



SOS - TORTURE / BURUNDI

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

***Quarterly report on the human rights situation in Burundi from 1  
July to 30 September 2019***



***Killing in front of cameras with impunity***

*November 2019*

## **SOCIO-POLITICAL CONTEXT** **2**

### **1. VIOLATIONS OF THE RIGHT TO LIFE AND PHYSICAL INTEGRITY: UNCHANGING TRENDS** **4**

- 1.1. KILLINGS BY LAW ENFORCEMENT OFFICIALS 5
- 1.2. KILLINGS ATTRIBUTED TO MEMBERS OF THE IMBONERAKURE MILITIA 6
- 1.3. UNIDENTIFIED BODIES DISCOVERED AND BURIED IN HASTE: A PHENOMENON THAT HAS BECOME RECURRENT 8
- 1.4. VIOLATIONS OF THE RIGHT TO LIFE OF TARGETED INDIVIDUALS WITH IMPUNITY 9
- 1.5. RARE CASES OF VIOLATIONS OF THE RIGHT TO LIFE FOLLOWED BY PROSECUTION OF ALLEGED PERPETRATORS 9
- 1.6. TORTURE AND RISK OF ENFORCED DISAPPEARANCE BY LAW ENFORCEMENT OFFICIALS 10

### **2. VIOLATIONS OF THE RIGHT TO LIBERTY AND PHYSICAL SECURITY** **12**

- 2.1. CASES OF TORTURE ATTRIBUTED TO ELEMENTS OF THE IMBONERAKURE MILITIA WITH IMPUNITY 12
- 2.2. ARBITRARY ARRESTS BY POLICE OFFICERS: POLITICALLY MOTIVATED 13
- 2.3. ARBITRARY ARRESTS ATTRIBUTED TO SNR AGENTS 15
- 2.4. ILLEGAL ARRESTS OF MEMBERS OF THE IMBONERAKURE MILITIA 16
- 2.5. ABDUCTION AND ILL-TREATMENT BY THE ADMINISTRATOR OF THE BWAMBARANGWE COMMUNE 17
- 2.6. VIOLATIONS OF FREEDOM OF ASSOCIATION: DEFILED OR DESTROYED CNL POSTS 18
- 2.7. VIOLATIONS OF FREEDOM OF EXPRESSION: SENTENCED FOR DEMANDING RESPECT FOR THEIR RIGHTS 18

### **3. ADMINISTRATION OF JUSTICE AND PRISONS: MALFUNCTIONING AND OVERCROWDING** **19**

- 3.1. ILLEGAL DETENTION BY THE MAKAMBA PUBLIC PROSECUTOR'S OFFICE 19
- 3.2. OBSTRUCTION OF A JUDICIAL DECISION BY IMBONERAKURE MILITIAMEN 19
- 3.3. HEAVY SENTENCES FOR UPD-ZIGAMIBANGA PARTY 20

## **CONCLUSION** **20**

## **RECOMMANDATION** **21**

TO THE GOVERNMENT OF BURUNDI: 21

TO THE EAST AFRICAN COMMUNITY: 22

TO THE INTERNATIONAL COMMUNITY : 22

### *Socio-political context*

*The extremely worrying human rights situation in Burundi could not be better described than by the words used in the synthesis of the report of the International Commission of Inquiry on Burundi. It states, "Serious human rights violations continue to be committed in Burundi, in a general climate of impunity. Some of these violations constitute crimes under international law. Members of the ruling party's Youth League, Imbonerakure, are the main authors.*

*National Intelligence Service (SNR) and police agents as well as local administrative officials have also been frequently identified as perpetrators of these violations<sup>1</sup>».*

*In the face of increasing tensions in the run-up to the elections scheduled for 2020, materialized by the repression orchestrated by the government and its acolytes to lock up the political space and stifle any dissenting voice, the commission of inquiry has initiated an early warning and prevention system. The alert system identifies eight factors that characterize the country's worrisome situation; in particular, the continuing insecurity caused by structures intended to protect the population. Moreover, either many of the histories of serious human rights violations remain unpunished, as are the current crimes, because of a lack of Will or capacity on the part of the structures empowered to do so, especially the non-independent judicial system.*

*The serious crimes of the past are also the subject of selective manipulation of memory, separate commemorations of bloody events through messages, divisive discourse and hatred. The recent reopening of the case concerning the assassination of President Melchior Ndadaye on 21 October 1993 is a perfect illustration of this. The framework within which the issue should be addressed is well defined in the Arusha Agreement. Trials have been opened selectively and deliberately, leaving aside the almost simultaneous mass crimes that took away thousands of innocent citizens after the assassination of President Ndadaye.*

*Among the factors identified by the commission of inquiry is also the use of violence for political purposes to gain and maintain power. Finally, there is the absence of mechanisms or structures to mitigate these risks, as evidenced by the blocking of democratic spaces, the stifling of fundamental freedoms (opinion, expression, associations, worship, etc.) and the hostility towards any independent civil society that can play a role of counter-power. After the exile of many of its leaders and the removal of the main organizations, the government undertook a witch-hunt against anyone with any ties to its organizations. It is in this context that we must place the confirmation of the conviction of the Human Rights Defender Germain Rukuki, on 17 July 2019, to a heavy sentence of 32 years for " participation in an insurrectionary movement, attack on the internal security of the State, attack against the authority of the state, rebellion<sup>2</sup> ». Membership in a civil society organization has become a serious crime.*

It is also in this context that tensions between the government and the Catholic Church must be placed. Indeed, in a pastoral letter that was read in all churches on September 22, 2019, the bishops accused the state summit of confusing the ruling party (CNDD-FDD) with the Administration less than a year before the elections. They also criticized the fact that the CNDD-FDD's Imbonerakure militiamen systematically replaced the police.<sup>3</sup> *The bishops 'conference also noted that" messages of hatred continue to be spread "and that" there are human rights violations and politically motivated killings " in some provinces of the country, the victims of which are activists of opposition parties. "with impunity. In addition, the bishops*

---

<sup>1</sup> <https://undocs.org/fr/A/HRC/42/49>

<sup>2</sup> <http://www.rfi.fr/afrique/20190724-burundi-condamnation-confirmer-appel-germain-rukuki>

<sup>3</sup> <https://africa.la-croix.com/au-burundi-passe-darmes-entre-lepiscopat-et-le-parti-au-pouvoir/>

warned against "the politicisation of children in recent days by political parties". In short, a situation " that may explode<sup>4</sup> ».

