



SOS - TORTURE / BURUNDI

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

## *Quarterly report on human rights situation in Burundi*

*March 1 to June 30, 2018*



**Thirty-two years in prison for Germain Rukuki versus release of Melchiade Nzopfabushe: a denial of right**

July 2018

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## Socio-political and security context

In Burundi, the human rights situation in the second quarter of 2018 bears the stigma of the campaign around the constitutional referendum of May 17, 2018. By the hardening of terror, the government has made every effort to achieve total victory "yes", by discouraging anyone who might be tempted to campaign for the "no" vote or vote for it.

The tone has been given through unequivocal speeches by the ruling party's top executives, starting with President Pierre Nkurunziza, well before and during the launch of the campaign. Already, in November 2017, Pierre Nkurunziza made a premonitory speech, warning that anyone who would be tempted to oppose the change of the constitution would be entitled to "a laissez-passer to the heaven"<sup>1</sup> Subsequently, other executives have him followed suit. The most emblematic case is that of Melchiade Nzopfabarushu, former deputy chief of staff of President Pierre Nkurunziza and former vice-president of the Imbonerakure militia.



*Melchiade Nzopfabarushu delivering her hatred message to an important audience in Migera*

The latter, without taking any gloves, threatened any protester of the draft constitution to be thrown into Lake Tanganyika to feed the fish. It was on April 15, 2018, during a CNDD-FDD meeting in Migera, Kabezi commune. In front the almost unanimous reprobation provoked by his inflammatory remarks, even condemned by the CNDD-FDD party itself, he was arrested and tried in flagrant proceedings, then sentenced on 29 April 2018 to three years in prison

<sup>1</sup> A metaphor referring to physical elimination

for incitement to hatredness ". After the judgement, the Burundian Minister of Justice said that this sanction is a strong message. Anyone who indulges in remarks likely to divide the Burundian population, to incite the population to kill each other, to flee the country, will always be punished, according to the law<sup>2</sup>.

Paradoxically, less than two months later, means on June 20, 2018, Melchiade Nzopfabarushu was released. This release confirmed the impunity guaranteed to CNDD-FDD leaders, including the imbonerakure militiamen, regardless of the seriousness of the acts they pose. Similar speeches continued to be broadcasted in the country in a public or underhanded way. For example, a majority MP Leonidas Mukeshimana made threats to opponents in a meeting in Muhuta communal center on May 8, 2018. He said that all those who advocate the "no" to draft of the Constitution will be tracked down until "their feet warm up"<sup>3</sup> fleeing.

Also, like all other elections that have taken place in Burundi since independence, the referendum campaign was strongly marked by the spread of false rumors, mainly through social networks, especially WhatsApp, where were broadcast so recurrent, audio elements emanating from people presumably close to power, evoking the imminence of attacks by rebels coming from outside the country with or without the support of Rwanda, even an attack of the Rwandan army itself. The ultimate goal of these rumors was to scare and focus the attention of the people on an external threat and risks against the independence of the country while the draft constitution was presented as a significant advance in the consolidation of sovereignty from the country.

This campaign was being carried out at a time when internal discontent was more and more perceptible, especially within the ruling party. Pierre Nkurunziza had warned members of his party "recalcitrant and hard hearing", to which he had decreed zero tolerance from 2018, promising to thank them as soon as possible ... because we do not play with fire<sup>4</sup>. »

The terror campaign instituted for an absolute "yes" included both threats and hatred speeches, illegal, arbitrary arrests and physical attacks, the main targets of which were the activists and supporters of "Amizero y'Abarundi" coalition. Led by Agathon Rwasa, which includes FNL branch of his obedience.

In Ntega commune, for example, imbonerakure ambushed Amizero y'Abarundi coalition militants who were returning from campaign, the subsequent clashes caused the death of a person, killed with stones.

In the south of the country, in Kizuka zone of Rumonge commune, members of imbonerakure militiamen kidnapped two persons from their homes and took them to a cemetery to torture them with threat of burying them. They were saved only by the intervention of police agents, alerted by the wife of one of the victims.

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<sup>2</sup> RFI, Burundi: CNDD-FDD an executive condemned for his threats to the opposition, <http://www.rfi.fr/afrique/201180501-burundi-cadre-cnddd-fdd-condamne-menaces-envers-opposition>

<sup>3</sup> See SOS-Torture No126: <http://sostortureburundi.over-blog.com/2018/05/rapport-n-126-de-sos-torture/burundi-publie-le-12-mai-2018.html>

<sup>4</sup> <https://www.rpa.bi/index.php/2011-08-15-07-10-58/politique/item/4452-pierre-nkurunziza-menace-et-annonce-l-annee-2018-une-annee-de-purge-et-de-sanctions-des-membres-recalcitrants-de-son-parti>

Several strategies of terror were simultaneously used. Thus in the same Ntega commune, members of political opposition, found on their doors "OYA" writings, aiming to stigmatize them. Also, FNL activists were forced to write "EGO" on their doors, on pain of reprisal.

To make the country more frightened and crisscross, paramilitary training and parades of imbonerakure militiamen were ostentatiously organized, especially in the south of the country, particularly in Kibago and Burambi. These militiamen sang songs interspersed with slogans to the glory of Pierre Nkurunziza. They sang in particular that "the elections were approaching, and that whoever will sharpen the blade will be pierced by it. That the eagle (symbol of the party in power) has already taken power and that he *"will never lose it"*, those who will try to oppose him will be *"crushed"*».

