



SOS-TORTURE/BURUNDI

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

**Quarterly report on the human rights situation in Burundi from
January 1 to March 31, 2021**



Egide Sindayigaya, 65, the brother of an ex-FAB man executed by the police, was arrested and then brutally tortured by SNR agents who injected substances into his genitals. He died as a result of his torture while in custody.

Burundi: Putting words into action

April 2021

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Socio-political context

During the first quarter of 2021, the socio-political situation in Burundi is characterized by the persistence of a major contradiction between some desire for change, especially in terms of diplomatic openness, and a desire to maintain the status quo. This tendency structures the socio-political events that have marked Burundi during this first term of the year and inevitably leaves its mark on the enjoyment of human rights and fundamental freedoms in the country.

On the political side, the appointment of a new secretary general of the ruling party, Révérien Ndikuriyo, at the very beginning of the year, to replace the current President of the Republic who held this position, is in keeping with the logic of maintaining the status quo and hardening the regime. This choice is perceived by some as a desire to reinforce the hard line by the control of "hawks" on all state decision-making bodies and within the ruling party. This man "without qualms¹ » is known for his sharp, extremist and "hateful" speeches, especially against the opposition, Westerners and homosexuals. Among other things, he also publicly put a price on the head of a person, "Kaburimbo," whom he presented as an enemy of peace and the nation. In the end, this person was captured in his home and executed by a police expedition, with impunity. Finally, the appointment of Révérien Ndikuriyo is interpreted by some as *"a bad signal, whether in terms of inter-Burundian dialogue or political openness»*.

However, at the beginning of the year, the President of the Republic, Evariste Ndayishimiye, declared: "We have said goodbye to the past, we are now in democracy". The translation of these words into action has been marked by failures. But that is not all. Even the consistency of the President's speech and actions is not assured. They are marked by a certain fickleness, even resounding contradictions, reflecting, according to a certain opinion, contradictions at the head of the State, reflected in a good number of decisions, taken, but not executed, at least within the expected time.

Among the most remarkable are the speeches, and even the measures on the fight against the coronavirus and corruption, which have evolved in fits and starts and are marked by worrying contradictions ranging from the announcement of prevention and control measures to denial. However, in terms of turning the President's words into action, one of the most emblematic examples concerns the presidential pardon granted on March 5, 2021 to more than 5,255 prisoners classified in several categories, which unfortunately exclude prisoners of conscience, human rights defenders and political opponents. The measure aims to relieve overcrowding in Burundi's overcrowded prisons, as it concerns nearly 40% of the 13,200 adult prisoners, for a capacity of 4,100 places². Several weeks after the signing of this decree, which was to be implemented on the day it was signed, this measure had not yet been put into

¹ Marie-France Cros, <https://www.lalibre.be/international/afrique/burundi-un-faucon-sans-etat-d-ame-a-la-tete-du-parti-au-pouvoir-600ee16a9978e227dfea81f2>

² https://www.rtbf.be/info/monde/detail_burundi-grace-presidentielle-pour-40-des-detenus-du-pays?id=10714253

effect. The release of those pardoned was postponed indefinitely, when on March 7, 2021, the Minister of Justice announced the discovery of errors that had to be corrected beforehand, without further details. Since then, the government has remained silent³.

On the other hand, there are signs of openness, marked by announcements of the reopening of independent media banned by the government, as well as some measures such as the lifting of the suspension of the association Paroles et Actions pour le Réveil des Consciences et l'Évolution des Mentalités⁴ (PARCEM). The ambiguity and the real will associated with these announcements are paralleled by the need for the Burundian government to restore its image at a time when it is scrambling to get the European Union to end the sanctions imposed on Burundi since March 14, 2016.

In this context, towards the end of January, President Evariste Ndayishimiye called for "settling the disputes we have had in the past" with media outlets that have been sanctioned and instructed the National Communication Council (CNC) "to sit down with these media outlets and find solutions to these disputes so that we can put an end to them once and for all". While the measure concerned four media outlets, only Radio Bonesha FM was allowed to reopen after the CNC lifted its decision to withdraw operations⁵. However, nothing has been announced for the other media concerned: Radio Publique Afrique (RPA) and Radio-Télévision Renaissance. In the case of Radio Bonesha FM, the government has opted for an accommodating management, subject to a substantial schedule of conditions. Regarding journalists in exile, the Committee to Protect Journalists said that "there is still a long way to go. (...) there is still a lot to do to make Burundi a place where journalists can feel safe. The government must give guarantees that journalists will not be arrested, harassed or intimidated because of their work⁶ ».

This position is consistent with that of a group of 43 European parliamentarians. After noting that dialogue to lift sanctions is provided for in the Cotonou Agreement "as soon as the reasons for them disappear," the group stressed that these reasons "are far from disappearing," listing a series of serious human rights violations still committed in Burundi. These violations include killings, enforced disappearances, sexual violence, torture, arbitrary arrests and detentions galvanized by hate speech encouraged by the country's highest authorities⁷.

Numerous other facts continue to contradict the President's speech. They show that the practices of the current government are far from respecting democratic principles and the

³ <https://www.rfi.fr/fr/afrique/20210310-burundi-la-gr%C3%A2ce-pr%C3%A9sidentielle-de-plus-de-5200-d%C3%A9tenus-se-fait-attendre>

⁴ Words and Actions for the Awakening of Consciousness and the Evolution of Mentalities.

