitants. These militiamen came from the nearby hill of Bigombo and began to accuse these inhabitants of grazing their cattle in a marsh. The imbonerakure militiamen imposed one hundred thousand francs (100,000 francs) on each kidnapped person as a condition of his release. The kidnapped people owed their salvation only to the intervention of a group of militiamen imbonerakure of their hill which decided to intervene to prevent these extortions. Their intervention turned to a fight that ended the sequestration.

On October 14, 2017, on Rushwahunga Hill, Bweru Commune, Ruyigi Province, imbonerakure militiamen illegally arrested and sequestered Pascal Bizumuremyi, an elected member of the Ruyigi constituency in the opposition Coalition Amizero y ' Abarundi, which includes the FNL led by Agathon Rwaso. According to witnesses, the MP was insulted and

⁸ Voir Rapport 102 SOS-Torture : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-102-en-Fr.pdf>

humiliated by the imbonerakure militiamen before being rescued by local residents. The victim lodged a complaint against his attackers, who had been well identified. To date, the prosecutor of office Ruyigi has not given any follow-up to this complaint.

On December 23 and 24, 2017, in Nyabitare zone of Gisuru commune, Ruyigi province, imbonerakure militiamen arrested and beaten residents of the town after illegally erecting gates in several locations. to all passersby. During this operation, militiamen ordered the victims to vote in favor of the draft Constitution. A similar operation was carried out in the Sanzu district, in Ruyigi commune and province, on December 23, 2017. Militiamen attacked vendors in the kiosks and their customers. To date, no investigation has been opened into these violent incidents.

2.4. Everyday's presumptions of forced disappearances

Since its entry into the crisis, Burundi has been characterized by numerous cases of forced disappearances. The targets of these disappearances are mostly young people as well as others considered as opponents or suspected of being in cahoots with rebel groups. This is why people from the Democratic Republic of Congo and especially Rwanda are the preferred targets of these disappearances as well as retired or active military personnel. Several cases have been reported during this period, so here are some examples.

On 23 September 2017, in the center of Rugombo commune, Cibitoke province, Claude Nzorija was abducted. According to witnesses, the kidnapper would be a member of the CNDD-FDD ruling party, who acted while the victim was watching a football match with a group of friends in a public place. Mr. Nzorija was allegedly taken in a vehicle registered with I 3446 A. The relatives of the victim alerted the police, but the police agents did not find the victim. According to reports, local imbonerakure militiamen raised allegations of internal security offenses against the victim. There is a risk of an forced disappearance of the victim, and the fear of complicity of the police.

On October 19, 2017, in Muramvya commune and province , unidentified individuals abducted Brigadier Police Gaston Cishahayo, a non-commissioned officer in the Burundian police, assigned to the police station of Muramvya province. The victim's family has not received any news since then. This makes fear of forced disappearance and a high risk of execution of the victim, especially since several attempts to divert the family in their quest for the truth have been observed.

On December 23, 2017, in Muzinda zone, Rugazi commune, Bubanza province, individuals abducted Olivier Butoyi. This young man was in a local bistro and was boarded in an unidentified vehicle. According to witnesses, a judicial police officer assigned to Muzinda could be identified among the kidnappers. The victim is the youth representative of the Movement for Solidarity and Democracy (MSD) in Bubanza. Olivier Butoyi had been

approached to rally MSD youth to the CNDD-FDD party. He had returned from Kenya for eight (8) months after leaving Burundi in 2015 during the crisis. To this day, the police remain silent on this case.

On October 23, 2017, on Ndora hill in Bukinanyana commune, Cibitoke province, agents of the national intelligence service arrested Jean Marie Cimpaye. Witnesses reported that Mr. Cimpaye was boarded in a vehicle registered D3978A of the NIS officer of Cibitoke province, who then took the road to the neighboring province of Kayanza.

According to the information gathered, no reason has been put forward to justify this arrest. The NIS would accuse the young man of having recently arrived in Cibitoke, returning from the Democratic Republic of Congo (DRC). But this accusation does not constitute a valid reason for arrest and imprisonment.