This quarter was also marked by attacks on freedom of expression and the press, reinforcing the blackout imposed on the Burundian population following the destruction and ban of independent Burundian radios in May 2015. To this end, the Government of Burundi, through the National Council of Communication (CNC), suspended the British Broadcasting Corporation (BBC) and the Voice of America (VOA) for 6 months. The decision was implemented on May 7, 2018. The CNC referred to the media's failure to comply with the law governing the press and professional ethics to justify this decision. These two international radio stations were the only ones to broadcast information and programs in Kirundi, accessible to the public. This measure has thus considerably reduced the possibility for Burundians to follow independently what is happening in their country, especially in relation to the referendum, thus reinforcing the de facto closeness surrounding the referendum process, in the absence of external observers.

In the end, the power of the government to silence any discordant voice on the draft constitution was accompanied by a campaign of terror characterized by intimidation, arbitrary arrests, violence and killings. Despite this, the Coalition Amizero y'Abarundi was able to defy the taboos, and organize meetings throughout the country, under police surveillance. Several sources reported that images of these demonstrations were taken by policemen. The participants in these demonstrations were also harassed and threatened, once returned home, by some administrative and imbonerakure militiamen. In this regard, Evariste Ngayimpenda of Amizero y'Abarundi coalition said *"some of our agents were threatened, terrorized and others were denied entry into polling stations"*<sup>6</sup> ».

On the judicial side, the period under review was marked by the conviction of Germain Rukuki, a human rights defender, for 32 years in prison for an offense that the public prosecutor could not prove. This heavy sentence is a manifestation of the will of the power to stifle the voice of civil society and a serious attack on freedom of association. Moreover, compared to the slight conviction, followed by the release of Melchiade Nzopfabushe less

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<sup>5</sup> See SOS-Torture n°122, <http://sostortureburundi.over-blog.com/2018/04/rapport-n-122-de-sos-torture/burundi-publie-le-14-avril-2018.html>

<sup>6</sup> <http://www.iwacu-burundi.org/referendum-constitutionnel-le-oui-lemporte-a-plus-de-70/>

than two months after, for a serious offense of incitement to hatredness, shows a justice of double standards, instrumentalized by the power.

In this context, several human rights violations have occurred with a worrying record of 91 murders, 25 cases of torture, almost all of which were inflicted by elements of imbonerakure militiamen on alleged members of the political opposition, 151 arbitrary arrests, 4 enforced disappearances and 6 cases of sexual violence, one of which was followed by murder.

This report summarizes, through emblematic illustrations, the different categories of reported violations.

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

Violations of the right to life remain numerous and worrying. They have the same tendencies as those committed in previous periods with a particular mark of the constitutional referendum characterized by aggressions with obvious political motives, as claimed by imbonerakure militiamen.

This period was also marked by wild attacks on Ruhagarika by a group of armed individuals who killed 26 persons, including women and children. Some other armed attacks have been reported, including one in north-west of Bujumbura, an area that is often the scene of attacks by armed groups on the edge of Rukoko Nature Reserve. Several grenades attacks were also perpetrated, some of which targeted public places, but most targeted households and individuals. Several cases of rape were reported mostly on minors, in one case the victim was murdered by her attacker. In general, attacks on physical integrity remain dominated by crimes committed by unidentified perpetrators, and sometimes on unidentified victims, either because it is difficult to do so or because the authorized officials give the order to bury the bodies without waiting for identification, making any further step in this direction difficult.

Ex-FAB soldiers, both active and retired, continue to be targeted of kidnappings or killings by often unidentified persons. During this quarter, two retired ex-FABs were killed. The first, Joseph Kanjori, was shot dead by an armed group on Donge-Burasira hill in Mugamba commune. He had become a catechist. The second named Venant Barishakarike, who was converted into a taxi driver, was shot dead in Bujumbura by persons who had just hired his taxi.

### **1.1. Violations of the right to life attributable to members of the police**

*Four incidents have been reported in which police or army agents are alleged to have violated the right to life and physical integrity of the victims.*

- On 24 June 2018, near Ruyigi Prison, police agents shot and killed Severin Bwahuro. He was a prisoner who escaped during the day and was caught near Ruyigi market by



members of imbonerakure militiamen and police agents who beat him. The prisoner was then taken back to one of Ruyigi Prison's surveillance posts where he was shot five (5) bullets. This is clearly an extrajudicial execution of an unarmed detainee who posed no threat to the safety of anyone and who was once again in the hands of police agents. Despite the gravity of the case, no investigation has been opened to determine the circumstances of this execution and to identify the perpetrators of this murder.

- On 19 May 2018, in Kanyosha zone, Muha commune, Bujumbura town, a police officer shot and killed his communications agent and member of his guard, named Solomon. According to the testimonies received, the officer responsible for the assassination was head of Air and Border Police in Bubanza but resided in Bujumbura. The victim, after feeling the threat, decided to take refuge with the officer's neighbors, but the officer pursued him to his refuge to shoot him. The officer was arrested and tried in flagrancy proceedings and sentenced on 21 May 2018 to ten (10) years in prison.

- On 7 May 2018, in Mutakura quarter, Buterere zone, Ntahangwa commune of Bujumbura city, soldiers shot and killed two persons during the night. The slaughtered people had just seriously wounded a mother with a machete during a robbery. They were shot while fleeing on the arrival of soldiers on patrol. The police did not communicate the identities of the two people shot dead, but she announced the arrest of two other accomplices. However, no investigation was conducted to determine the circumstances of this incident.

- On April 22, 2018, at Nyakibingo Hill, Ntega Commune of Kirundo Province, the chief police station fired at Leonard Nibigira with service gun. According to the witnesses, the wounded young man is a member of the imbonerakure militia whose group spread terror in the locality and imposed a curfew on the inhabitants. The chief police station had ordered the imbonerakure militiamen to stop their night noises and songs aimed at terrorizing the population.