⁵ Adam Ntwari, <https://www.sosmediasburundi.org/2021/02/22/medias-la-radio-bonesha-fm-va-rouvrir/>

⁶ Déclaration de Muthoki Mumo, <https://www.sosmediasburundi.org/2021/02/22/medias-la-radio-bonesha-fm-va-rouvrir/>

⁷ Marie-France Cros, <https://afrique.lalibre.be/58188/fronde-contre-la-normalisation-entre-union-europeenne-et-burundi/>

rule of law. One of the most emblematic cases concerns "Christa Kaneza". This 18-year-old woman, with a baby a few months old, was convicted of the murder of her husband. She was first publicly displayed by the police, pointing the finger at her as a murderer, in flagrant violation of the presumption of innocence, and then was imprisoned since January 19, 2021. However, on February 3, the Intermediate Court of Bujumbura took the decision to release her provisionally. Against all the rules of law, as soon as the release order was presented to the director of the Mpimba prison where she was being held, Mr. Alfred Innocent Museremu, a police officer, director of internal documentation, showed up and gave the order not to execute the court's decision. This was done, prolonging Christa Kaneza's detention sine die. When an order from a police officer overturns a court decision that has become *res judicata*, arbitrariness prevails over the law.

A second element is also linked to the functioning of the justice system. At the time Burundi was entering into negotiations with the EU, the country's Supreme Court issued a "backdated" judgment sentencing military personnel, human rights defenders, political figures and journalists to life imprisonment. At the time the judgment was issued, seven months before it was published, the defendants had not been legally summoned and had not been served with the judgment⁸.

These different facts show that the context is always conducive to the violation of human rights, the trends of which remain invariable. What changes is the extent of certain types of violations, depending on the period. During the first quarter of this year, there were 55 violations of the right to life, 16 violations of physical integrity, 24 arbitrary arrests and detentions, 4 cases of torture, and as much as abductions, 2 enforced disappearances, and 2 cases of gender-based violence. Compared to the same period of the year and to other quarters in 2020, the number of arbitrary arrests and detentions decreased significantly.

These types of violations are presented specifically below.

1. Violations of the right to life go largely unpunished

With few differences, the characteristics of violations of the right to life during the period under review are indistinguishable from those of previous quarters. Thus, killing and throwing the bodies of victims far from their places of residence where they will not be recognized, and hastily buried on the orders of administrative authorities, has become a recurring practice. In these cases, the invariable argument put forward by the authorities is to prevent the decomposing bodies from contaminating the inhabitants of the area. In fact, it is a devious way of preventing any identification of the victims and, consequently, any subsequent investigation, thus shielding the perpetrators of these despicable crimes from any prosecution.

⁸ On 2 February 2021, the Supreme Court of Burundi proceeded to serve the judgment at unknown domicile which would have been pronounced on 23 June 2020, see <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-condamnation-in-absentia-a-une-peine-de-prison-a-perpetuite>

Many bodies have been found in rivers or on uninhabited land, sometimes disfigured, tied up or already decomposing.

The other most frequent category of violations of the right to life is targeted killings of well-identified individuals in or around their homes, presumably by individuals in their neighborhoods. Despite predictable clues that could be exploited by the police, they do not investigate, or when they do, they are never successful. This has been observed even in cases of mob justice, such as when a man was killed in Murwi commune on suspicion of witchcraft, even though the police had been warned by his relatives of the threats against him. In another category of cases, unfortunately still rare, the alleged perpetrators were identified, arrested, and sometimes tried. This is with the exception of attacks on the right to life attributable to police officers, where various stratagems are always used to protect them and attribute responsibility to the victims. During the period under review, several such killings by law enforcement officers were reported. These included cases where the perpetrators shot the victims at close range, extrajudicial killings, and torture resulting in death. As in the past, former members of the so-called ex-FAB are again the targets of summary executions, targeted solely for what they are or have been.

Finally, there is also the persistence of killings within families, where almost often the alleged perpetrators are relatives or allies, who are very often identified and arrested. In all, the quarterly report shows 55 violations of the right to life, or about two people killed per day during this period. These categories are summarized below.

1.1. Bodies found in rivers or on vacant lots and buried without investigation

In all, 11 bodies were found abandoned in rivers and on land far from houses, sometimes in decomposition. In one case, in Rutana commune, the body of the victim had even been torn apart by stray dogs. In another case, the faces of two victims tied together were disfigured and all their bodies were covered with wounds. The vast majority of the bodies were found in Cibitoke province, which has become the scene of these macabre discoveries for some time. Many witnesses continue to assert that these people were taken alive by agents of the National Intelligence Service (SNR) and then executed and abandoned. For example, in the case of the two bound bodies found near the road in the commune of Murwi, close witnesses claimed to have heard the sound of an engine near the location at around 1:00 a.m.

In all cases, the administration gave orders to bury the bodies without any identification, making any further investigation impossible.

Here are a few illustrative examples.

On January 2, 2021, at approximately 6 p.m., residents living along the Rusizi River on the 4th transversal of Nyamitanga hill, Buganda commune, Cibitoke province, discovered two unidentified lifeless bodies of a man and a woman tied together.

Sources at the scene said that the victims' clothes were stained with a lot of blood and that the bodies had many wounds. They were buried the next day, January 3, 2021, at border of the river, without any identification.

On January 23, 2021, around 7:00 a.m., passengers on a bus coming from the Bukinanyana commune, Cibitoke province saw two lifeless bodies of men tied together in a eucalyptus grove on Bambo sub-hill, Ngoma hill and zone, Murwi commune, in the same province.

According to these witnesses, the victims were disfigured and their bodies were covered with wounds from the blows inflicted by their executioners. Several witnesses said they heard the roar of an engine at around 1:00 a.m. This suggests that these people were taken there from another place to be killed or dumped.

