



SOS - TORTURE / BURUNDI

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

Quarterly report on the situation of human rights in Burundi

From January 1st to March 31st 2018



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

May 2018

Executive summary

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

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

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

To ensure that all Burundians of voting age will do so, the registration receipt is required at all times. According to several concordant testimonies, pressures of all kinds were exerted notably in the markets, high schools and colleges by the administration, the police and the youth league of the ruling party, the Imbonerakure. High school students were thus dismissed from their schools until they had registered. The administration also threatened those who did not have a registration receipt to no longer have access to administrative

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

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

documents or medical care. All these elements tend to show that it is a forced enlistment of voters³.

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

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

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

³ VOA, massive registration for the May referendum and the 2020 elections in Burundi

<https://www.voaafrique.com/a/inscription-massives-pour-le-referendum-de-mai-et-les-elections-de-2020-au-burundi4262095.html/>

⁴ Rapport SOS-Torture n° 110, <http://sostortureburundi.over-blog.com/2018/01/rapport-n-110-de-sos-torture/burundi-publie-le-20-janvier-2018.html>

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

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

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

In a context in which national mechanisms designed to protect and promote human rights are doing their job or fall under norms, especially in a context of impunity and the instrumentalization of justice, violations of human rights can only continue and systematize. The terror campaign instituted to make the draft constitution vote in the by force is an aggravating factor.

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

Recommendations

To the Government of Burundi:

1. Guarantee the rights of people living in Burundi in accordance with the international obligations and conventions to which Burundi has subscribed. In this context, stop the campaign of terror in progress for the "yes" in the referendum.
2. To put an end to the violence committed by the imbonerakure militia and their impunity and to stop without delay all the militiamen's paramilitary training and the distribution of weapons against them.
3. Immediately release all political prisoners detained since the outbreak of the crisis and before and arbitrarily detained human rights defenders.
4. Stop the constitutional referendum process and instead engage in a frank and inclusive dialogue to find a lasting and peaceful solution to the ongoing crisis in Burundi since April 2015.
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. As the sponsor of the Arusha Peace Agreement and the inter-Burundian dialogue, appropriate the facilitator's conclusions and re-launch the inter-Burundian dialogue on another basis, with a view to achieving a rapid and lasting peaceful outcome in the current crisis.
2. Cooperate actively with other regional and international mechanisms such as the African Union and the United Nations Security Council in the search for a lasting solution to the Burundian crisis.

To the International Community:

1. Support with all necessary means all peace initiatives and fight against impunity for crimes committed in Burundi.
 2. Draw conclusions from the various reports, including those presented by the Secretary General of the United Nations on the gravity of the situation in Burundi, and take the necessary steps to take appropriate measures for the protection of the civilian population.
 3. In this regard, continue to closely monitor the situation in Burundi, in particular hate speech, training and arming of the imbonerakure militia, and actively engage in the prevention of mass crimes that may be committed in Burundi.
 4. Take appropriate measures to urge the Burundian authorities to cooperate fully with United Nations mechanisms and the ICC.
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