The policeman justified his action in the face of the threats of this group of militiamen who refused to obey orders. The night patrols of members of imbonerakure militiamen are routinely denounced by the population as acts of terror, and many fear that the police may be overwhelmed by the actions of ruling party members. This postmaster was disarmed and arrested after the incident.

## 1.2. **Assassinations attributed to imbonerakure: most often with political connotations**

*Excesses committed by imbonerakure have practically no limits, including killing with impunity, especially those who are considered members of the political opposition. Even women are not spared.*

- On June 7, 2018, on Kagege Hill, Busoni Commune, Kirundo Province, individuals murdered Ryarahiye, known to be a member of Imbonerakure militiamen. The victim was beheaded a few meters from his home while he was conducting night patrols with other militiamen in the area. According to the information gathered, the disappeared person was the victim of a misunderstanding with his fellow militiamen linked to the sharing of the booty resulting from the rackets of the population of Kagege zone during night patrols. The police apprehended a suspect, himself a member of imbonerakure militiamen who still had traces of blood a few hours after the assassination.
- On 19 May 2018, on Nyamakarabo hill, Mugina commune of Cibitoke province, unidentified individuals murdered Pierre Bangirinama with a machete. According to the relatives of the victim, it had for several days received leaflets full of threats and informed the local police. In view of what happened, this is a planned execution against which the police failed to take appropriate measures to protect the victim, even though it had been well informed. The victim's parents pointed imbonerakure militiamen as the source of threats and execution. The Police have not yet identified any suspects.
- On May 15, 2018, on Kirambi hill, Ruyigi commune and province, individuals murdered Rosette Nahimana 75 years. According to the testimonies collected, the victim was murdered by members of local imbonerakure militiamen. The Police arrested two suspects.
- On Sunday May 13, 2018, on Kigari Hill, Ntega Commune of Kirundo Province, members of Imbonerakure militiamen ambushed activists of the opposition coalition Amizero y'Abarundi who were returning from a meeting on referendum. According to witnesses, clashes erupted and a man named Raphael Barengwanabi was shot to death. The murdered victim is a member of the opposition coalition. Twelve (12) others were injured including a member of imbonerakure militiamen who was seriously injured. Following this incident, the police announced the arrest of six (6) persons, including four (4) members of the coalition Amizero y'Abarundi and two (2) members of imbonerakure militiamen. Police agents did not indicate the identities of those arrested, nor did they specify the alleged perpetrators of the ambush that caused the death of a man.
- On April 27, 2018, on Gikombe hill, Mabanda, Makamba commune and province, members of the imbonerakure militiamen killed Fabien Ngendero. The victim had just spent two weeks at Mabanda police station where she had sought refuge, fearing for



her safety. The Police arrested five suspects on April 30, 2018, all of them members of imbonerakure militiamen.

### **1.3. Violations of physical integrity, presumed to be politically motivated, attributable to imbonerakure**

*The crimes committed by militia members are unlimited, and may even lead to the death of the victims. The inhuman and degrading treatment often inflicted is disabling and frequently leaves victims in critical condition. Between April 3 and June 16, about twenty cases were reported. In one instance, for example, the victim received 50 lashes. Generally people are beaten with punches and /or clubs. The targets are in the majority of cases members of the political opposition. Most often men are subjected to this type of inhuman and degrading treatment, but women are not spared either. In all cases, no investigation was conducted to determine the circumstances of these attacks and prosecute the guilty. These acts enjoy complete impunity.*

- Thus, on 14 May 2018, on Kagazi hill, Rugombo commune, Cibitoke province, members of imbonerakure militiamen violently beat Uziel Ndagijimana, after intercepting him while passing near CNDD-FDD party headquarters. The man was arrested because he was wearing a campaign t-shirt of the opposition Amizero y'Abarundi in favor of the "no" vote for the referendum. The victim was taken inside the compound where she was tortured by these imbonerakure militiamen until her t-shirt was torn. His attackers threatened to kill him "like the others" if he wore him again. After this violent attack, the victim was left in critical condition but the police did not conduct any investigation to determine the circumstances and responsibilities in this attack.
- On April 26, 2018, in Kizuka zone, Rumonge province and commune, members of imbonerakure militiamen seized Lucien Nkurunziza and Japhet Ntigacika while they were at their respective homes. These militiamen then took the victims to Kizuka cemetery where they were subjected to torture sessions accusing them of opposing the constitutional revision and threatening to bury them in the same cemetery.
- On 22 April 2018 on Gatwe Hill, Rumonge commune and province, young members of imbonerakure militiamen kidnapped and tortured Christine Tuyisenge. According to the testimonies collected, the victim was abducted from his home and then repeatedly beaten several times by twenty militia members who left him dying. Ms. Tuyisenge was treasurer of the National Front for Liberation (FNL), led by Agathon

Rwasa. The victim was found on 23 April 2018 at his place of torture. So far, no investigation has been opened to allow the arrest of the attackers. In these circumstances, the inaction of the police can be interpreted as complicity.

- On 6 April 2018, on Gasave hill, Bwambarangwe commune of Kirundo province, members of imbonerakure militiamen assaulted and tortured Dismas Uwitonze and Michel Macumi. They are respectively FNL party representatives on Kimeza and Gasave hills in this commune. According to the information received, the two men were surrounded in the home of Mr. Macumi by about fifteen imbonerakure militiamen armed with clubs. The militia repeatedly beat the victims, accusing them of campaigning for the "no" vote in the constitutional referendum of 17 May 2018.