According to information received, the bodies were buried at around 10:00 a.m. on the same day in a common grave at this location on the orders of Murwi communal administrator without the police having carried out the necessary investigations for their identification.

On March 5, 2021, around 2:30 p.m., on the Rusiga hill, Rugombo commune, Cibitoke province, farmers discovered the body of a man in a field, lifeless and decomposing, who could not be identified. The farmers quickly alerted local officials, who ordered the body to be buried directly without any identification procedures.

Various local sources reported that people in the locality saw a National Intelligence Service (NIS) vehicle driving around that location during the night of March 1 to 2, 2021, hence the assumption that the victim's body was taken away in that vehicle.

On February 23, 2021, in the stream separating the Bwoga I neighborhood and Rukoba hill, Gitega commune and province, the lifeless body of an unidentified girl was discovered.

According to witnesses, the body of the victim had deep wounds on the head and she was raped before being killed. The responsibility for this crime has not been established.

1.2. *Well-targeted victims whose presumed torturers are not prosecuted*

This category includes the largest number of cases and is also a strong trend that is one of the constants of the impunity that has characterized Burundi for many years, especially since 2015. Here, the victims are well targeted by their executioners who presumably know them well and decide to attack their lives in their homes or in the surrounding area.

There, despite plausible clues that can be exploited, the presumed perpetrators of these crimes are either not sought or, when they are, the investigations are not successful or, even more seriously, when they are police officers, they are protected by their superiors, and go unpunished, under various pretexts and justifications, the most common of which is self-defense.

Some cases are presented here to illustrate this phenomenon.

On January 20, 2021, on Rushara sub-hill, Kibati hill, Bukinyana commune, Cibitoke province, the lifeless body of Domitien Ntahombaye (40 years) was discovered by farmers in a sewage gutter.

According to witnesses, his body was lying in a pool of fresh blood, suggesting that he had been killed the night before. The same source revealed that the victim had been seen on the night of Tuesday, January 19, 2021 in a bar of the place quenching his thirst. The circumstances and responsibilities of this crime are not yet clarified.

On February 7, 2021, around 8:00 p.m., on Ruvumu hill, Kiganda commune, Muramvya province, a grenade was thrown at the home of Colette Ndikumana during the evening meal. The explosion of this grenade caused the immediate death of two persons, namely Colette Ndikumana (57 years) and Tharcisse Nsabimana (40 years), her servant, while her daughter Clotilde Ndayizeye was injured.

To this day, the motive for this double assassination as well as the perpetrator(s) is (are) not yet known.

On February 25, 2021, in Kajaga, Kinyinya sector, Rukaramu zone, Mutimbuzi commune, Bujumbura province, Eric Nijenahagera, nicknamed Mudeyi (35 years), an Imbonerakure, director of the Rukaramu communal High School, was murdered on his way home.

According to several witnesses, the missing man had warned at a CNDD-FDD meeting held in Mutimbuzi on February 22, 2021, that he was receiving death threats from the head of Rukaramu zone, Léonidas Nibigira. The victim's body showed signs of strangulation when it was discovered in a rice field near the Bujumbura airport.

According to various sources, to date no investigation has been opened to determine the circumstances and responsibilities of this crime, even though the victim had shown threatening messages that he had received to CNDD-FDD officials present at the above-mentioned meeting.

On March 10, 2021, around noon, in Kamesa neighborhood of Muha commune, Bujumbura town hall, the lifeless body of Beatrice Berahino, who was a teacher at Buruhukiro primary school in Muramvya commune and province, was discovered decapitated at her husband's home.

According to witnesses, the victim had come to Bujumbura for medical treatment. To date, the motives and responsibilities for this crime are not yet known.

1.3. Violations of the right to life whose alleged perpetrators are arrested and/or tried

In almost one case out of ten, the alleged perpetrators of violations of the right to life are identified, arrested and even tried, often in flagrante delicto proceedings and convicted. These facts are unfortunately still rare, but they constitute a reference of good practices that the police could learn from to fight against impunity. Some examples are developed below.

On 3 January 2021, at around 11 p.m., on Gisenyi hill, Buhiga commune, Karuzi province, six people from the same family were murdered in their home.

According to local sources, all these people were stabbed. They are Donatien Mpfayokurera, a retired police officer, his wife, Virginie Kabanyiginya and their four children, Bertin Ndayishimiye, Chanceline Cubahiro, Audifax Ntindahurika and Vanessa Bihimana.

According to the same sources, seven people, including two police officers, were arrested and detained in the dungeon of the provincial police station in Karuzi for investigative reasons.

On March 11, 2021, on Ruhehe hill, Bugabira commune, Kirundo province, the remains of four people were found, including those of a child, in a mass grave, at the home of a certain Joseph Mitima, who is believed to be both a forger and a sorcerer.

According to local sources, a woman who had disappeared was recognized as Josephate Mukagakware, according to family members. The victims are found among the people who were going to be treated at the wizard who would have taken the opportunity to steal the goods brought, such as motorcycles or bicycles, and then killed them and buried them in the mass grave identified.

The alleged perpetrator of these murders, Joseph Mitima and his wife, were arrested by the police for preparing the criminal file.

On 21 March 2021, near the center of Kibago commune, Makamba province, the lifeless body of a girl named Olivine Ndayizeye (28), from Jimbi hill, was discovered by passers-by lying in a ravine.

According to witnesses, the victim was slaughtered after being raped by her executioner who had maintained romantic relationships with her.

The arrested suspect is a judicial police officer at the municipal police station in Kibago, named Elysée Ndimubandi. A search of his residence had uncovered the victim's shoes and mobile phones that he had hidden in the latrine.

