



SOS-TORTURE/BURUNDI

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

**Quarterly report on the situation of Human Rights in Burundi from 1
April to 30 June 2020**



***Violence and electoral fraud in Burundi: democracy
murdered.***

July 2020

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Socio-political context

Four major events strongly marked the Burundian news in the second quarter of 2020. These events not only follow each other in time but also seem to have interrelated links. They are the official announcement of the first case of coronavirus in Burundi, the electoral campaign, the triple voting for the presidential, legislative and municipal elections and the disappearance of Pierre Nkurunziza and his succession.

On 31 March 2020, the first case of coronavirus was confirmed in Burundi. Until then, the country's authorities had chosen denial, arguing that Burundi will be forever protected from the pandemic by "the grace of God" because it is the only country "that has chosen to consecrate itself to God", said President Pierre Nkurunziza. This position has influenced the irresponsible attitude of the government towards the pandemic, first by denying the existence of the virus in Burundi and then, after its discovery, by constantly minimizing the potentially high risks of the pandemic spreading and avoiding taking the necessary measures to reduce its spread and consequently its devastation.

As a result, the Government refused to confine the population at a time when elsewhere in the world, including in neighbouring countries, containment and the adoption of barrier measures were becoming the rule. Thus, the authorities did not take any strong preventive measures. Schools remained open, the celebration of religious worship and the holding of social ceremonies and other mass gatherings continued without any limitations. Apart from the otherwise lax quarantine of travellers coming from abroad or the recommendation of hand washing at the entrance to public places, no other measures have been taken to limit the spread of the coronavirus or to detect or treat the sick.

It was in this context that the election campaign was launched, ignoring the risks of spreading the virus that these mass gatherings could entail. An *"irresponsible approach by the authorities to the pandemic" that "adds more uncertainty and fear to an already politically charged atmosphere"*¹. The campaign for the 20 May 2020 Triple Poll started on 27 April, without any specific protective measures having been taken. In spite of an extremely constrained political space, the authorities had opened up limited spaces to give the electoral competition a pluralist

¹ HRW, Burundi : Peur et répression dans la réponse au covid19, <https://www.hrw.org/fr/news/2020/06/24/burundi-peur-et-repression-dans-la-reponse-au-covid-19>.

façade. There were seven presidential candidates, 13 political parties, two coalitions and 18 independent candidates for the posts of MPs. However, only three parties, CNDD-FDD, CNL and UPRONA, were able to field candidates from 17 provinces of the country². In fact, apart from the CNL, this inability to find representatives throughout the country, is an indicator that the other parties allowed to run were rather figuration³.

The desire for a pluralistic electoral competition has not gone hand in hand with the establishment of conditions of peace, freedom and transparency which are indispensable in a fair and democratic competition. Thus, the CNL, which was the only strong competitor of the ruling CNDD-FDD party and which demonstrated this by its ability to drain huge crowds at its meetings, was the target of acts aimed at breaking its mobilizing momentum. Systematically, its activists and sympathizers were targeted, intimidated, attacked, arbitrarily arrested and even killed mainly by *imbonerakure* militiamen of the ruling party. Some of his agents were arbitrarily arrested and imprisoned and others were abducted, missing or killed. In this regard, Human Rights Watch said it had received "*reports of killings, arbitrary arrests, beatings and acts aimed at intimidating voters during the campaign.*" Overall, the campaign and elections were "*marred by violence and marked by arrests of members of the opposition, including candidates, and restrictions on freedom of expression*"⁴ ». On the day of the triple poll, access to the internet and social networks was interrupted throughout Burundi.

Regarding these violations, the CNL party spokesman said that "*from the campaign until the day after the triple vote, there have been more than 600 CNL members arrested and imprisoned, today we have 423 activists including our agents behind bars*"⁵ ». On the other hand, the authorities accused these arrested CNL members of forgery and use of forgery, of disrupting security during the election period and of inciting violence⁶. Despite these denials, the consortium of civil society organisations noted "*numerous acts of intimidation, judicial harassment and violence (which) have been perpetrated against members of opposition parties, journalists and Human Rights Defenders*"⁷ ».

In addition to the serious irregularities observed during the elections, the announcement of the results was marked by bumps and twists that reinforced existing doubts about their authenticity. Rather quickly, the CNL had begun to claim total victory on the basis of minutes transmitted by its few agents. Almost simultaneously, as if to take these speed announcements, the National Radio-Television of Burundi (RTNB) began broadcasting piecemeal results dominated by the overwhelming victory of the CNDD-FDD. On May 25, a day in advance, the president of CENI publicly announced the provisional results proclaiming a clear victory of the CNDD-FDD in

² <https://www.aa.com.tr/fr/afrique/burundi-%C3%A9lections-2020-fin-de-la-campagne-pour-le-scrutin-du-20-mai-1844301>