On November 2, 2017, in Mugoboka quarter of the Rohero zone, in Mukaza Commune of the Bujumbura Town Hall, two (2) youths of the FNL party, branch headed by Agathon Rwaswa, are missing. These are Niyonkuru Claude and Sinarinzi aka Gapapa. They were kidnapped by youth of the imbonerakure militiamen during the night, after opposing the arrest of Mugoboka's hill elector, named Richard.

Police said they had been informed of the disappearances but said they did not know where these young people were.

2.5. Violations of freedom of movement: forbidden to flee

On November 26, 2017, in the town of Rumonge, police agents arrested a group of thirty-five (35) people, including five (5) men, six (6) women, two (2) young people and twenty-five (5) men. two (22) children who had spent the night in the center of Rumonge. These people came from Kizuka zone of Rumonge commune and wanted to go to the Democratic Republic of Congo (DRC) to seek refuge. This police intervention is an obstacle to freedom of movement and. The right for anyone to settle where they feel that their safety is assured to be guaranteed. The Rumonge administration has ordered the forcible return of these people to their place of origin.

3. 3. Persecution of members of civil society: cases of Nestor Nibitanga and Germain Rukuki

3.1. Nestor Nibitanga: Arrested and arbitrarily detained

On 21 November 2017, in Gitega commune and province, agents of National Intelligence Service arrested Nestor Nibitanga, former head of the central-east regional branch of the Association for the Protection of Human Rights and Detained Persons (APRODH), an

association suspended by the Burundian government, several of whose leaders have been forced into exile since 2015. The national police have formally confirmed his arrest for attempt to state security.

This arrest was justified by the seizure of documents at the accused's home. According to the information received, these documents belong to the association APRODH, since Mr. Nibitanga lived in this house rented by the association well before the beginning of the crisis and the suspension of this association by the Ministry of the Internal affairs. After a night in the NIS prison in Gitega, Mr. Nibitanga was transferred to Bujumbura in the premises of the NIS.

Mr. Nibitanga is the victim of arbitrary arrest and detention because the charges against him are not supported by evidence. His case is similar to that of Mr. Germain Rukuki, a former member of the organization ACAT-Burundi detained since July 13, 2017 for the same allegations. In reality, these people are being prosecuted for belonging to independent associations committed to fighting impunity for crimes in Burundi and who opposed the third term of Pierre Nkurunziza, considered illegal. The opening of investigations by the International Criminal Court reinforces the wrath of Burundian power against anyone committed to the fight against impunity in Burundi.

3.2. Germain Rukuki victim of injustice and arbitrary detention

Similarly, Germain Rukuki, a member of Burundian civil society⁹, had been arbitrarily arrested on July 13, 2017¹⁰, detained for two weeks in the cells of the National Intelligence Service before being imprisoned and transferred to Ngozi prison, thirteen days later. He is accused of undermining the internal security of the state and rebellion. The Ntahangwa Intermediate Court (Bujumbura) confirmed the continued detention of the human rights defender on 14 August 2017, but the defense appealed immediately and sought his provisional release in accordance with the requirements of article 110 of Burundian code of criminal procedure. On October 31, 2017, the Bujumbura Court of Appeals decided to keep him in detention after a hearing in a council chamber on October 27, 2017 in Ngozi prison where the defender is being held.

Mr Rukuki and his defense have, however, shown the Court that there is no serious evidence of guilt, since the e-mail exchange on which the prosecution's accusation is based goes back to the period when the ACAT-Burundi organization was exercising legally its activities in

⁹ L'Action des Chrétiens pour l'Abolition de la Torture (ACAT). Actuellement Président de l'association « Njabutsa-Tujane », en français « Aide-moi et Traversons Ensemble ».

¹⁰ Rapport Sos-Torture Burundi N°83 : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-83-en-Fr.pdf>.

Burundi. This is clearly an arbitrary detention that is part of a policy of repression of any discordant voice and any natural or legal person engaged in the work of monitoring the abuses that are committed in Burundi, particularly since 2015.