Reliable sources have claimed that the alleged perpetrator of this murder has been well apprehended for investigations.

1.4. Unpunished killings attributed to law enforcement officers

In all, seven attacks on the right to life attributed to police and SNR agents were reported. In three of the cases, the scene of the crimes was the Burambi commune, where two of the people summarily executed were Tutsi, former members of the Burundian army, ex-FAB, who had retired and were accused of being in league with an unidentified armed rebellion. The third person, arrested and subjected to atrocious torture that resulted in his death, is the brother of one of the victims. He was tortured to extract information about the alleged rebellion.

Another case also appears to be politically motivated, as it involved a member of the CNL who was abducted by Imbonerakure militiamen in collusion with SNR agents. More than a month after his abduction, his decomposing body was found in the Rukoko forest by members of his family after they received information that he had been taken there in the vehicle of the SNR official in Bubanza province.

Two other cases involved a police officer who shot a taximan in his car at point-blank range, even though he posed no danger, and a police officer in the company of two other people who fatally abused a woman until she died. The only accusation for this woman was that she had relieved herself near the kitchen of the bar where her torturers were. All these murders perpetrated by agents of the forces of order, of which here are some illustrations, were committed with total impunity.

On 16 January 2021, on Gishiha hill, Burambi commune, Rumonge province, elements of the army and police, in a joint operation, shot dead Déo Niyongabo aka Côme, a retired non-commissioned officer of the former FAB (Burundian Armed Forces).

According to witnesses, Deo Niyongabo was killed at his home in Masa by the police. He was wanted by the police for 4 years as a rebel and his head would have been priced for an amount of three million five hundred thousand Burundian francs (3.500.000 Fbu), to be given to any individual who reveals his hiding place.

The victim, Déo Niyongabo aka Côme, had been under unprecedented harassment for several months. His widow, Immaculée Sakaganumwe, and his 16-year-old son, Alfred Dusengimana, had been held for almost 9 months in Rumonge Prison without trial.

Two days later, in the same commune, the fifty-year-old Protais Niyondiko, also ex-FAB, was executed after being tortured by police officers. Protais Niyondiko had been arrested on Thursday, January 14, 2021, tied up, subjected to torture sessions. He was accused of being part of a rebel group operating in the communes of Burambi (Rumonge province), Mugamba (Bururi province) and Mugongo-Manga (Bujumbura province).

The murder of Protais Niyondiko is clearly an extrajudicial and summary execution by police officers.

In the same case, on the morning of 25 January 2021, Égide Sindayigaya (65 years old) died in the dungeon of Rumonge provincial police station as a result of acts of torture that have been inflicted on him since his arrest on 18 January 2021. He was the older brother of Déo Niyongabo aka Come, above mentioned. The victim was among four men presented by the police as criminals to journalists and residents of Maramvya zone, Burambi commune on Tuesday, January 19, 2021.

According to sources on the ground, Egide Sindayigaya had been excruciatingly tortured by agents of the National Intelligence Service (SNR) to obtain information from him about weapons caches that his younger brother's alleged rebel group would use in its operations. The same sources added that his torturers took him to an unknown destination where they violently beat him, then injected him with substances in the testicles and penis before returning him to the dungeon of Rumonge in a very critical condition, already agonizing, three days before his death.

On February 23, 2021, in downtown Bujumbura, Mukaza municipality, near the old central market, a police officer assigned to the Anti-Terrorist Unit, AP1 (Police Officer 1st class) named Jérôme Iranzi (ID number APN19300), shot and killed a taxi driver registered JA 4873 who is

known as Jean Marie Nderagakura aka Nzungu, a native of Musivya hill, Gisozi commune, Mwaro province.

According to sources on the spot, the taximan briefly disputed with the policeman who accused him of creating a traffic jam on a road axis passing behind the former central market, in front of the National Bank for Economic Development (BNDE), while he tried to park his vehicle in his usual parking lot. Following this argument, the officer fired at the taximan through the windshield of the vehicle, hitting him in the chest. After this murder, the policeman threatened to shoot anyone who tried to approach him.

Subsequently, colleagues came to the rescue as he was about to be lynched by the angry mob. As has become almost a habit, the spokesman for the Ministry of interior, community development and public security, Pierre Nkurikiye, alleged the "self-defense" of the policeman while ignoring the death of this taxi driver.

On 7 March 2021, in the capital of Giheta commune, a woman named Souavis Nduwimana, from Ruhanza hill, in the same commune of Giheta, Gitega province, died as a result of torture inflicted on her in the police dungeon in that commune.

According to witnesses, the victim was severely beaten by a group of three men including a police officer named Joseph Kabanda to punish her for having pissed near the kitchen of the bistro where she was having a drink. The dying woman, instead of being taken to a health care facility, was then arrested by the police and held in a dungeon of Giheta commune where she succumbed to her injuries a few hours later.

Subsequently, the two of the alleged perpetrators, with the exception of this policeman, were arrested the next day and taken to the police dungeon in Giheta, and released on 9 March 2021. These horrific and illegal acts went unpunished.

1.5. Persistence of deadly violence within families

Violence and conflict among women, including domestic violence, which can lead to the death of a spouse, parents or brothers, has become a persistent phenomenon of some magnitude in recent times. It is an epiphenomenon of ambient political violence that trivializes human life. Often, as this type of violence is devoid of political aspects, the vast majority of the alleged perpetrators of these crimes are identified and prosecuted. In this category, 5 murders were reported, of which here are some examples.

On January 5, 2021, on Muyange hill, Mutaho commune, Gitega province, a woman named Emelyne and her two-and-a-half-month-old baby were murdered with hoe blows to their heads.