³ <https://www.burundidaily.net/post/elections-pr%C3%A9sidentielles-au-burundi-dieu-le-virus-et-les-journalistes>

⁴ <https://www.hrw.org/fr/news/2020/06/01/burundi-les-elections-ont-ete-entachees-dactes-dintimidation-et-darrestations>

⁵ <https://www.iwacu-burundi.org/plus-423-militants-du-cnl-emprisonnes-au-cours-de-cette-periode-electorale/>

⁶ *Ibidem.*

⁷ <https://www.burundidaily.net/post/consortium-de-la-societe-civile-s-exprime-sur-les-elections-de-2020>

the three elections. He declared Major general Evariste Ndayishimiye, candidate of CNDD-FDD, elected with 68.72%, against 24.19% attributed to Mr. Agathon Rwasa of the CNL⁸. The latter immediately expressed his deep disagreement with these results in the following terms: *"I reject them, they are fictitious results, they do not correspond to reality"*⁹ ».

Faced with the outcry caused by *" completely wacky totals, fanciful percentages, etc."*¹⁰ », although already published on the official website of the CENI, its president acknowledged that it was a "draft" to be quickly corrected after a more thorough examination. The figures were quickly removed from the CENI website. Yet it is on the basis of this "draft" that the Constitutional Court will rely to proclaim the victory of the CNDD-FDD by declaring all the appeals filed, especially those of the CNL, unfounded. The court also had in hand the report of the Conference of Catholic Bishops of Burundi (CECAB), the only independent state institution that had deployed 2,716 observers on the ground on Election Day. Their statement denounced a vote marked by many "injustices", saying that this triple vote lacked "elements to characterize truly democratic elections". In addition, CECAB deplored *"many irregularities in the freedom, transparency of the electoral process and fairness in the treatment of candidates and voters"*. Irregularities also included multiple votes, the exclusion of agents and observers from polling stations, the intrusion of unauthorized persons into polling stations and the violation of the secrecy of voting in many places. Finally, the bishops came to question whether all these deviations from the rules "do not prejudice the results to be proclaimed"¹¹ ». *For its part, the CNL of Agathon Rwasa continues to claim victory and denounce a carefully prepared "electoral hold up"*¹² ».

The Constitutional Court that rejected all the complaints filed by the CNL as unfounded and without evidence, declared Evariste Ndayishimiye, winner, on June 4, 2020. His investiture was scheduled for the end of Pierre Nkurunziza's term on August 20, 2020. It was there that four days later the unexpected death of Pierre Nkurunziza occurred, on June 8, and announced the next day after a series of denials by some authorities on social networks, following insistent rumors about his death that were already circulating just after his death. Officially, the death was caused by cardiac arrest.

This death after two days of hospitalization continues to raise questions about its real cause. It is known that Denise Nkurunziza, the wife of Pierre Nkurunziza, was evacuated on May 30, 2020 to Nairobi, Kenya and tested positive at covid-19 and three of his bodyguards. The lack of transparency about the death of Peter Nkurunziza fits into this policy of denial of covid-19, promoted by him. This irresponsible management has resulted in the death of many people due

⁸ <https://www.yaga-burundi.com/2020/reserve-evariste-ndayishimiye-futur-president/>

⁹ <http://www.rfi.fr/fr/afrique/20200522-burundi-annonce-surprise-resultats-partiels-election-presidentielle>

¹⁰ <https://www.iwacu-burundi.org/ce-netait-quun-draft/>

¹¹ *Ibidem*.

¹² <https://www.voaafrique.com/a/e%CC%81lections-au-burundi--un-chef-de-l-opposition-de%CC%81nonce-une-fraude-e%CC%81lectorale/5437929.html>

to the lack of adequate public and preventive measures. Many doctors have denounced these failures, the consequences of which are catastrophic. They talked about hospitals crowded with people with symptoms of covid-19 that health authorities refused to screen for, and people who died in large numbers, including many at home. Then, at some point, patients with symptoms had become unwelcome in hospitals, because they posed a danger to other patients and medical staff.

Several sources including medical sources reported a high number of deaths from covid-19. Guidelines were developed by the government in April on how health care providers should follow but were not made public until June.

Meanwhile, on 14 May 2020, the government took the decision to expel the WHO (World Health Organisation) representative and three experts, including a coordinator of the response to the new coronavirus in Burundi. The reason for this action has not been formally communicated but it is likely that the origin is a disagreement on how to manage the covid-19 pandemic. There is evidence that the government has taken the option of minimizing the severity of the pandemic, including limiting its screening capacity and thus rendering the protocol it has developed inoperative. Several sources claimed that the call from the toll-free number, announced to the public, was often unanswered¹³.

