



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

EXECUTIVE SUMMARY

1. 1. 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, enforced disappearances and a continuous lockdown of democratic space.
2. 2. This space remains under the strict control of the ruling party CNDD-FDD and its imbonerakure militiamen who crisscross the whole country in complicity with certain elements of the police, to bring the citizens, especially those of the opposition, to a standstill many of whom are permanently threatened, abused, tortured, abducted or killed.
3. 3. The victims are mainly the 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 lists of opposition upronists, loyal to Charles Nditije and those of former military (ex-FAB) indexed by the machine local repressive, have been discovered. The
4. 4. The fear of their elimination was amplified after the knife-killing on November 28, 2017, of Kirundo's former administrator, Serge Barahinduka, provincial leader of the Union for National Progress (UPRONA). This assassination was the result of threats received before and repeatedly.
5. 5. The climate of terror has particularly worsened following 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, while a political agreement was expected by Facilitation.
6. 6. This missed appointment was followed by the official announcement, dated December 12, 2018 in Bugendana, of the referendum of the constitutional revision of May 2018, by President Nkurunziza, who did not fail to warn anyone will oppose this referendum. The main objective of this constitutional amendment is to break the deadlock of the term of presidential term and allow President Nkurnziza to seek a new seven-year presidential term renewable without the crisis related to the current mandate is still resolved.
7. Previously, President Nkurunziza announced the color of the upcoming crackdown in his speech at Cibitoke on November 18, 2017, at the commemoration of Fighter Day. 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 heaven¹ » to insinuate that they will be killed if they persist in their critical positions.

8. 8. The political space therefore remains extremely controlled by imbonerakure militiamen who are gaining more and more powers every day, such as the right to make round during night, arrest, illegally impose fines, arrest, to torture and kill, sometimes with impunity, 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. .
9. 9. 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.
10. 10. Against a backdrop of this gloomy picture of massive and persistent violations of human rights and impunity, 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 prosecutor, Fatou Bensouda, this authorization was "exceptionally" kept secret and sealed to protect the integrity of the investigation and the lives of witnesses and victims².
11. 11. 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 murders and about 62 arbitrary arrests.

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¹ Athanase Karayenga, « Rendez-vous au paradis », <https://mybujuburbanews.wodpress.com/2017/11/20/rendez-vous-au-paradis-par-athanase-karayenga/>

² 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

13. 12. In the case of perpetrators, in many cases they remain unidentified in cases of violations of the right to life. However, in a few cases, perpetrators of violations have been clearly identified, including members of the imbonerakure militiamen, elements of law enforcement and administrative personnel. The latter are also regularly cited other violations such as the violation of physical integrity where torture practices have become commonplace.
14. 13. In short, 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 2015 crisis following the current third term of President Pierre Nkurunziza being resolved.
15. 14. As a result, tension has increased between the Power and the Opposition, both internally and externally, with the launch by the President himself of the campaign for the referendum of the draft constitution aimed at to break the lock of the term limit.
16. 15. 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 the 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.
17. 16. 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 these persons presumed to be close to the rebellion have been reported after their return to the country.
18. 17. 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 made by elements of law enforcement and imbonerakure militia. To this fragile political climate are added increasingly precarious economic conditions, aggravated by the imposition of compulsory taxes for all, to finance the elections of 2020 and probably the referendum. All this in total opacity, because no one knows the budget for these elections and the modalities of its management.
19. 19. It is therefore incumbent upon the Government, which has the responsibility to protect, and the entire political class to urgently find a peaceful solution to the crisis to prevent the country from falling prey to the denial of fundamental human rights. human.

Recommendations

To the Government of Burundi:

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. Put an end to the abuses committed by the imbonerakure militia and their impunity and stop without delay all the paramilitary trainings of these militiamen.
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. Cancel the arrest warrants issued against certain politicians and civil society.
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. 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. 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 of the United Nations at its 36th session and the International Criminal Court (ICC)
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. 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.
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