The alleged perpetrator turned out to be the woman's husband, who was arrested the next day and then tried and sentenced, by Gitega Intermediate Court sitting in the criminal chamber in a flagrant trial, to life imprisonment.

On February 20, 2021, on Remera hill, Murwi commune, Cibitoke province, Ms. Odette Ntagahoraho (35 years) died after receiving several machetes at her home.

According to witnesses, the victim's children alerted neighbors around 1:00 a.m. who quickly intervened to stop the executioner in his escape. The same sources revealed that the motive of the crime is a marital disagreement between the spouses and the man had repeatedly sworn to make his wife pay.

The alleged perpetrator of the crime was arrested by the police and detained in the dungeon of the public prosecutor's office in Bubanza for investigation.

On 28 March 2021, on Kiguhu hill and area, in Mpinga-Kayove commune, Rutana province, Justin Tuyikorere (24) killed his 62 years father Gaspard Harimenshi.

According to local sources, Justin Tuyikorere demanded a piece of land from his father to sell it, but he refused. This is how, angry, his son administered blows to him with a worn hoe and the father died instantly.

The alleged criminal was arrested by the police and taken into custody in the dungeon of the Mpinga-Kayove communal police station for investigations.

2. Violation of the right to physical integrity

About ten violations of physical integrity were reported during the period under review. They can be grouped into three categories, among which we distinguish those attributed to persons holding a certain authority (local official, police officer, magistrate, ...), then by Imbonerakure militiamen, and finally by persons who have not been identified and they have been perpetrated in the form of ambushes or grenade attacks. Where the alleged perpetrators hold a certain authority or are Imbonerakure, impunity is the rule, with prosecution an exception. Here are some examples of these abuses.

2.1. Violations of physical integrity attributed to persons holding a certain authority

On March 18, 2021, the chief of Buringa sub-hill, Gihanga commune, Bubanza province, named Jean Paul Nsavyimana, burned Souavis Nduwimana, a 9-year girl, on both hands, accusing her of stealing a sum of four thousand five hundred Burundian francs (4,500 Fbu) from her mother.

According to local sources, Jean Paul Nsavyimana is an Imbonerakure, cited in many enforced disappearances. Following the abuse inflicted on the girl, he was arrested and detained in the dungeon of Gihanga communal police station since Friday 19 March 2021 for investigations.

On 19 March 2021, in the urban center of Kirundo, judicial police officers in Kirundo violently beat Marc Nduwamahoro, an Imbonerakure, director of the School of Public Works (ETP) of Kirundo who had gone to the office of the judicial police to visit a group of Imbonerakure who had quarreled with other Imbonerakure of a rival group for reasons of political positioning.

According to witnesses, these policemen hit the victim with cannons and the butt of their rifles in the presence of their chief who had been ordered to do so by the president of Imbonerakure youth league in Kirundo province, Abel Ahishakiye. The same source claimed that the victim was urgently evacuated to Kirundo Hospital in a comatose state and was transferred the next day to Karusi regional hospital.

On 21 March 2021, in the capital of Nyanza-Lac commune, Makamba province, the prosecutor of the Intermediate Court of Bururi (TGI), Agricole Ndayitwayeko, is accused of violently beating a minor girl, named Thierryve Bitangimana, a student at the Communal High school of Nyanza-Lac and aged 17, on the grounds that she refused his advances.

According to witnesses, these acts took place in the early evening, the prosecutor of Bururi Intermediate Court, who also had his home in the same place, passed in front of the victim's father's shop, located very close to the gas station, where she was selling items spread on a table and ordered her to stop her activity and return home immediately. When the victim asked the reason for the injunction, the prosecutor ran at her and violently beat her several times and finally took a chair with which he continued to hit her on the head until she lost consciousness.

The victim was evacuated to the "Good Shepherd" health center in Nyanza-Lac for first aid, then transferred the next day to Kira Hospital in Bujumbura for appropriate medical care.

According to the information received, this prosecutor of Bururi, Agricole Ndayitwayeko, was not concerned despite the fact that the members of the victim informed the attorney general about this incident.

2.2. Physical abuse by Imbonerakure militia elements

On January 22, 2021, at Kirundo central market located in Kirundo center, a woman named Kampeta, and a member of the National Congress for Freedom (CNL), was violently beaten by a young Imbonerakure known as Tombola.

According to witnesses, the victim who is a trader at this market was severely beaten because she refused to sell her stall to the wife of this Imbonerakure. Following the abuse suffered, the victim had a closed fracture in the face and head and filed a complaint on Monday, January 25, 2021 against his attacker at the public Prosecutor's office in Kirundo.

However, information gathered on the spot indicated the prosecutor's complacency and laissez-faire with regard to the violence committed by members of the CNDD-FDD party.

On March 14, 2021, in the capital of Buhiga commune, Karusi province, a group of Imbonerakure led by Buhiga zone chief Focas Sindaruhuka defeated Claude Irakoze and his companion, two members of the National Congress for Freedom (CNL), at the end of the ceremonies commemorating the 2nd anniversary of the existence of this party.

According to witnesses, the two members of the CNL were having a drink in a bistro, when these militiamen beat them on the sole grounds that they were wearing CNL party uniforms.

On the same day, on Kinyota hill, Gitaramuka commune, in the same province, Alfred Nkurunziza and Salvator Niheme, two other members of CNL returning from the same ceremonies, were ambushed by a group of Imbonerakure who were violently beaten.

All these acts of violence have been perpetrated with impunity.

2.3. Violations of physical integrity of which the perpetrators remain unknown

These are mainly armed attacks or attacks whose perpetrators are not identified as appears in these three cases.