The death of President Nkurunziza, while his term had not yet ended, constitutionally paved the way for a transition period until 20 August 2020. However, convergent sources have evoked the categorical opposition of a group of Army and Police generals who decide everything in this country, to this option. Unsurprisingly, it was in their sense that the Constitutional Court ruled that the interim was not necessary. The new president was therefore sworn in on June 18, 2020, while President Nkurunziza was not yet buried. Five days later, the new president appointed his Vice-president and as Prime Minister, Commissioner General of Police Alain-Guillaume Bunyoni. This appointment does not bode well. In addition to the fact that this choice "of one of the hardliners of the regime" confirms a strengthened control of the military over the management of the country, Alain-Guillaume Bunyoni is alleged to have committed serious crimes, especially since 2015. This does not bode well for Human Rights already plagued by serious and massive violations.

It was precisely during the quarter under review, marked by the election campaign and the elections, that numerous human rights violations were observed, including 26 assassinations, 13 cases of enforced disappearances, 13 cases of torture and 126 arbitrary arrests. A summary of each category of these violations is presented below.

1. Violations of the right to life and physical integrity

The violations of the right to life and physical integrity, like those of the pre-campaign period, bear the seal of electoral tensions and terror exerted by the ruling party in particular the

¹³ <https://www.hrw.org/fr/news/2020/06/24/burundi-peur-et-repression-dans-la-reponse-au-covid-19>

imbonerakure. The latter have engaged in numerous sometimes fatal attacks against alleged members of the National council for freedom (CNL). Moreover, although many crimes whose perpetrators are unknown remain numerous and recurrent, allowing them to benefit from total impunity, three murders that occurred during the quarter suggest a certain premeditation, and bear the mark of agents of power or their acolytes.

Apart from these facts, we find a typology similar to that of previous quarters. First, bodies found abandoned far from the places of residence of the victims, where there is no chance to recognize them, and are buried in haste without investigation. Secondly, the murder of well-known persons near their homes or in their homes but whose alleged perpetrators are never arrested. These two categories of crimes constitute the foundation of the continuing impunity in Burundi. The third category relates to crimes that are still rare and therefore the alleged perpetrators are arrested by the police. In addition, two cases of femicide were identified, three rapes followed by murders with impunity and three murders by police officers whose perpetrators were arrested, tried and convicted. Here are some examples of these different categories.

1.1. Assassinations attributed to agents of power or their acolytes

These are three targeted assassinations that bear the seal of agents of power or their acolytes. The murder of Pascal Ninganza aka Kaburimbo was assumed, executed by police officers. The head of the victim was put at a price by the president of the Senate Reverien Ndikuriyo at a public meeting for an amount of 5 million Burundian francs, the equivalent of 2400 euros. The second case is that of the wealthy businessman Jackson Simbananiye known as the nickname "Kirahwata", owner of a currency exchange office. His abduction in the city of Bujumbura, and his execution a few hours later, without any intervention by the police, corresponds exactly to the modus operandi often used by agents of the National Intelligence Service (SNR). The latter case is typical of the terror of the election campaign. It is Richard Havyarimana, attacked at his home, then embarked in a vehicle and his body later found floating in the river Ruvyironza.

1.1.1. The summary execution of Pascal Ninganza and two of his employees on order by police officers

On April 15, 2020, at the home of Pascal Ninganza, a former military man, in the municipality of Matana, in Bururi province, police officers shot dead Pascal Ninganza (nicknamed Kaburimbo), and two of his employees wanted Ciza and Riyazimana. According to witnesses, these police officers, under the command of Commissioner Thaddée Birutegusa, in charge of the southern region of the country, arrested and then tied the 3 men for questioning after they handed over military effects in their possession. Subsequently, the officers were ordered to execute the three men, while they were no longer in danger and surrendered to the police.

This is clearly an extrajudicial execution committed under the orders of a senior officer of the Burundian police.

1.1.2. The abduction and execution of Jackson Simbananiye in Bujumbura: despite numerous warnings

On May 14, 2020, in the Rohero area, Mukaza commune in the city of Bujumbura, individuals abducted Jackson Simbananiye aka Kirahwata, while he was leaving a sauna. Witnesses on the spot issued alerts directly indicating the model and license plate of the car (Toyota TI, registered H8105A and the direction taken by the kidnappers' vehicle. Despite all these warnings, the body of Jackson Simbananiye was found very early the next day in a ravine located at the printing press avenue of District 2 in Nyakabiga area, Mukaza municipality. Apparently, he was strangled using a sisal rope wrapped around his neck. This type of abduction followed by summary execution corresponds to the *modus operandi* deemed to be that of Agents of the Burundian national intelligence service (SNR).

The victim was a businessman who prospered in currency exchange at the head of one of the main exchange offices of the country. It should be noted that three other owners of exchange offices have been murdered in various circumstances since the beginning of the year in the city of Bujumbura. The police have not arrested any suspects to date and have not started any search despite the alerts issued after Mr. Simbananiye's abduction.