4. Administration of justice: the independence of the magistrate under test

3.3. Release of victims of arbitrary detention: an example of good practice of Ruyigi prosecutor's office tainted by intimidation of witnesses

On 7 November 2017, the Ruyigi Public Prosecutor's Office decided to release Martin Kayimba, Thacien Igirivyiza and Adrien Bavugamenshi. These three men were illegally arrested by members of the Imbonerakure militiamen in complicity with police agents on Rushwahunga Sub-Hill, Bweru Commune, Ruyigi Province on November 1, 2017, and arbitrarily detained since then¹¹.

These three men were released thanks to the testimony of several residents of their neighborhood and Mr. Longin Ndarurereye, director of Masama Primary School where MM. Kayimba and Igirivyiza teach.

Subsequently, threats directly weighed on the school principal who was summoned to the headquarters of the ruling party, the CNDD-FDD in Ruyigi to explain the reasons for his testimony. In other words, the CNDD-FDD party in power intimidates the witness instead of helping to consolidate the independence of the magistrate by serving as an example in respect of his decisions.

3.3. Makamba Prosecutor's Office: Illegal detention of Six Prisoners

At least six (6) detainees are illegally held in prison while they have been acquitted since 20 September 2017 by the Bururi Court of Appeal. These detainees include Fidèle Nsabumukiza, Austère, Salèze, Joséphat and Eliézel Ndayambaje who were arrested in Makamba province in December 2016 and imprisoned and sentenced to 15 years prison for participating in armed gangs and undermining the internal security of the State a sentence pronounced by the Makamba Intermediate Court and then imprisoned in Rumonge Prison.

Since their acquittal on 20 September 2017 by the Bururi Court of Appeal, Makamba Prosecution services has opposed their release, illegally refusing to execute the Court's judgment. This necessarily constitutes a flagrant violation of the law and especially of Article

¹¹ Rapport Sos-Torture Burundi N°99 : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-99-en-Fr.pdf>.

203 of the Code of Criminal Procedure, which provides that "An accused who, at the time of the judgment, is in a state of pre-trial detention and is acquitted or sentenced to a fine, shall be released immediately, notwithstanding appeal, unless he is detained for another cause ". These people are therefore victims of illegal detention.

3.4. Ngozi Court of Appeal: refusal to recognize acts of torture

During a hearing session on November 30, 2017, Ngozi Court of Appeals deliberated the case of militaries and police pursued for the attack on the Mukoni military camp, located near the urban center of Muyinga. The public prosecutor maintained the same charges and required 30 years of prison for soldiers and police arrested the day after the attack of 24 January 2017 and 25 years in prison for those arrested in the days following the attack¹².

But, the judges refused to analyze the charges of extorting confessions by the torture of several of the prisoners against the agents of the national intelligence service. Yet, the marks of these tortures are visible on the photos as well as the injuries of these prisoners. Ngozi Court of Appeal judges said they lacked the expertise to analyze medical documents attesting to torture¹³.

This argument of lack of expertise of the judge does not take into account that the article 346 of the law n° 1/10 of the 03 April 2013 revising the code of penal procedure authorizes him to proceed to the requisition to expert in such case¹⁴. Obviously, the court does not dare to pronounce on acts of torture committed by agents of the NIS which enjoy de facto impunity whereas the criminal law severely punishes this offense of a penal servitude from ten to fifteen years (Art CP 205-209)¹⁵.

4. Prison situation in Burundi: a disturbing increase

¹² Rapport Sos-Torture Burundi N°59 : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-59-en-Fr.pdf>.

¹³ Pour plus de détails, lire le rapport Sos-Torture Burundi N°60 : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-60-en-Fr.pdf>.

¹⁴ La réquisition à expert est une pièce judiciaire, soit d'un Officier de Police Judiciaire, soit d'un Officier du Ministère Public, **soit d'un juge** qui est adressée à une personne du métier en vue de lui demander d'accomplir des devoirs déterminés nécessités par l'état d'une procédure en cours. La réquisition à expert émanant d'un tribunal se matérialise par un jugement avant dire droit commettant expertise. Celui-ci est notifié à l'expert commis par une correspondance officielle émanant du chef de la juridiction saisie de l'affaire.

¹⁵ Loi N° 1 / 05 du 22 avril 2009 portant révision du code pénal au Burundi.