On February 11, 2021, on Burambana hill, Muramvya commune and province, unidentified criminals broke into a household and seriously wounded a teacher called Francine Nzeyimana (27 years) and a student named Larissa Dusabe, student in 2nd post-basic at Muramvya Communal High School.

Sources at the scene reported that these criminals also stole two mobile phones before fleeing while the victims were urgently evacuated to Muramvya Hospital for intensive care. The perpetrators and motive of these attacks have not been elucidated.

On 5 March 2021, on Fute river bridge on Rutegama hill, Vugizo commune, Makamba province, unidentified armed men ambushed a vehicle in Vugizo commune. They shot at the vehicle in which the administrator of Vugizo commune, Gérard Hazima, who was slightly wounded in the cheek, the cantonal inspector of Vugizo and Pierre Harushimana, chief of Gishiha zone, who were also wounded in the face.

The same sources said that the attackers fled after the package and the wounded were evacuated to the Gishiha health center of the same commune.

On 18 March 2021, at around 8 p.m., in the Vyondo district of Gihanga commune, Bubanza province, a grenade was thrown and wounded a girl known as Viola Ndikumana in the left leg who was urgently evacuated to the Gihanga hospital.

According to sources on the spot, the victim refused the marriage advances of a soldier of the 212th Commando Battalion known as Jean Ntawukenashaka, which is said to be the motive for this attack.

2.4. Allegations of abductions and enforced disappearances

During the period under review, seven (7) suspected abductions and enforced disappearances were reported. Four of the six victims are members of CNL who are the prime target of the various agents of power, especially the SNR, the police and elements of Imbonerakure militiamen. In another case, a returnee from Rwanda was abducted. Here, too, it is a recurring phenomenon as several returnees from Rwanda have been killed or reported missing, and the alleged perpetrators are SNR agents or Imbonerakure militia elements or both acting together. Here are some examples that illustrate this phenomenon that has become recurrent.

On January 5, 2021 at around 6 p.m., in the town of Rugombo, cibitoke commune and province, the provincial head of the National Intelligence Service (SNR), Jovith Butoyi, abducted a member of the National Congress for Freedom (CNL) known as Idrissa Nimpaye aka Emmanuel, a hairdresser in this locality, and embarked him, tied up, on board his vehicle registration D0540A to an unknown destination.

According to local sources, the victim was accused of collaborating with rebel groups. The modus operandi of this abduction raises fears that it could turn into an enforced disappearance as long as the abductor is cited in several civil society reports, including the

Forum for Conscience and Development (FOCODE), as one of the perpetrators of the already recorded enforced disappearances.

On January 31, 2021, around 11 a.m., on Rweza hill, Kanyosha commune, Bujumbura province, Clement Nduwayezu (42), an activist of the National Congress for Freedom (CNL) was abducted by unidentified individuals and taken to an unknown destination.

Sources on the spot revealed that Clement Nduwayezu would have received a visit from an Imbonerakure named Joseph Manirakiza who would have started calling people who in turn would have called the victim to ask him to pick up an urgent message at a specified place.

After these exchanges, Clément Nduwayezu would have immediately closed his shop and left in the company of this Imbonerakure Joseph Manirakiza and, at about 7:00 p.m., a group of Imbonerakure of which some could be identified, including François Muhoza, a given name Olivier and a certain Pascal surnamed Mashoke, current leader of the Imbonerakure on the hill of Rweza, came to intimidate the family of Clément Nduwayezu at his home.

On March 31, 2021 at about 6:15 p.m., in Burengo, Ngozi commune and Province, three young men in civilian clothes on board of a TI brand car with tinted windows kidnapped Claude Mpabonyabagenzi resident in Muremera, in the city center of Ngozi and boarded the same vehicle to an unknown destination.

According to witnesses, Claude Mpabonyabagenzi, from Giteranyi commune, Muyinga province, had just repatriated from Rwanda. At the time of his abduction, the victim was in a bar called "Ku Mugozi" sharing a glass of beer with a friend he had gone to visit. Since that day, the victim's friends have been looking for her in all Ngozi's dungeons, but in vain.

The same sources revealed that, among his captors, a young Imbonerakure named Musafiri Niyonkuru residing in Kinyami Quarter and studying at Ngozi Private University could have been identified because he had spent some time in this cabaret before returning in this TI-branded vehicle.

In view of the abductions already observed, the modus operandi used constitutes a signature of the agents of the National Intelligence Service (SNR) and there is reason to fear that this act of abduction could turn into an enforced disappearance.

2.5. *Inhuman and degrading treatment*

In addition to the cases of attacks on physical integrity previously noted and illustrated by examples, two other cases of rather specific inhuman and degrading treatment were reported, one of which was perpetrated in the private sphere and the other in a prison environment, the victim of which is former member of Parliament, Fabien Bancinryanino.

On 27 February 2021, three women named Espérance Kwizera, Christine Nduwimana and Belyse Ndayishimiye, in the locality of Giteye in Kareral Quarter of Gitega City, excruciatingly tortured Josiane Bukeneyenza, whom they accused of adultery.

According to witnesses, these ladies first tied the victim with a rope, severely beat her, then undressed her before introducing pounded red pepper (*pili-pili*) and sand into her vagina as punishment.

The same sources revealed that the ladies in question accused the victim, Josiane Bukeyenza (22), of sleeping with the husband of one of these women. Following these treatments, the victim was taken to Gitega Hospital in critical condition.

On 3 March 2021, the three women were tried in a flagrante delicto trial and each sentenced to a 15 years prison sentence and to the solidarity payment of 15 million Burundian francs as compensation to the civil party.