The two mistreated men were then taken to Bwambarangwe police cell and detained without a file and without proper treatment following the torture. On 30 April 2018, they were sent to the judicial police cell at provincial level in Kirundo without any records and in a critical state of health. The complicity of the police here seems obvious and serious for detaining illegally arrested persons, and condoning the acts of torture perpetrated by these imbonerakure, and even more serious in abstaining from the treatment of the victims. The latter were saved only by the intervention of police agents, alerted by the wife of one of the victims. MM. Nkurunziza and Ntigacika are both members of the opposition party FNL led by Agathon Rwasa. In spite of this salutary intervention, the police agents did not arrest the torturers, who left freely.

#### **1.4. Violations of the right to life and physical integrity attributed to strangers**

##### **1.4.1. Ruhagarika attack: an appalling massacre of hitherto unknown motives and perpetrators**

On 11 May 2018, a group of attackers armed with machetes and rifles perpetrated an attack on Ruhagarika Hill, Buganda Commune, Cibitoke Province around 4:00 AM. According to the testimonies collected, these assailants routinely slaughtered people by moving from one house to another using machetes and bullets and fuel to burn some bodies.

The death toll is 26 dead and 7 wounded. Among the victims, there are 11 children of 3 months to 14 years (3 girls and 8 boys), 5 women, 5 men and 5 girls from 19 to 23 years. According to the residents of Ruhagarika, this group of attackers reportedly crossed Rusizi River, after the slaughter, to flee to the Democratic Republic of Congo (DRC), close to the crime scene.

According to the Minister of Public Security and Disaster Management, Alain Guillaume Bunyoni, who visited the site the next day "The government of Burundi

cannot remain hands crossed when his people are being savagely killed ". The minister immediately accused a group of terrorists from the Democratic Republic of Congo, very close to which he promised exemplary punishment.

After Ruhagarika tragedy, the Attorney General of the Republic, Sylvestre Nyandwi made a press release on May 14, 2018, where he informed the national and international community "that the first elements of the investigation reveal that the criminals came from the Democratic Republic of Congo (DRC) and that they retreated after the crime. He added that a judicial commission of inquiry had just been set up to "identify the sponsors of this barbarity and their accomplices to be punished in accordance with the law." The commission was given one month to conduct investigation and to fix the case before the competent court. However, after this deadline, this deadline was later extended as the Commission was unable to report<sup>7</sup>.

#### **1.4.2. Recurrent attacks by grenade**

*In total, ten grenade attacks were recorded during the period under review. The targets are almost equal public places, market places or bars, and homes. In the circumstances, some of the attacks may be motivated by political motives whereas in other cases they may be personal motives. These attacks resulted in 11 deaths and several wounded.*

- On 28 June 2018, on Ngarama hill, Mpinga-Kayove commune, Rutana province, a grenade was thrown and wounded a given Bukuru who was transferred to Gitega regional hospital for treatment. So far the police have not been able to determine the perpetrators and motives behind this act.
- On June 25, 2018, in Kirundo province, on Yaranda Hill, a grenade was thrown at Pierre Gasabira's home through the window of the house. A one year child was killed; the father and his wife were seriously injured. Two suspects were arrested by the police who did not communicate their identities.
- On June 19, 2018 on Higiyo Hill, Busoni Commune of Kirundo Province, a grenade was thrown through the window of Ms. Kankuyo's house, 60years. She died on the spot. Busoni police announced the arrest of two suspects.
- On June 12, 2018, on Murwi Hill and Murwi Commune, Cibitoke Province, a grenade was thrown into a family home. A six years girl died as a result of the attack. His parents and four (4) brothers and sisters were seriously injured by the grenade splinters. In both cases, no suspects have been arrested to date.

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<sup>7</sup> Read about the SOS Torture report for more details: <http://sostortureburundi.over-blog.com/2018/06/massacre-de-ruhagarika-de-mai-2018-eviter-les-biais-de-l-enquete-et-la-parodie-judiciaire-de-gatumba.html>

- On June 10, 2018, a grenade attack targeted a small center of Rutonde on Birohe hill, Gitega commune and province. One woman died on the spot and twenty-four (24) people were injured. The police have not identified any suspects of the attack so far.
- On May 13, 2018, a grenade attack was thrown on Kavomo hill, Kirundo commune and province, at the home of Salvator Simbarimbere who was killed. His wife was seriously injured.
- On 1 May 2018, a grenade attack targeted Kabuyenge Hill market in Gisuru Commune, Ruyigi Province. The targets were traders and their customers. Two people died as a result of the attack and five others were injured, three of them seriously. To date, no suspects have been identified.
- On 21 April 2018, on Kivoga Hill, Gahombo Commune, Kayanza Province, a grenade was thrown, causing two deaths and more than thirty (30) casualties. Four suspects, including a police agent on leave, were arrested.
- On April 3, 2018, a grenade was thrown at a bar in Carama II Quarter, Kinama zone, Bujumbura city. The grenade caused five (5) wounded among the customers of the bar. The Police have not identified any suspects to date.
- On April 1, 2018, on Rugari-Gitamo Hill, Gitega commune and province, unidentified individuals murdered two (2) men and wounded seven (7) others during a grenade attack in a bistro. All the victims were members of the ruling party's youth league imbonerakure, who were having a drink. No suspects have so far been identified.