1.1.3. The abduction and execution of Richard Havyarimana, CNL activist

On May 3, 2020, on Mbogora Hill, Nyabihanga Commune, Mwaro province, members of the *imbonerakure* militia kidnapped Richard Havyarimana after an attack on his home. According to witnesses, the victim known to be an active member of the opposition CNL party, was forcibly embarked in a Toyota-branded vehicle, Probox model with a civil registration.

On May 7, 2020, the body of Mr. Richard Havyarimana was discovered floating in the Ruvyironza River at the level of Muyebe Hill, in Nyabihanga commune. Mr. Havyarimana's relatives had searched every police dungeon in Mwaro province without success. The discovery of his body confirms an execution, the alleged perpetrators of which are members of the ruling CNDD-FDD party. Police have not arrested any suspects to date.

1.2. Unidentified bodies found in the wild and buried without investigation

The phenomenon of finding bodies in the countryside or in rivers far from where the victims are known has become frequent and persistent in Burundi. This is one of the characteristics of impunity because almost always, the administration gives the order to bury the bodies without investigation. During the period under review, five cases were identified where in three of them, two victims were found together close to each other or tied up. In such circumstances, there are

fears that those found may be victims of enforced disappearances that have multiplied since the beginning of the electoral period.

On April 11, 2020, on transversal 2, Ndava Hill, in Buganda commune, Cibitoke province, the bodies of two people were discovered attached to each other.

The victims were not identified either by local residents or by police officers. This would also be an execution committed elsewhere, the executioners having disposed of the bodies in a place where they could not be identified. The local administration ordered the immediate burial of the victims, making subsequent investigations impossible.

On May 26, 2020, in the Ruzibazi river at Rutumo Hill, between Rumonge and Bugarama communes, in Rumonge province, the body of a man was discovered floating in the said river. The victim could not be identified either by the police or by those present. The police had not arrested any suspects at the time of writing.

On May 28, 2020, in the Mushwabure river between Bisoro and Kayokwe communes of Mwaro province, the body of a woman and a child were discovered floating. Victims could not be identified.

1.3. Victims targeted and killed near their homes whose perpetrators remain unidentified

The other characteristic of impunity in Burundi is the inability to identify and, above all, arrest suspected criminals whose victims are well-identified, while everything indicates that the perpetrators of incriminated acts are in the vicinity of their victims.

On April 8, 2020, on Kagoma Hill, in Vyanda commune of Bururi province, the body of Gregonia Ndayisaba was discovered in his house, riddled with several machete blows. Vyanda police have not arrested any suspects to date, but have concluded that Ms. Ndayisaba was killed elsewhere before her executioners brought the lifeless body back to her home.

On May 19, 2020, on Karagara Hill, in Rumonge Commune and province, the named Buregeya was murdered in unexplained circumstances. The victim was a local representative of the opposition CNL party. His assassination occurred on the eve of the elections of 20 May 2020. To date, the police have not arrested any suspects.

On May 22, 2020, on Rugendo Hill, in Mugina commune, Cibitoke province, the body of Paul Nsengiyumva was discovered lifeless. According to witnesses, this member of the ruling CNDD-FDD party was murdered on his way home after spending a moment in a local bistro. Mugina police have not arrested any suspects to date.

1.4. Violations of the right to life and physical integrity attributed to imbonerakure militiamen

The attacks attributed to imbonerakure militiamen specifically targeted people considered to be members of the opposition, especially the CNL. Sometimes the attacks launched by these militiamen degenerated into row battles with CNL militants and caused serious damage to the physical integrity of the protagonists. In one case, the police arrested the alleged perpetrators who had done injustice.

On April 5, 2020, on Gitaramuka Hill, in Rutana Commune and province, individuals murdered Sinarinzi (49 years old) accusing him of stealing cows. The perpetrators are allegedly *imbonerakure* militiamen. Rutana police arrested two of them as part of the investigation.

On 22 April and 3 May 2020, respectively, in the communes near Vumbi and Ntega in Kirundo province, two attacks were carried out by *imbonerakure* militia groups against members of the CNL. In the first case, on Matyazo Hill in Vumbi municipality, a machete attack targeted a group of CNL activists seriously wounding Eugene Nsabimana and Ismael Macumi left for dead in the bush by their attackers. Six other activists were injured in the same attack. The police did not arrest any of the alleged perpetrators while they were well identified.

In the second case, the events took place on Rukore Hill, in Ntega commune where witness's members of the ruling party provoked a group of members of the CNL who were quenching themselves in a drink flow. The fight caused the death of a member of the CNDD-FDD, pierced by a spear in the chest, and six other activists of this party were injured.

As is often the case in such circumstances, it is the aggrieved persons who have been arrested. According to witnesses, 25 members of the CNL party were arrested the next day.

1.5. Three cases of femicide and domestic violence

Domestic violence sometimes overlaps with political violence as a breeding ground. Three cases of femicide were reported during this quarter.

