



SOS - TORTURE / BURUNDI

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

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



Burundi : No witness !

February 2020

Executive Summary

The last quarter of 2019 was a tumultuous period marked by numerous political and security events with a considerable negative impact on the enjoyment of human rights and freedoms. These facts seem to be more or less in conjunction with the tensions that characterise the election period, especially at a crucial time when the incumbent President is constantly proclaiming that he will not stand for the next election. Throughout the quarter, his statements continued to create controversies between those who believe the president will keep his word and others, perplexed, for whom Pierre Nkurunziza is a master in the art of concealing his game and would not yet have shot his last Cards¹. On the other hand, these proclamations of intentions provoked the positioning of possible "Dolphins ", who are working hard to have "white smoke" in their favor. This competition is likely to generate strong internal tensions within the CNDD-FDD, raising fears of violent confrontations.

At the political level, the electoral competition that has already begun for 2020 has led the government to further lock in the democratic space to its sole advantage. To that end, terror is used in all its forms to reduce any real or potential competitor. In this sinister game, the National Council for freedom (CNL), led by Agathon Rwasa, pays the heaviest price. Its members and supporters are subjected to intimidation, harassment, arbitrary arrest and physical attacks, some of which are lethal. Its offices are subject to recurrent acts of vandalism, the alleged perpetrators of which are members and sympathizers of the CNDD-FDD and its militia. In November 2019, the CNL spokesman had denounced the destruction of 50 permanent members of his party and "the grotesque montages of physical and verbal violence, the arrests of the innocents considered as a kind of "Manhunt" (sic !) whose CNL members were victims, making fear of violent confrontations².

*This blocking of democratic space and freedoms includes measures to prevent any independent observation of the elections. Several authorities have announced that the elections have been entirely financed by the Burundian population and that no one should come to look at the internal affairs of the country as an observer. Thus, the president of the Burundian Senate stated " We don't need Belgians, French or Americans ", " it is not at a match that they would come assist³». In this context, a code of Conduct for journalists during elections has been promulgated, the aim of which is to instruct journalists not to "**publish or broadcast on any***

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

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

³ <http://www.infosplusqabon.com/index.php?view=article&catid=37:international&id=22191:2020-01-10-14-18-51&tmpl=component&layout=default&page=>, citant la Radio Télévision Nationale du Burundi.

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

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

As a response to calls for inclusive dialogue, the government has preferred to engage in selective talks with some members of CNARED, the former opposition platform in exile, who support it. The latter, like Anicet Niyonkuru, President of the Council of Patriots (CDP), decided to return to the country to participate in the elections. Others were unable to do so because of the lack of guarantees they had demanded, rejected by the Hawks of the ruling party⁵. This approach aims to further simulate the pluralistic nature of the 2020 electoral process with a view to accrediting it.

In this electoral competition, the government decided to use traditional and transitional justice to present itself as the best bulwark of the hutu cause⁶ and "to show that he now has all the levers of power in his hands"⁷ ». In this regard, it focuses on two sensitive issues. First, it revived and accelerated the case against the alleged assassins of president Melchior Ndadaye hutu and his close associates in October 1993, the vast majority of whom are former tutsi dignitaries, both civilian and military, including former President Pierre Buyoya, without prosecuting the alleged hutu perpetrators involved in the subsequent Tutsi massacres. The handling of this case and the irregularities that characterize it make it a perfect judicial parody. Secondly, through the TRC, more and more frequent announcements are made of discoveries of mass graves from 1972 and 1993, of "presumed" hutu victims.

The authorities' desire to be opaque about the events taking place in Burundi increases the anger of any independent observer, particularly those in civil society and the media, who are regularly arrested and arbitrarily sentenced. Proof of this need is the arrest of four IWACU

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

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

⁶ *Ethnie majoritaire sur le plan démographique*

⁷ RFI du 9 octobre 2019 cité par

http://www.arib.info/index.php?option=com_content&task=view&id=19546&Itemid=138

journalists and their driver while they were covering an armed incursion into the Red-TABARA movement on 22 October 2019 in Bubanza province. A few days later, the driver was released, but the journalists were arbitrarily detained on unfounded charges more than three months later.