#### **1.4.3. Violations of the right to life and physical integrity committed during armed attacks**

*Repeatedly, small-scale armed attacks are perpetrated in the country, especially in the north-west of the capital Bujumbura at the edge of the Rukoko Forest. These armed attacks are carried out through ambushes on the country's roads. All these attacks were carried out during night.*

- On 28 June 2018, on Nyakazi hill, Kibago commune, Makamba province, unidentified individuals attacked residents of that locality. This group of attackers, armed with machetes and a pistol, wounded three (3) persons, Elias Sago, representative of the ruling CNDD-FDD party on Nyakazi Hill, Eric nicknamed *Nzobe* and a teacher from Nyakazi II basic school. The Police have not identified any suspects to date.
- On 23 June 2018 on Nyamigina hill, Kinyinya commune, Ruyigi province, individuals armed with rifles attacked and seriously injured Mélance Bavumiragiye. The victim was traveling on a motorcycle towards the market of the neighboring commune of

Gisuru. According to the information received, the area where the attack occurred is controlled by the youth imbonerakure militiamen, who regularly conduct targeted attacks on local merchants to steal them.

- On 16 April 2018, on Kagwema-Gihungwe hill, Gihanga commune, Bubanza province, unidentified individuals murdered two (2) persons and wounded four others during an attack. According to the survivors, the attack was on transport vehicles and their passengers, a military position and local households. The persons killed are a mother and a young student. Two (2) truck drivers were abducted by the armed group that led the attack. To date, the police have not arrested any suspects or specified the identity of the perpetrators of this attack.
- On April 1, 2018, an attack was carried out on a vehicle on RN5 national road connecting Bujumbura city to Cibitoke province, precisely between the 7th and the 8th crossroads in Gihanga commune, Bubanza province. Witnesses reported that one passenger of the vehicle was shot and wounded during the armed ambush. The Police have not identified any suspects to date.

#### **1.4.4. Violations of the right to life by unknown perpetrators sometimes on unidentified victims: a guarantee of impunity for the perpetrators**

*Violations of the right to life that are committed by perpetrators who cannot be identified are by far the most numerous. Sometimes the victims are found in streams, in wasteland, or as was observed during this quarter in the Kibira forest where two bodies were found tied together. The will of the authors seems clear, to throw the bodies in places where they cannot be identified, combined with the instructions frequently given by the administrative ones to bury the bodies of the victims without carrying out the identification, making this one difficult, even impossible in the current conditions of the country. More than twenty murders have been reported. The vast majority of victims are known. The alleged perpetrators are rarely identified and prosecuted. This was only possible in less than one third of cases. The impunity of crimes seems to be rather the rule. Five out of thirty victims are women. Cibitoke province leads the way in terms of the number of victims killed and found there, followed by the one of Bubanza. But all provinces are affected to different degrees.*

- On June 29, 2018, three (3) bodies of men tied up and decomposing were found on Nyagumba Hill, Bukinanyana Commune, Cibitoke Province. The local administration ordered the burial of the bodies in a hurry, without prior identification of the victims and before determining the circumstances of their deaths.
- On May 24, 2018, on Kibande sub-hill, Mabayi commune, Cibitoke province in Kibira forest, three (3) bodies of men were discovered. The victims were tied up, and bodies decomposing and as a result could not be identified. It could be a triple execution of persons who did not live near this place and whose bodies were transported there.

Local residents have expressed concern about the presence of some Kinyarwanda speaking individuals and traveling with members of imbonerakure militiamen during their night patrols. To date, the police have not yet identified the victims and the circumstances of their deaths.

- On 17 April 2018, on the beach of Lake Tanganyika, Ngagara zone of Bujumbura, a bare body of a man in advanced decay was discovered. His face was unrecognizable. The police could not identify this man, or the circumstances of his death. On May 7, another body was found in a vacant lot in Buhinyuza quarter of the Kinama zone, Ntakangwa commune in Bujumbura. The victim had been decapitated. The body bore signs of injury and a written message in Kirundi was affixed. His translation into English is "you are punished for your indiscretion for having unveiled our cache of weapons<sup>8</sup> ».
- On 1 April 2018, on Kirungu Hill, Nyabitsinda Commune, Ruyigi Province, Mamerte Irakoze, a mother of five children was murdered in the evening. According to witnesses, the victim was slaughtered while in a field not far from his home. Two days later, on April 3, 2018, on Kibezi Hill, Kiremba Commune, Ngozi Province, a girl's body was found, stabbed. A week later, on April 10, the body of a 70years Margueritte Habonimpa was found in a field of village V, Gihanga commune, Bubanza province. According to witnesses, the victim was beaten and strangled. In all these cases, no suspects have been identified and the motive behind these killings has not been determined. This is clearly a summary execution, with a desire to hide the identity of the victim by beheading. The Police have not identified this man to date, nor any suspects.

## 1.5. Violations of the right to life and physical integrity based on sexual violence

*Six cases of rape were reported. Five of the victims are minors. In one case, the victim was killed by his attacker. It is important to note that in the majority of these cases, the police acted diligently to identify and arrest the alleged perpetrators. Except in a case where the suspect could not be identified.*

- On May 2, 2018, on Giko Hill, Bubanza Commune and Province, an individual raped a six years girl (NJ). The alleged perpetrator was identified as Ngendabanyikwa 52 years, also known as Mufaransi. According to the relatives of the victim, this attack resulted in serious consequences. An arrest warrant was issued by the police but the suspect was able to escape before his arrest thanks to the complicity of Giko hill chief named Oscar Gasereka and some members of imbonerakure militiamen, who did not want the wanted man, also member of the ruling party, to be arrested.