On March 27, 2020, a few days before the beginning of the second trimester, on Muyange Hill, in Mugina commune, Cibitoke province, the named Déo Bukuru murdered his generous wife Kubwimana, who was eight months pregnant. According to witnesses, the death occurred as a result of a violent blow to his stomach.

Police apprehended the alleged perpetrator while attempting to flee.

On June 8, 2020, on Gasave Hill, in Ntega municipality, Kirundo province, a man named Leonidas Mbarushimana (42 years old) killed his wife Laetitia Bukuru. According to witnesses, the quarrel between the couple was due to a sum of money from the sale of beans from their harvest. It was when the wife asked for accounts that the husband began kicking her until she succumbed. Ntega police arrested the alleged criminal after this offence.

On June 10, 2020, on Mugitega Hill, in Bugendana commune, Gitega province, a man named Elysée Havyarimana stabbed his wife Rose Nahimana to death. According to witnesses, the husband had already tried to eliminate his wife so that he could marry another woman. The alleged perpetrator was arrested by the police and arrested at Gitega prison.

1.6. Rape followed by murder: unidentified perpetrators

Three rapes have been reported. In the first case, the victim had already suffered threats and in vain warned the teachers of his school. In the second case, it was a woman from the Twa community who was raped and thrown into a pit. In the third case, the victim was assaulted on his way to his home. The aggressors acted with extreme violence and in addition to rape killed their victims. So they are dangerous killers who remain free and can recidivate.

On June 4, 2020, in the commune and province Bubanza, a girl named Chantal was abducted and found the next day, her arms and legs tied. She was raped by her kidnappers who also wounded her on the head. According to relatives of the victim, the girl had alerted teachers of her school after receiving several phone threats from unknown people. Bubanza police have not apprehended any suspects to date.

On June 5, 2020, on Mparambo I Hill, in Rugombo commune, Cibitoke province, the lifeless body of a young woman was discovered in a pit. Witnesses reported that the young woman had been raped before she was murdered. She has been identified by Hill dwellers as a member of the Twa community. Police have not arrested any suspects to date.

On June 22, 2020, on Kavogero Hill, in Kirundo municipality and province, the lifeless body of Chantal Mukarwego was discovered, abandoned. According to relatives of the victim, she was allegedly assaulted, raped and strangled on her way home. Kirundo police have not caught any suspects to date.

1.7. Violations of the right to life attributed to police officers

Three crimes attributed to police officers, where they used their service weapons for the purpose of taking their lives. All the people killed were close range. The unacceptability of these abuses has been recognized by the hierarchical authorities and all these criminals have been arrested, tried and convicted, which is a good sign to discourage this type of abuse.

On June 14, 2020, on Gifurwe Hill, in Mpanda commune, Bubanza province, a police officer shot and killed Rénovat Nduwayo, owner of a beverage outlet. This is exactly where police officers came in and asked him to turn off the music on his radio. What he did. But the policeman shot him, killing him with two bullets, because he refused to give him the flash disk containing the music. Another customer at the bar was injured by the shooting.

This APC Charles Hakizimana, the perpetrator of this crime, was arrested and sentenced to life by the Intermediate Court of Bubanza in a trial called flagrante delicto on 19 June 2020.

On June 20, 2020, on Burarana Hill, in Bururi municipality and province, a police officer shot Méthode Nzeyimana, a student of Gahama communal High school who was returning home after a review session of his classes. Bururi police have arrested the alleged murderer awaiting trial.

On June 21, 2020, on Rusiga Hill, Rugombo Commune, Cibitoke province, a police officer shot dead a soldier named Nazaire Mpfayokurera. According to witnesses, the victim was serving drinks in his bar and police officers entered to drink beer. The victim was shot with seven (7) bullets in the head for having asked the police why they were hitting another client. The four police officers, including the shooter named Diomède Irinubushobozi, were arrested. On 23 June 2020, the shooter was sentenced to life imprisonment and his three accomplices sentenced to 2 to 3 years in prison.

2. Violations of the right to liberty and physical security

During the quarter under review covered by the election campaign, violations of the right to liberty and physical security were mainly related to electoral competition and the regime's willingness to remain in power by all means. The violations observed are almost exclusively attributable to police officers, imbonerakure militiamen and to a lesser extent to national intelligence officers.

All these attacks are part of a deliberate strategy of terror against members of the political opposition and especially the CNL. These various acts were aimed at further restricting the political space of the CNL and preventing it from beating normally the campaign, mainly by arresting activists of that party who carried out campaigns of proximity, door to door, or candidates and agents of the CNL at different levels whose reproach was to mobilize for their party. Some CNL activists were arrested a few days before the elections, sometimes on the eve, with the deliberate intention of preventing them from voting. In addition to the arrests, militiamen carried out acts of terror against CNL activists or vandalism directed against permanent establishments or property and buildings of CNL members.