This episode provides an opportunity to take a look at the security situation in the country with two highlights. First, the armed incursion that took place on 22 October 2019, in the commune of Musigati of Bubanza province, claimed by the RED TABARA movement. It led to clashes between this armed group and elements of the defence and security forces supported by imbonerakure, following which the armed elements entrenched themselves in the forest of Kibira. This attack has caused a stir among the population and has shaken the confidence of the authorities, who have repeatedly affirmed that peace is complete. The outcome of these confrontations remains controversial on both sides. Then, on November 17, 2019, a second attack targeted an army position on marura Hill in Cibitoke province. According to the information officer of the Burundian army, "the position under attack is on Mount Twinyoni near the border with Rwanda ". He further specified that this "armed group of rifles (was) from Rwanda "where he" retreated after the⁸ ». According to some sources, this strong barracks of about 112 men was almost wiped out, the last available count being 38 dead, including the major who commanded the barracks and several dozen men missing since then. Burundi through its spokesman and later the president of the Republic, Pierre Nkurunziza, accused Rwanda of perpetrating this attack on Burundi. This attack has escalated the lingering tension between the two countries since 2015. Burundi has lodged a complaint with several regional and international bodies and complains that it is not being heard. Only the ICGLR decided to send a verification mission. Rwanda rejected these accusations and denied its involvement in the attack.

Another worrying aspect of human rights concerns the situation of Burundian refugees in Tanzania. The latter are under constant threat of forced return to Burundi by the Tanzanian authorities in collusion with the Burundian government. To this end, various pressures are exerted on them, some more subtle than others, including the deprivation of certain services (markets, telephone connection, etc.) but also arbitrary arrests in the camps or in the vicinity, detentions and enforced disappearances to which some refugees are subjected. There are also persistent allegations of infiltration of imbonerakure militia and SNR agents into the camps. On 11 October 2019, the Tanzanian President, John Pombe Magufuli, said that Burundian refugees should "return home".⁹ ». According to Human Rights Watch, "refugees stated that the reasons they left Tanzania included fear of being caught in a wave of arrests, allegations of disappearances and killings in or near refugee camps, and fear of suspected Imbonerakure and Burundian refugees abusing the camps' security with the Tanzanian police¹⁰ ».

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

⁹ <https://www.hrw.org/fr/news/2019/12/12/tanzanie-les-refugies-burundais-subissent-des-pressions-pour-quitter-le-pays>

¹⁰ *Ibidem*

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

Recommendation

To the Government of Burundi:

1. The journalists of the IWACU group: Agnes Ndirubusa, Christine Kamikazi, Egide Harerimana and Terence Mpozenzi, must be released unconditionally and without delay.
2. Put in place the necessary political measures for the organization of peaceful, pluralist, free and transparent elections to enable the country to emerge from the crisis ;
3. Take all necessary measures to immediately stop the persecution of CNL activists and other political parties ;
4. Opening up the democratic space by guaranteeing political parties, civil society and the media the exercise of rights and freedoms guaranteed by national, regional and international instruments;
5. Immediately and unconditionally release Human Rights Defenders Germain Rukuki and Nestor Nibitaga, unjustly convicted ;
6. To put an immediate and unconditional end to the recent selective prosecution of the alleged assassins of president Melchior Ndadaye by sparing the alleged perpetrators of the serious crimes and other massive human rights violations that followed this sad event and to prepare the overall framework for it as called for by the Arusha Agreement, in order to put an end to impunity for the crimes of the past, without exception and in full equity ;
7. Cooperate fully with human rights mechanisms at the national, regional and international levels in the implementation of human Rights Council resolutions and collaborate with the International Criminal Court (ICC).

To the East African Community:

1. Scrupulously respect the relevant conventions to ensure the protection of refugees in the various countries and strictly the principle of voluntary return and put an end to the various and subtle pressures exerted on refugees for this purpose especially by the Tanzanian government ;
2. Drawing lessons from the failures of the inter-Burundian dialogue as a sponsor of the Arusha Peace Agreement and involving other multilateral partners in an effective inclusive dialogue among all Burundian actors with a view to consolidating the achievements of the fundamental principles of the Arusha peace and reconciliation agreement signed in 2000 and the 2005 constitution ;

3. Take coercive measures, including the use of an embargo, to ensure that the Burundian government accepts an inclusive negotiation without preconditions, as the stubbornness of Pierre Nkurunziza constitutes a threat to peace not only in Burundi but also in the region, and entails risks to the stability of the East African Community (ECA).

To the international community :

1. Take the necessary economic, political and diplomatic steps to ensure that the government of Burundi complies with its international commitments, and make a concrete and verifiable commitment to the return of the rule of law and the Arusha Agreement ;
 2. Support the work of the International Criminal Court to complete the investigations begun on Burundi with a view to prosecuting without delay the perpetrators of serious crimes committed since the outbreak of the crisis in Burundi in 2015 ;
 3. Take appropriate measures to urge the Burundian authorities to cooperate fully with the United Nations mechanisms and the ICC ;
 4. Closely monitor the human rights situation in Burundi, taking into account the risk factors developed by the International Commission of inquiry to prevent massive human rights violations.
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