Despite the pardon measures that were pronounced at the end of 2016, the prison situation in Burundi is constantly rising. It makes detention conditions very precarious. As of September 2017, the monthly average was 319 new detainees in Burundi prisons, calculated for the period between May and September 2017¹⁶.

At the beginning of November 2017, the total number of detainees was 10,630 for a prison capacity of 4,194 for all prisons in the country, an occupancy rate of just over 250%. In only two months, from September to November, 420 new detainees have inflated the prison population.

The rate of arbitrary arrests and the level of abusive detention are confirmed by the percentage of preventive detainees, which is 53%.

Number of detainees in Burundi prisons in November 2017

PRISON	ACCOMMODATION CAPACITY	FIGURES	NUMBER OF DEFENDANTS		NUMBER OF CONVICTED		MINOR DEFENDANTS		MINOR CONVICTED		INFANTS		RATE
			H	F	H	F	G	F	G	F	G	F	
BUBANZA	100	535	209	11	295	20					5	6	535.00%
BURURI	250	235	123	8	95	9					1	1	94.00%
GITEGA	400	1,111	590	61	437	23					7	8	277.75%
MPIMBA	800	3,561	2,485	109	926	41					1 4	11	445.13%
MURAMVYA	100	670	406	13	221	30						8	670.00%
MUYINGA	300	463	129	5	311	18							154.33%
NGOZI (G)	250	149		41		97		6		5	1 1	12	59.60%
NGOZI (B)	400	1,610	784		826								402.50%
RUMONGE	800	1,255	325	10	906	14					1	4	156.88%
RUTANA	350	351	107	7	218	19					1	3	100.29%
RUYIGI	300	584	215	19	335	15					2	2	194.67%
CENTRE RUYIGI	72	47					1 5		32				65.28%
CENTRE RUMONGE	72	59					1 8		41				81.94%
TOTAL	4,194	10,630	5,373	284	4,570	286	33	6	73	5	42	55	
			5657		4856		39		78		97		

4. Burundian refugees in Tanzania and Democratic Republic of Congo: Persistent fear and insecurity

4.1. Precarious security in Lusenda camp in the DRC

¹⁶ Voir rapport Sos-Torture Burundi N°93 : <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-93-en-Fr.pdf>

Several Burundian refugees from Lusenda camp in the Fizi zone of South Kivu province in the Democratic Republic of Congo (DRC) have expressed fears for their safety since the attack that caused the death of several refugees in Kamanyola on September 15 2017. This fear was caused by the departure of Congolese police agents responsible for protecting the camp after demolishing their sentry boxes.

According to concordant information gathered from the refugees, many of them have already left the camp for fear of another attack by Congolese rebel groups. In village 40 of Lusenda camp, which had 49 refugee families, only 29 families remain. The fear of insecurity was heightened by incursions into the camp by Congolese soldiers dressed in civilian clothes to infiltrate the camp passing as homeless.

In addition, Congolese citizens have initiated petitions to request the dismantling of the Burundian refugee camp in Lusenda to be relocated elsewhere.

4.1. 4.1. Burundian refugee camp of Nduta in Tanzania: Incursions of government agents and imbonerakure militiamen

Several sources of concordant information have reported the presence of members of the Imbonerakure militia at the Nduta refugee camp in Tanzania. In addition to these militiamen, agents sent by the Burundian national intelligence service would also be present. These incursions would be more numerous in zone 16 of the camp.

The infiltrated group would consist of about 50 people who conduct night patrols in the Nduta camp area. These pro-government groups commit abuses similar to those committed in Burundi.

In this climate of fear, Burundian Minister of the Interior Pascal Barandagiye visited Nduta and Nyarugusu camps in Tanzania on 16 and 17 November 2017 to convince the Burundian refugees to return. However, the Tanzanian Deputy Minister of the Interior who accompanied the Burundian minister reassured the refugees that the return to the country must be done voluntarily. It must be pointed out that the refugees were forced to go and greet the Burundian minister and listen to his speech. But the visit was cut short, and lasted only twenty minutes.