A total of 126 violations of the right to liberty and physical security were recorded, of which 81 were attributed to the police, or 64 per cent, 33 to imbonerakure militiamen, or 27 per cent, and the remainder to SNR officers.

The level of arbitrariness achieved in Burundi means that people are arrested for any reason. So some people were arbitrarily arrested, accused of celebrating the death of President Pierre Nkurunziza, or not to mourn as needed or for taking pictures of the mausoleum built to accommodate the remains of Pierre Nkurunziza. There are even CNDD-FDD activists who have been arrested, accused of supporting Pascal Nyabenda, president of the National Assembly, supposed to be the competitor of the current president in the succession of Pierre Nkurunziza.

2.1. Arbitrary arrests attributed to police officers: all politically motivated

Through the arbitrary arrests made, it is clear that there is a police in the service of the power and the CNDD-FDD party, highly politicized and committed to maintaining the political status quo. She deployed to reduce the CNL party's ability to campaign and carried out actions to intimidate voters and prevent them from voting according to their preferences. The police arrests targeted CNL members and executives, who make up about 80 per cent of those arbitrarily arrested, plus one member of FRODEBU and two members of MSD. More than before and very often police officers arrested people in groups. The reasons given are variable and often serve as pretexts. Persons are arrested while exercising their constitutional rights and freedoms. Here are some examples.

On 3 April 2020, in the urban centre of Kirundo commune and province, police agents arrested Mr. Hadj Ndorimana and took him aboard a vehicle of the provincial police station and then transported him to the prison of the prosecutor's office of Kirundo.

According to the information received, Mr. Ndorimana and his relatives were not notified of the reasons for his arrest. Mr. Ndorimana is an activist of the opposition CNL party and for no other reason; there is reason to believe that he was arrested for his political affiliation.

On 9 May 2020, in the municipality of Bugendana, in Gitega province, police officers arrested Ezéchiel Bitariho, Bonaventure Ndikumana, Pierre Claver Ruvugusi and Clément Nzeyimana, all activists of the opposition CNL party, while they were on their way to a meeting of their party. They were accused of preparing materials, with the logo of their party, for distribution to other activists.

These are clearly arbitrary arrests without legal basis because all these political actions are recognized by the constitution and electoral law. These arrests were aimed at discouraging members of the opposition and sabotaging the competing party's campaign in favour of the ruling party.

On May 18, 2020, in four communes in Cibitoke province, police officers arrested twenty-three (23) people identified as activists of the opposition CNL party. Witnesses reported that 7 were arrested in Buganda commune, 8 in Murwi commune, 4 in Bukinanyana commune and 4 others in Rugombo commune. The arrests were made under the supervision of members of the CNDD-FDD party.

According to consistent testimony, the purpose of these arrests was to prevent these CNL activists from voting in the May 20, 2020 election, and to release them immediately after the election. No charges were brought against them, the Cibitoke prosecutor's office speaking only of investigation. The police and the prosecutor's office became complicit in the actions of the ruling party aimed at torpedoing opposition parties.

2.2. Assaults and vandalism attributed to imbonerakure militiamen

With the election campaign imbonerakure militiamen have intensified terror all over the country, violently assaulting CNL activists or engaging in vandalism on their property or at CNL party offices. In all, about ten violent attacks were recorded. Examples include the destruction of the local CNL party offices on Cunyu Hill, in Buganda commune of Cibitoke province, the puncture of the wheels of a radio Isanganiro vehicle and the assault of its driver who was waiting for the return of a reporter on mission. They also ambushed a CNL representative in Nyanza-Lac commune who was hospitalized following the beatings received and then they set fire to the home of a CNL member on Giharo Hill in Rutana province. In Ntega commune of Kirundo province, they ambushed CNL activists who were returning from a meeting of their party causing a fight that left injured on both sides. All such acts of violence enjoy total impunity. Here are some examples.

On 9 April 2020, on Rukuba Hill, in Kanyosha commune, Bujumbura province, members of the *imbonerakure* militia assaulted Saido Rukundaneza, driver of the private radio Isanganiro, before holing the tires of the vehicle belonging to the radio he was driving. The driver was waiting for the return of a radio reporter who had gone to report on the attack carried out the day before against a local family. The family concerned is said to be victims of their political affiliation with the opposition CNL party.

This is one of many attacks against journalists in the performance of their duties. The police have not apprehended any of the attackers to date.

On May 20, 2020, the day of the triple vote, in the Kabondo district, Nyanza Lac municipality, Makamba province, members of the *imbonerakure* militia violently beat Jean-Paul Bihizi, a political representative of the opposition CNL party, after ambushing him.

The victim had to be hospitalized as a result of the blows received. The police did not arrest any of the perpetrators of the beatings, although one of them was well identified.