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<sup>8</sup> The message in Kirundi « ubunwa burahanwa, uzize inkoho zacu wagiye kuvuga aho zibitswe » /



- In Rutana province, two cases of rape were reported, involving two minor girls, one of whom was 13 years. The rapes took place respectively on Butezi hill, Giharo commune, and on Musagara hill, on April 20 and 24, 2018. In both cases, the alleged perpetrators, one in the first case and two in the second, were identified and arrested by the police. The second victim was taken to a health center for treatment.
- On April 8, 2018, on Kizina Hill, Bubanza commune and province, a 15years girl was sexually assaulted. The victim was able to identify the perpetrator of the rape, a soldier named Innocent Nirera assigned to the 411th Battalion based in Randa Bubanza commune. To escape prosecution, the alleged perpetrator tried to bribe the victim's employers by giving them a check of 500,000 Burundian francs. The Police who immediately opened an investigation arrested three persons accused of obstructing justice for accepting the check. According to the information gathered subsequently, the alleged perpetrator committed suicide by using his service weapon.
- On April 2, 2018, on Mpungwe hill, commune and Ruyigi province, a rape was committed by a man named Nkundwanabake. The victim's name was Rosalie. The victim's son, who was coming to visit his mother, caught the perpetrator of the crime at the time of his escape and killed him with a blow to the head. Subsequently, this young man who did justice was arrested and detained by the police. The perpetrator was known in the community as thief and rapist who had benefited from several releases.
- On April 2, 2018, on Nyakuguma Hill, Gitanga Commune, Rutana Province, two teachers Gérard and Léonce raped an 8th grade student at Nyakuguma Basic School. These teachers, all from the same school, were arrested and detained at Gitanga police cell.

## **2. Arbitrary and illegal arrests: a weapon to destabilize political opponents**

Dominated by the referendum campaign, this quarter has been characterized by hundreds of illegal and arbitrary arrests. A total of 151 persons were listed. Police agents and members of imbonerakure militiamen are equal in these arrests, where each group intervened in about 20 arrests of one or more individuals at one time. The agents of the National Intelligence Service intervened six times, the administrative three times and elements of the army in only one case.

The majority of these arrests targeted people considered as political opponents, members of the coalition Amizero y'Abarundi, from the FNL, being by far the most targeted. Arrests by imbonerakure militiamen are frequently accompanied by cruel, inhuman and degrading treatment of those arrested, inflicting them serious bodily harm, and denying them access to appropriate care.

During this type of operation, militiamen constantly benefited from the complicity of the administrative and police personnel in making arrests and placing detainees into detention. What constitutes a way to legitimize the illegality of these acts and the de facto authority of the militiamen.

### *2.1. Arbitrary arrests by police agents*

Police agents have zealously carried out arbitrary arrests largely targeting people considered to be members of the political opposition, in a dozen cases the arrests have targeted the FNL militants, and in one case those of the Rassemblement National for Change (RANAC). About thirty followers of Eusebian Ngendakumana Sect (known as Zebiya) were also arrested on suspicion of wanting to relocate to Businde hill in Gahombo commune, where the sect was born. Also, 13 faithful of the Evangelical Fraternity of Christ in Africa in Burundi (FECABU) were arrested on the grounds that they did not vote in the referendum. A spell almost similar to that of four students arrested while they were celebrating in a pub the release of their comrades, accused of holding a meeting to campaign for the "no" vote in the referendum. In two cases, those arrested were accused of being in intelligence with rebel groups.

Here are some illustrative examples from these many cases.

- On May 24, 2018, in Itaba commune of Gitega province, police agents arrested Mélanche Ngenzebuhoro and Léonidas Sabokwigura. The first was arrested at his home, and the second at his place of work.
- On 17 May 2018, on Kiderege Hill, Nyanza-Lac commune, Makamba province, police agents arrested thirteen (13) FECABU church faithful. According to the information received, the order to arrest them was given by the Nyanza-Lac chief police station, accusing them of not voting on the day of the referendum.
- Among those arrested are eight (8) women and five (5) men. The head of police station released the women, but kept the men in detention. According to witnesses,

this group of people would not have voted because it is contrary to their religious beliefs. These arrests constitute a violation of the fundamental freedoms provided by the Constitution of the Republic of Burundi and especially in its article 22.

- The two arrested are political leaders' members of the opposition coalition Amizero y'Abarundi. Mr. Ngenzebuhoro is a member of FNL Youth Committee, led by Agathon Rwasa, and Mr. Sabokwigura is the representative of UPRONA, a member of the wing belonging to the same coalition. Both opponents were accused of organizing an unauthorized meeting.
- On April 22, 2018, on Kiremera Hill, Giheta Commune, Gitega Province, the police arrested six (6) members of the opposition party FNL led by Agathon Rwasa. These people were arrested in a bistro while they were having a drink on the occasion of the baptism of one of their children. The police and the local administration accused them of campaigning for the "no" in view of the constitutional referendum. These politically motivated arrests took place in all provinces of the country against all those who were suspected of opposing the amendment of the constitution.
- • On 16 April 2018, on Sebeyi hill, Buyengeró commune, Rumonge province, police agents arrested Norbert Nzoyihaya and another local political representative. According to the information obtained, the two men are local leaders of the opposition RANAC coalition, respectively RANAC executive secretary in Buyengeró and representative of this coalition on Sebeyi hill. These members of the opposition are accused of having organized a meeting to campaign for the "no" against the revision of the Constitution in the referendum of May 17, 2018. This is a second arrest of RANAC leaders in less than a month. The leader of this co<sup>9</sup>.
- On April 11, 2018, in the center of Musigati commune in Bubanza province, police agents arrested about 30 people, all followers of Euzébie Ngendakumana sect. Several of these followers had fled Burundi and had just returned. The police suspected that these believers were preparing to go to their former place of worship in Businde, Kayanza province, which was denied access by the authorities. No evidence of these allegations was provided by the police, which gives rise to fears of further persecution of these individuals.
- On April 2, 2018, at Gihogazi Communal Center, Karusi Province, a police agent arrested Jean Marie Nshigikiwenimana in the evening. According to witnesses, the agent in question was accompanied by Gihogazi communal administrator. This administrative official did not communicate the reasons for this arrest, nor the place of detention of Mr. Nshigikiwenimana, who was the local youth leader of FNL opposition party in Gihogazi commune.