From 29 to 31 March 2021, in Mpimba prison, in the town hall of Bujumbura, former deputy Fabien Banciryanino, accused for several months by the public prosecutor's office of rebellion and of undermining the internal security of the State, was placed for three days, in an infectious isolation cell called "Correction" within the central prison of Mpimba. He was punished for writing a letter denouncing the abuse of detainees by cell leaders commonly known as "capitas" who demanded, among other things, that they pay huge sums as fines when prisoners were accused of committing one or the other misconduct. The letter was addressed to the director of Mpimba central prison, OPC1 Ildephonse Bivahagumye, with a copy to the president of the Independent National Commission on Human Rights (CNIDH).

According to the information received from this prison, this cell called "Correction" is an infectious isolation cell, without electricity and sleeping equipment, with precarious hygiene conditions and emitting a foul odor.

The acts of torture inflicted on the former member of Parliament, Hon. Fabien Banciryanino, are in violation of the Burundian penal code and the Convention against torture and other cruel, inhuman or degrading treatment or punishment, which the State of Burundi has ratified for nearly 29 years.

2.6. Rape and sexual violence: alleged perpetrators arrested

On January 23, 2021, in the chief town of Nyanza-Lac commune, Makamba province, an off-duty policeman named Eric Ndayishimiye was arrested by the police on Bukeye hill, accused of raping a 20-year-old girl from his neighborhood.

According to witnesses, the offense was committed on Wednesday, January 20, 2021, and the girl was taken to Nyanza-Lac hospital for treatment. The same sources indicated that the policeman was taken the same day to the dungeon of Nyanza-lac communal police station for investigation.

On March 3, 2021, on Mitakataka hill, in Bubanza zone, commune and province, a temporary teacher at Mitakataka fundamental school, called Joseph Ndikumana, alias Wemba, allegedly raped a girl in the first year of primary school on Wednesday, February 24, 2021.

Sources on the ground indicated that the suspect was arrested by the police and detained at Bubanza provincial police station for investigations

3. Arbitrary arrests and detentions

During the first quarter of 2021, the number of arbitrary arrests and detentions decreased significantly compared with previous periods, and compared with the same period of the previous year, of which it constituted about half. A total of 26 arbitrary arrests and detentions were reported, the vast majority of which were by police officers, followed by government officials, including the governor and administrator, and finally by SNR officials. These arrests remained politically motivated, particularly against members of the CNL, or were motivated by special interests. In the high-profile case of Christa Kaneza, the police spokesperson violated the principle of presumption of innocence by declaring to the media and the public that she was guilty of her husband's murder, showing her in handcuffs between two alleged accomplices, one of whom later testified in her defense, even stating that he had never seen her before. Christa Kaneza was taken to prison the same day. Here are examples of these arbitrary arrests and detentions.

3.1. Arbitrary arrest and detention by police officers

On January 20, 2021, in Gasekebuye quarter, Muha commune, Bujumbura City Hall, the judicial police arrested Christa Kaneza at her home. She was then detained with her baby, who was less than five months old, during the night of the same day before being transferred the next day to the central prison of Mpimba.

According to information received, the order to arrest and detain Christa Kaneza was given by the Commissioner General of the Judicial Police, CP Bertin Gahungu, accusing her of being an instigator and accomplice in the assassination of her husband, Thierry Kubwimana, which occurred on the night of November 25, 2020, following an armed attack on his home in Gasekebuye.

According to the same sources, the police refused to investigate evidences which could lead to the real killers and their accomplices, provided by the family's relatives.

On January 20, police spokesman, OPP1 Pierre Nkurikiye, presented Christa Kaneza handcuffed, along with three men who, according to the spokesman, "spontaneously confessed" to participating in the murder of Thierry Kubwimana and accused the widow of participating in her husband's murder.

These statements by the police spokesman are recurrent and have been observed when it comes to protecting high-ranking individuals, with the aim of influencing judges, in violation of the principle of presumption of innocence and the absolute rule of secrecy of the preliminary investigation of criminal cases.

Between January 31 and February 2, 2021, on Gishiha hill, Burambi commune, Rumonge Province, five (5) persons among the relatives of three families of former soldiers killed during the last month were arbitrarily arrested. As a reminder, the persons killed are respectively Déo Niyongabo alias Côme, Protais Niyondiko and Egide Sindayigaya, the older brother of Déo Niyongabo, who were murdered on January 16, 18 and 25, 2021. Their relatives arrested were: the widow of the late Protais Niyondiko, Egide Nkizwanayo, a teacher close to the late Niyondiko family, Manassé Manirakiza, one of the sons of the late Niyongabo, also one of the sons of the late Egide Sindayigaya, and another man whose identity is not yet known. Since then, they have all been incarcerated at the provincial police station in Rumonge.

According to witnesses, all of these individuals were accused by the police of participating in armed gangs. These arbitrary arrests, carried out in a cascade, constitute a veritable witch hunt in the family of former soldiers, all of whom were extra-judicially executed by the police, who had already subdued them before their execution. In view of the people targeted and the manner in which the crimes were committed, these acts could constitute crimes against humanity.

On February 10, 2021, on Jimbi hill, Kibago commune, Makamba province, the police conducted a search of households in the locality around 6:00 a.m.

According to local sources, five persons were arbitrarily arrested, namely Fulgence Niyongabire (25 years old), Révérien Nshimirimana (28 years), Prince Muhozimana (18 years

old), Alexis Ndayishimiye (33 years old) and Rose Ndereyimana (21 years old). The same sources said that no criminal charges were brought against the individuals apprehended.