On 23 May 2020, members of the *imbonerakure* militia attacked and wounded Emmanueline Riziki and Daniel Nimbona on Kaburantwa Hill in Buganda municipality, Cibitoke province. According to several testimonies, the victims were wounded with machetes, accused by their attackers of voting for the opposition party CNL.

The police did not arrest any of the perpetrators of the assault, although they had been well identified by the victims and witnesses.

2.3. *Illegal arrests of imbonerakure militiamen with impunity*

The increasingly important role played by the imbonerakure in the repression of the opposition would not be possible if they were not constantly in collusion with law enforcement officials. Very often and everywhere, both act hand in hand. For example, when these militiamen make illegal arrests, they hand over their victims to police officers who immediately detain them, thus legitimizing these illegal acts. This gives and strengthens in the eyes of the population the authority accorded to militiamen and guarantees their impunity.

More than a dozen people were arrested by militiamen. In most cases, the purpose of the arrests was to prevent members of the opposition from exercising their civil rights in various forms, including freedom of movement, association, opinion or peaceful assembly. Here are some examples.

On 9 April 2020, on Munanira Hill, Musigati commune, Bubanza province, members of the *imbonerakure* militia illegally arrested Jerome Bucumi, Richard Niyimbeshaho and Amissi Dushimirimana, all of whom were activists of the opposition CNL party. They were arrested while on their way to their party's local headquarters. They were accused by the militiamen of the ruling party of teaching the ideology of the CNL party in households.

These illegal arrests by members of the ruling CNDD-FDD party occurred while freedom of opinion and association are recognized by law. It is a manifestation of political intolerance that did not bode well when the elections were close.

On 23 April 2020, members of the *imbonerakure* militia arrested Oscar Baryamwabo and Emmanuel Habonimana at the communal centre in Giheta, Gitega province. This operation was led by Leonidas Ntakarutimana, the communal leader of the ruling CNDD-FDD party.

After these illegal arrests, the Giheta police placed the two men in detention, endorsing these illegal acts.

On 14 May 2020, on Rubarasi Hill, in Giheta commune, Gitega province, members of the *imbonerakure* militia illegally arrested Ferdinand Nkeshimana and Josias Irankunda. The two men, members of the CNL party, were conducting a door-to-door campaign on behalf of their party for the May 20, 2020 elections.

Despite the illegality of this arrest, the two men were taken to the police station, where officers detained them, legitimizing this illegal and arbitrary act.

On 11 June 2020, on Ruziba Hill, Mugina municipality, Cibitoke province, members of the *imbonerakure* militia illegally arrested Emmanuel Manirakiza, Jean Nzoyisaba and Fabien Nzeyimana while they were at their respective homes. The three young men were accused of celebrating the death of former Burundian President Pierre Nkurunziza.

According to information received, all three persons were members of the opposition party CNL. They were subsequently detained with the complicity of the Mugina area police. This is again a case where the police by itself legitimate complicity of illegal acts.

2.4. Arbitrary arrests attributed to SNR officers

SNR officers carried out three arbitrary arrests that confirm the role of political police. These arbitrary arrests were carried out in violation of the principle of individual responsibility and freedom of opinion and association, what highlights the role of the SNR political police.

On 15 April 2020, Gitega Commune and province, agents of the National Intelligence Service arrested Eric Niyomwungere and Médard Kazungu. The latter is the half-brother of Pascal Nginganza (nicknamed Kaburimbo) executed on the same day by police officers at his home in the municipality of Matana, in Bururi province.

Mr. Kazungu was arrested for sending a message to Mr. Niyomwungere. But an information message is by no means a crime.

On May 20, 2020, in the urban center of the Rugombo commune, in Cibitoke province, agents of the National Intelligence Service arrested Edouard Ntawuzahihera, a youth representative of the opposition CNL party. He had moved to calm tensions between young people from his party and those of the ruling CNDD-FDD party. He was tied up by police officers and taken on board by SNR officers.

Apart from the fact that this is an arbitrary arrest, it poses a risk to the security of Mr. Ntawuzahihera whose place of detention has not been communicated to his relatives, nor the reasons for his arrest.

On June 16, 2020, in Rumonge commune and province, the head of the National Intelligence service of the province of Rumonge arrested André Hakizimana and Gasongo. Relatives report that the two men are members of the opposition CNL party and candidates for the hill elections next August. Mr. Hakizimana was also questioned as he was about to submit his candidacy file to the municipal office of the Electoral commission.

The SNR did not provide any grounds for these detentions, which raises fears of political motives.

On June 20, 2020, near the urban center of Gitega next to the mausoleum built to house the remains of Pierre Nkurunziza, police officers and the National Intelligence Service of Gitega province arrested Ernest Ntezimana. The latter is a taxi driver from Muyira Hill, Kanyosha commune, Bujumbura province, resident in Bwiza zone, Mukaza commune in Bujumbura town hall. He was arrested with his three clients. According to witnesses, they were arrested on the grounds that one of them had photographed the funeral monument while preparations for the burial of the late president were in full swing. They were reportedly taken directly to the SNR dungeon in Bujumbura. This brutal and arbitrary arrest is inexplicable while taking an image of a public monument is not an offence.