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<sup>9</sup> Read the report Sos-Torture Burundi N ° 120 : <http://sostortureburundi.org/wp-content/uploads/2018/04/SOS-Torture-Burundi-num%C3%A9ro-120-en-Fr-1.pdf>

## 2.2. *Illegal arrests by imbonerakure militiamen: opposition members in the target*

*Systematically, unlawful arrests by imbonerakure militiamen have targeted people considered to be members of the political opposition, or supposed to be opposed to the amendment of the constitution, as these few examples show.*

On 17 May 2018, in Bukinyana commune, Cibitoke province, members of imbonerakure militiamen arrested Jacques Ndikumana, Mpanganze and Protais Ndayambaje. This group of young militiamen was armed with clubs, and threatened the three men to execute them. These militiamen accused those arrested of trying to disrupt security on the day of the referendum.

- Those unlawfully arrested were handed over to the police who detained them in Bukinyana police cell. According to witnesses, the three people arrested are all active militants of the coalition Amizero y'Abarundi who called to vote against the proposed revision of the Constitution. The complicity of the police is also proven in this case by endorsing illegal acts committed by the militia. On June 7, 2018, the same scenario was repeated on Kiramira hill, Rugombo commune of the same province where members of imbonerakure militiamen arrested Justin Bigirimana, a member of the opposition coalition Amizero y'Abarundi that militiamen accused of disrupting public order. The unlawfully arrested person was also handed over to the police, who detained him in Cibitoke police station.
- On May 12, 2018, in Ngonya, Rumonge commune and province, members of imbonerakure militiamen arrested Nduwi and Ntunzwe, opposition FNL activists. These imbonerakure militiamen tortured both victims before taking them to Rumonge police cell. On the same day, in the neighboring commune of Buyengero, militiamen arrested three (3) other FNL party militants who were handed over to the police which detained them. Six (6) other FNL militants managed to escape these arrests, and were forced to flee their homes.
- On May 3, 2018, in Kanyosha commune, Bujumbura province, members of imbonerakure militiamen arrested Félicien Ntirandekura, aka Kabuga Félicien in Kanyosha commune. The latter was a political mobilizer of FNL party, led by Agathon Rwasa, in Kabezi commune in Bujumbura province. According to witnesses, the arrest was supervised by the head of national intelligence service in Bujumbura province. The arrest of this FNL official came one day after the official launch of the referendum campaign for FNL and his allies called for a "no" vote. Mr. Ntirandekura's place of detention and the reason for his arrest were not disclosed.
- On May 2, 2018, on Buhindo hill, Murwi commune, Cibitoke province, members of imbonerakure militiamen arrested five (5) militants of FNL party, led by Agathon Rwasa. These arrested people were returning home, having participated the same day in the launch of campaign of the coalition Amizero y'Abarundi, of which FNL party is

a member, in Ngozi province. According to the testimonies collected, these FNL militants were threatened to death if they continued to support this coalition.

- On 24 April 2018, in Mukenke, Bwambarangwe commune, Kirundo province, members of imbonerakure militiamen arrested ten (10) teachers accusing them of holding an illegal meeting to prepare an awareness campaign for "No" in the referendum of May 17, 2018. According to witnesses, these teachers were having a drink to congratulate one of their colleagues who had just presented a thesis.

### *2.3. Arbitrary arrests attributed to SNR agents: politically oriented and with the risk of enforced disappearance*

During this period, the arrests attributed to SNR agents have decreased in frequency and are in total six in number. Given the political affiliation of those arrested, these arrests appear politically oriented and often involve the risk of enforced disappearance, SNR agents rarely revealing the place where arrested persons are detained.

- On 10 June 2018, on Kiramira hill, Rugombo commune, Cibitoke Province, an agent of the National Intelligence Service arrested Wilson Niyonkuru and Ndayemeje, both members of the opposition coalition Amizero y'Abarundi residing respectively on Kiramira hill in Rugombo and on Gitenge hill in Murwi commune. They were arrested by an agent named Lenin, who also worked as a driver in the Burundian Management Company warehouses and support aircraft ground handling (SOBUGEA) at Bujumbura airport and active member of CNDD-FDD party and Imbonerakure Youth League.

This SNR agent and member of imbonerakure militiamen accused those arrested of having mobilized the population, during the referendum campaign of May, to vote "no" to the revision of the Constitution. He also accused them of collecting food for rebel groups. The two (2) men were embarked in the service vehicle of the police commissioner of Cibitoke province.

- On 31 May 2018, in Vyerwa zone, Mwumba commune, Ngozi province, agents of National Intelligence Service arrested Thaddée Nduwimana. At the time of the arrest, these SNR agents were supported by members of the local imbonerakure militiamen. The SNR did not disclose the location or reasons for Mr. Nduwimana's detention, which entails the risk of enforced disappearance of the victim.
- On 25 May 2018, in the town of Buhiga Karusi province, agents of the national intelligence service arrested Nibaruta Phocas at Buhiga hospital where the victim was doing his internship. He was embarked by SNR agents who were waiting for him to quit the building. Relatives were not informed of the young man's place of detention or the reasons for his arrest. This is an arbitrary detention, with a risk to the safety of the victim.

- On 5 May 2018, on Murama hill, Ryansoro Commune, Gitega province, the head of the national intelligence service of Ryansoro Commune arrested without a warrant Sebastien Misago accusing him of campaigning for "no in the referendum of 17 May 2018. Mr Misago is an active member of the FNL, branch headed by Agathon Rwaswa.