5. Conclusion

The last quarter of 2017 was dominated on the Burundian political scene by the failure of the inclusive inter-Burundian dialogue led by the EAC. The Government took the opportunity

to start cruising towards the 2020 elections and the constitutional revision without the resolution of 2015 crisis following the current third term of President Pierre Nkurunziza.

As a result, tension mounted between the Government and the Opposition, both internally and externally, with the launching by the President himself of the referendum campaign of the draft constitution aimed at the lock of the term limits.

In order to counter anyone who would be tempted to oppose the draft constitution, terror is materialized on the ground in the face of resistance from opponents of the project. Thus, the imbonerakure militiamen are already attacking the people by asking them to vote in favor of the draft constitution. FNL militants, allegedly opposed to the referendum, are the most targeted in this campaign of terror because they are constantly mistreated, harassed, arbitrarily arrested or kidnapped, as well as other activists of the political opposition.

Human hunting also extends to human rights defenders and to anyone traveling or staying in neighboring countries especially in Rwanda and the Democratic Republic of Congo. Cases of disappearance of those persons presumed to be close to the rebellion were reported after their return to the country.

The trend in terms of human rights violations is identical to that of the other three quarters of 2017. That is to say, dozens of deaths, each month, hundreds of arbitrary arrests by elements of law enforcement and imbonerakure militiamen. In addition to this fragile political climate, economic conditions are becoming increasingly precarious, aggravated by the imposition of compulsory taxes for all, to finance the 2020 elections and probably the referendum. All this in total opacity, because no one knows the budget for these elections and the modalities of its management.

It is therefore a priority for the Government, which has the responsibility to protect, and for the entire political class to urgently find a peaceful solution to the crisis in order to prevent the country from falling prey to the denial of the fundamental rights of the human person.

Recommandations

To Gouvernement of Burundi :

1. 1. Guarantee the security and protection of the Burundian and foreign population living in Burundi in full respect of international law, protect and guarantee all human rights and fundamental freedoms, in accordance with the international obligations to which Burundi has subscribed .
2. 2. Put an end to the abuses committed by the imbonerakure militiamen and their impunity and stop without delay all the paramilitary trainings of these militiamen.

3. 3. Put an end to human rights violations and abuses, including arbitrary detention and restrictions on the work of human rights defenders and the media. In this context, immediately release the defenders Germain Rukuki and Nestor Nibitanga.
4. 4. Cancel the arrest warrants issued against certain politicians and civil society.
5. 5. Immediately reestablish political parties, civil society organizations and the media in their rights to work unhindered in the country and guarantee the freedom and security necessary for their full functioning;
6. 6. Engage in an inclusive and genuine dialogue to find a lasting and peaceful solution to the crisis in Burundi since April 2015, instead of pursuing the use of terror as a means to maintain power.
7. 7. Cooperate fully with human rights mechanisms at the national, regional and international levels, in particular the group of experts and commissions of inquiry set up by the Human Rights Council resolutions. man of the United Nations at its 36th session and the International Criminal Court (ICC)
8. 8. Follow up on the United Nations decision to open an inquiry into the killings of Kamanyola refugees so that the facts and responsibilities can be established without delay in order to bring the perpetrators of these massacres to justice.

To the East African Community :

1. 1. Take appropriate measures to ensure that Burundi strictly adheres to its commitments made in the community, particularly with regard to the movement of goods and persons.
2. As the sponsor of the inter-Burundian dialogue, take appropriate measures to firmly engage without delay the Burundian Government in an inclusive dialogue with a view to a rapid and lasting peaceful solution to the current crisis.
3. To urge Tanzania to shed light on the disappearance of Burundian Popular Forces leaders in Tanzania since 21 October 2017.
4. To urge Tanzania to protect Burundian refugees in that country through control and security mechanisms to stop the infiltration and terror of pro-government elements in the camps, especially Nduta.

To the International Community :

1. Support all peace initiatives and the fight against impunity for crimes committed in Burundi.
2. To implement all the measures taken in the context of the responsibility to protect against the Burundian population.
3. Ensure the implementation of the resolutions adopted on Burundi by the Human Rights Council at its 36th session in September 2017.
4. Take appropriate measures to urge the Burundian authorities to cooperate fully with United Nations mechanisms and the ICC.

SOS-TORTURE