3. Administration of justice: two contradictory events

3.1. Release of some opponents after the election

Sos-Torture / Burundi has learned of the release of four members of the opposition CNL party on 4 June 2020. These opponents, including Laurent Nduwayo, had been detained at Rumonge prison since May 15, 2020. Mr. Nduwayo was a candidate in the parliamentary elections of 20 May 2020¹⁴.

Sos-Torture/Burundi notes that several CNL party activists are still in detention. They are victims of their political affiliation and the reports of electoral fraud they have made.

3.2. Refusal of the Burundi public prosecutor's office to execute a judicial decision

According to information received, the Bururi prosecutor's office has refused to execute a court decision granting provisional release to nine (9) persons since 30 March 2020. The decision to release them was taken by the council chamber of the High Court of Bururi. According to their relatives, the nine people are activists of the opposition CNL party accused of having participated in the murder of a member of the ruling party named Eric Niyongabo.

These people are Pierre Nzoyihera, Noël Bizimana, Jean-Claude Niyongabo, Leonidas Niyongabo, Cyriaque Ndayizeye, Normand Bizimungu, Paul Mufyiri, David Niyakire and Claver Nshimirimana.

The refusal of the Bururi prosecutor's office to execute a judicial decision constitutes a denial of justice and an illegal act the perpetrators of which should be brought to justice.

¹⁴ See Sos-Torture Burundi' Report n°231.

Conclusion

During the second quarter, Burundi experienced several major events that will inevitably have short- and medium-term impacts. The triple ballot held without independent external and internal observers, with the exception of those from the Catholic Church, was marked by many serious incidents that could call into question the free, transparent and honest nature of the elections. This is compounded by the lack of voter lists that were to be posted at all polling stations. The Catholic Church is the only independent state institution that has been able to deploy 2,716 observers to base an opinion on the conduct of the elections. The incidents and irregularities identified by the Conference of Catholic Bishops of Burundi (CECAB) have allowed it to affirm that they are prejudicial to the results proclaimed.

The disappearance of President Pierre Nkurunziza did not allow his successor to emancipate himself from his guardian and his system, on the contrary, the appointment of General Alain Guillaume Bunyoni as prime minister showed the will of the new president to be a faithful "heir" of Pierre Nkurunziza, as he often claims. In addition to confirming the continuity of the oppressive system since 2005, it enshrines the coming of power by military personnel, some of whom are cited as sponsors of the serious crimes that have been committed.

In addition to political issues, the government of Burundi has been marked by the denial of the covid-19 pandemic, and has therefore failed to take the necessary measures to protect the population. This leaves fear as several independent sources claim that the virus has caused many victims. Fortunately, there are indications of a willingness to change in order to take appropriate preventive measures.

The democratic façade of the CNDD-FDD power has collapsed with the strong presumptions of mass fraud that weigh on the results of the elections. When the will of the people has not been respected, there are risks of resistance and necessarily temptations to repression. Vigilance is needed to closely monitor the human rights situation in Burundi with a view to bringing that country back on the road to the rule of law.

Recommandations

❖ To the Government of Burundi:

As a pledge of good will, take action to initiate a change in respect of human rights and to improve relations with political, technical and financial partners in this regard:

- To release all political prisoners, civil society activists and journalists illegally and arbitrarily detained ;

- To 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 cancel all political arrest warrants launched by the power of Pierre Nkurunziza against human rights activists, journalists and other civil rights activists;
- To resume cooperation with international bodies, and allow the continuation of investigations into crimes committed since 2015, and monitoring of the human rights situation in the country;
- To put an end to hate speech and messages of hostility towards some traditional partners and neighbouring countries and give signs of goodwill to stimulate the resumption of cooperation;
- To take urgent measures to dismantle the *imbonerakure* militia and prosecute those who have committed acts contrary to the law.

❖ **To the countries of the East African Community:**

- To respect the rights of Burundian refugees in their territory in accordance with relevant international conventions;
- To take note of serious irregularities affecting the elections and the results of the elections, which call into question the legitimacy of the current power to relaunch an inclusive dialogue allowing the establishment of a representative government of national unity.

❖ **To the International Community:**

- In the light of current developments marked by the continuity and militarization of power, to continue to monitor regularly the human rights situation in Burundi and take all necessary measures to protect the Burundian population;
 - To continue to support the work of the International Criminal Court (ICC) on Burundi to continue investigations and prosecutions to end impunity in Burundi;
 - To continue to demand from the Burundian authorities the return to respect for Human Rights and democratic principles and the establishment of institutions representative of the will of the people.
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