#### 2.4. *Illegal arrests by administrative officials*

*Some illegal arrests were made by administrative officials and as in many other cases targeting the repression of members of the opposition.*

- On 17 May 2018, on Nyabigega Hill, Bururi commune and province, the communal administrator arrested Elvis and Richard, both known to be members of the opposition coalition Amizero y'Abarundi. They were arrested while traveling by vehicle. Bururicommunal administrator Nestor Nijimbere accused them of having continued the referendum campaign on the day of the vote. The two men were detained in Bururi police cell without a file.
- On 12 April 2018, in Gatabo zone, Kayogoro commune, Makamba province, an administrative manager arrested Ferdinand Kagi on orders of the municipal administrator of Kayogoro, Mr. Zachée Misago. The latter was ordered by the provincial governor Gad Niyukuri. Mr. Kagi is a well-known activist of the opposition party FNL, branch headed by Agathon Rwaswa. After this illegal arrest, Mr. Kagi was imprisoned in the police cell.
- On 13 April 2018, in Kigwena zone, Rumonge commune and province, another administrative officer arrested Etienne Ntigrinzigo, a local representative of the opposition party FNL. The order to arrest him was allegedly given by the Kigwena zone chief who accused him of organizing unauthorized political meetings.

## **Conclusion**

The human rights situation in the second quarter of 2018 was essentially marked by the organization of the constitutional referendum on May 17, 2018. Already before the launch of the campaign, the stage was set. The President of the Republic had strongly warned that everyone to be on the side of "yes", at the risk of serious reprisals. Other speeches and slogans combined with acts of terror followed to terrorize anyone who would be tempted to oppose the amendment of the constitution.

These inflammatory speeches resulted in numerous violations, particularly by imbonerakure militiamen who harassed, threatened, terrorized and tortured people who were suspected of campaigning for the no vote in various parts of the country. Police agents, those of SNR, hand in hand with imbonerakure militiamen, carried out numerous illegal and arbitrary arrests



against persons considered as members of the political opposition. FNL members paid the highest price.

In the field of justice, two contradictory facts have attracted attention. On the one hand the conviction of Germain Rukuki to thirty-two (32) years imprisonment, without evidence of his guilt being established by the public prosecutor, justifying the harassment of power, through justice, a human rights defender. On the other hand, the condemnation, first to a light sentence of 3 years given the seriousness of the offense, incitement to hatredness of Melchiade Nzopfabushe, a cadre of the ruling party, CNDD-FDD. Then, his release less than two months after his conviction. This Justice "double standards" in the two iconic cases and having made headlines seriously undermines the credibility of the Burundian judiciary already instrumentalized in other sensitive issues. As a result, the country continues its descent into a state of lawlessness.

The persecution of political opponents has continued after the announcement of the victory of "yes" and it is feared that all those who have expressed their opposition to the new constitution, including through the demonstrations, continue to be the target of harassment, unlawful and arbitrary arrests, and even disappearance. The declaration of Pierre Nkurunziza during the promulgation of the new constitution, interpreted by some as a commitment not to represent himself in 2020, would make sense, if it was accompanied by a change in respect of human rights, democratic principles and concrete actions for the return of democracy and the rule of law in Burundi.

## **Recommandations**

### *To the Gouvernement of Burundi:*

1. Begin a period of political détente based on respect for human rights, fundamental freedoms and democratic principles, following the declaration of President Pierre Nkurunziza to present himself again in 2020 elections,
2. Stop prosecuting people who have protested against the amendment of the 2005 constitution and release all political prisoners, including Germain Rukuki, and cancel all arrest warrants issued against political opponents, civil society and journalists in exile and against any other person whose fault is to have opposed Pierre Nkurunziza's third term.
3. Put an end to the abuses committed by imbonerakure militiamen and their impunity and stop without delay all paramilitary training of militiamen and the distribution of weapons to them.
4. Participate without preconditions in an open and inclusive dialogue with all other political actors to put in place conditions for the organization of free, transparent and fair elections in 2020.

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

*To the East African Community:*

1. Learn from the failures to organize the inter-Burundian dialogue as a sponsor of the Arusha Peace Agreement and the inter-Burundian dialogue, and involve other multilateral partners for an effective inclusive dialogue among all Burundian protagonists with a view to revisiting the fundamental principles of the Arusha Agreement signed in 2000 and the organization of plural, free, fair and transparent elections in 2020.
2. Take appropriate measures, including the use of an embargo, for the Burundian authorities to accept an inclusive negotiation without preconditions, because the stubbornness of Pierre Nkurunziza poses a threat to peace not only in Burundi but also in the region, and involves risks to the stability of the East African Community (EAC).
3. Require all countries that have hosted Burundian refugees to comply with international conventions in this area with a view to the optimum protection of refugees on their soil, especially in Tanzania, where these refugees have ongoing threats to their security.

*To the International Community:*

1. Take act of Pierre Nkurunziza's declaration to no longer present himself in 2020, requires the return of the rule of law in Burundi and respect for the letter and the spirit of the Arusha Agreement.
2. Support the work of the International Criminal Court to conduct investigations on Burundi with a view to pursue without delay the perpetrators of serious crimes committed since the outbreak of the of 2015 crisis in Burundi , and thereby contribute to the eradication of impunity in this country.
3. Take appropriate measures to urge the Burundian authorities to cooperate fully with United Nations mechanisms and the ICC.
4. Take the economic, political and diplomatic measures necessary to bring the Burundian government to respect its international commitments, and commit in a concrete and verifiable way to the return of the rule of law and to the agreement of Arusha.
5. Implement the European Parliament resolution to stop any additional payments to Burundian troops and various contingents of Burundi engaged in United Nations and African Union peacekeeping missions.