On March 2, 2021, in Kajaga neighborhood, Mutimbuzi commune, Bujumbura province, police officers accompanied by Imbonerakure militiamen arrested Jean Bavuma and another unidentified person, all recently repatriated from South Africa and Kenya. The two men were taken to Gatumba police station in the same commune, where they were detained.

Arbitrary arrests of returnees have become frequent, despite the government's official calls for refugees to return home.

3.2. Arbitrary arrests and detentions attributed to administrative officials

Since 27 January 2021, in the capital of the province of Karuzi, Théodésie Ncishahayo, a widow trader was arrested and detained for more than a week at the police station in this province on the basis of allegations of witchcraft.

According to sources on the spot, the victim was incarcerated following the complaint of the governor of Karuzi province, Calinie Mbarushimana, who claimed that she had intended to assassinate him by resorting to witchcraft. But the public prosecutor concluded that this was pure rumour.

The same sources revealed that according to people close to Théodésie Ncishahayo, the latter would have been incarcerated instead following an open conflict with the governor of the province of Karuzi, who closed, towards the end of 2018, her deposit of products Breweries and lemonades in Burundi (BRARUDI), located in the Nyamugari neighborhood where she lives. In addition, she allegedly confiscated her two trucks filled with empty bottles and several crates full of drinks, thus causing a huge loss of earnings for the victim.

If these alleged facts were true, it is an abuse of power, where this authority uses its prerogatives to imprison an innocent person, to achieve personal ends.

On March 28, 2021, the administrator of the commune of Kayogoro in the province of Makamba, Antoine Ndayiragije, arrested two CNL activists, Nestor Ntahondereye, alias Wayinze, from Kabizi hill and Augustin Nduwayo, nicknamed Maneno, from Rusovu hill in the same commune, while they were in the midst of ceremonies to commemorate the second anniversary of the party's approval.

According to witnesses on the spot, the local administrator of Kayogoro, accompanied by his bodyguards and the zone chief of Bigana, apprehended the victims on the pretext that they were disrupting public order, without however explaining how and by what means they had

disrupted it, even though this political activity had been previously authorized by the governor of the province of Makamba.

The same sources indicated that the victims were immediately taken on board the vehicle of the communal administrator to the dungeon of the communal police station where they are arbitrarily detained.

Conclusion

The period under review was marked by some tentative moves toward openness, but with little concrete implementation, which some observers have attributed to differences at the top of the government. Looking at trends in human rights abuses, even though the number of arbitrary arrests, for example, has declined, habits and practices have remained. The most disturbing are the presumed executions that result in the abandonment of bodies where they are not recognized for identification, but also the persecution of people and sometimes their execution, simply because they are Tutsi, with the aggravating factor of having been in the former Burundian army (FAB).

The real desire for openness can only be seen through concrete actions, particularly with regard to the enjoyment of freedoms, especially of expression, opinion, and the press. To this end, a frank dialogue between all political forces, civil society and representatives of the independent media, is necessary to allow the protection of all categories, the cancellation of far-fetched prosecutions against certain personalities for political reasons, the return of refugees. But as a journey of a thousand miles begins with a first step (Lao-Tseu), the government can concretely and quickly begin with the release of unjustly imprisoned people: Christa Kaneza, Fabien Banciryano, Germain Rukuki, and many others. And this will be a real sign of willingness to open up and change.

Recommendations

To the Government of Burundi:

The willingness increasingly expressed through the declarations of Burundi's highest authorities to re-engage with its partners is difficult to reconcile with the continuity of the practices of Pierre Nkurunziza's regime with respect to human rights and democratic principles. Any resumption should be conditional on concrete acts of real openness and palpable changes towards the construction of the rule of law.

In this regard, the Burundian government should:

- *Release all political prisoners and civil society activists detained illegally and arbitrarily. More specifically, Fabien Banciryano, Germain Rukuki, Nestor Nibitanga and other people detained, such as the former MP Fabien Banciryano, for political reasons;*
- *Remove all obstacles to the exercise and enjoyment of the rights and freedoms recognized by the country's constitution and the relevant conventions that Burundi has ratified, especially the freedoms of opinion, association, press, peaceful assembly, etc;*
- *To put an end to the retrograde practices of discrimination, notably through the census with an ethnic mention of the employees of the public and private sectors as well as in the selective work of the CVR;*
- *Guarantee the right to life and liberty to all persons confronted with multiple human rights violations whose perpetrators often go unpunished;*
- *Take urgent and firm measures to dismantle all criminal networks as well as the Imbonerakure militia and initiate proceedings against those of them who are guilty of acts against the law;*
- *Stop the persecution of Burundian refugees in neighboring countries, especially in Tanzania;*
- *Cancel all politically motivated arrest warrants unjustly issued against human rights activists, journalists and other civil rights activists;*
- *Resume cooperation with international bodies, and allow for the continued investigation of crimes committed since 2015, and monitoring of the human rights situation in the country.*

To the countries of the East African Community:

- *Respect the rights of Burundian refugees on their territory in accordance with the relevant international conventions;*
- *Relaunch the initiatives of inclusive dialogue allowing the return of the rule of law and democracy in Burundi.*

To the International Community :

- *Elaborate the political dialogue on concrete and verifiable commitments by the Burundian authorities to human rights and democracy. In particular, demand the release of all political prisoners and respect for civil and political rights (association, expression, etc.), based on a timetable and verification indicators;*

- *Require the suspension of acts that lead to stigmatization and ethnic discrimination, such as ethnic labelling on official documents, employees and economic actors, in the public and private sectors; selective work of the TRC, etc.*
 - *Maintain support for the work of the International Criminal Court (ICC) on Burundi to continue investigations and prosecutions to end impunity in Burundi.*
-