Before the conciliatory development of the spokesman for the president of the Republic, the Secretary General of the ruling party had accused the Catholic Bishops of "sowing hatred" and a campaign had been organized for the population to desert the Catholic places of worship<sup>5</sup>.

The risk factors mentioned by the commission of inquiry, which are close to the situation described by the Catholic Bishops of Burundi, are exactly the same as the observations on human rights violations collected by SOS-Torture/Burundi.

Indeed, the early campaign climate marked by intense political mobilizations in particular CNL meetings has raised political tensions to a new level. CNL activists have become the main targets of attacks, arbitrary arrests and kidnappings by police officers, the National Intelligence service and elements of the imbonerakure militia. Activists from other political parties are not spared either.

The socio-economic situation is characterized mainly by continuing shortages of basic commodities, especially fuel, and the persistence of a malaria epidemic that continues to wreak havoc despite the government's refusal to accept and declare it. In spite of numerous requests in this direction.

With regard to human rights violations, the results of the quarter under review were forty (40) persons killed, ten (10) cases of torture, two (2) kidnappings perpetrated by SNR agents and elements of the imbonerakure militia, ninety-seven (97) arbitrary arrests and two (2) cases of rape.

The report presents the main categories of these violations illustrated by a few examples.

## *1. Violations of the right to life and physical integrity: unchanging trends*

Violations of the right to life are characterized by a typology of crimes that has been almost constant since the beginning of the crisis in Burundi. Overall, the main characteristic is that the majority of these violations of the right to life are covered by the impunity of the perpetrators, and the lack of investigation of the circumstances in which they occurred, which is a factor conducive to the repetition of these crimes. In a consistent fashion, there are abandoned bodies, certainly far from the victims ' places of residence, and the administration invariably

---

<sup>4</sup> <https://www.sosmediasburundi.org/2019/09/22/burundi-la-conference-des-eveques-catholiques-preoccupee-par-lintolerance-politique-et-la-multiplication-des-messages-de-haine-a-la-veille-des-elections-de-2020/>

<sup>5</sup> <https://www.iwacu-burundi.org/tout-va-bien-entre-leglise-catholique-et-le-gouvernement/>

*orders them to be buried in haste, making it difficult to investigate. In addition, the climate of political violence favours the commission of crimes, the victims of which are targeted. In the majority of cases, the perpetrators are not identified. There are few cases in which suspects are arrested and in some cases, there is no credible disclosure of the culpability of the alleged perpetrators.*

*During the period under review, law enforcement personnel committed some violations of the right to life. Among them, one case has hit the headlines. That of two men executed while they were filmed, alive, at the hands of police officers. The police spokesman justified this act, speaking of " self-defense<sup>6</sup> », and that it was an operation to dismantle a network of bandits that was raging in the region. The chain of command has therefore covered this extrajudicial execution.*

*In their growing role as an instrument of repression of power, politically motivated violations of the right to life are attributed to elements of the imbonerakure militia.*

*One of the most worrisome cases reported is the killing and subsequent maiming of 14-year-old Albino Bonheur Ndayambaje. He recalled the series of dozens of ritual crimes perpetrated during 2011, which had targeted albinos. This series has stopped because of draconian measures taken by the government.*

*The various categories of violations of the right to life are presented with some illustrative examples.*

### *1.1. Killings by law enforcement officials*

*A total of seven violations of the law attributed to law enforcement officials have been reported. The aggravating factor is that in three cases these people were in the hands of the police, alive and were killed, shot or tortured.*

On 11 July 2019, on the Buramata Hill, in Mpanda commune, Bubanza province, police officers executed Renovat Bizimana and Ndayisenga. According to testimonies, confirmed by images, the two victims had been apprehended by the said agents with a gun in their possession. They were suspected of being part of an organized group of armed bandits who had carried out several attacks in the commune of Mpanda. The two men were filmed and photographed at the time of their arrest, carrying with them the seized gun.

The execution of the arrested persons took place while they no longer posed any danger, as they were in the hands of the police officers and their arms tied behind their backs. The rifle presented as belonging to the two men was also removed from its magazine. Witnesses reported that the two arrested men were executed a few hours after an interrogation.

---

<sup>6</sup> <https://mbilague.info/burundi-zones-dombre-autour-de-la-mort-de-deux-opposants/>

The order to execute them was reportedly given by the Bubanza police commissioner named Prosper Manirampa. No action has been taken by the police to arrest the perpetrators of these extrajudicial killings. An extrajudicial execution in broad daylight in front of the crowd tolerated by the police and judicial authorities.

Later, the police spokesman justified the execution as "self-defence", arguing that the victims, led by police agents to show their weapons caches, had dug up a rifle with which they had tried to shoot the police agents who were accompanying them.

On 18 July 2019, at Gihanga police station in Bubanza province, police officers are alleged to have murdered Samson. According to relatives, the victim, along with another man members of the imbonerakure militia, accusing them of theft. The militiamen of the party in power handed the two (2) men to the police agents who tortured them, so that they could reveal their possible accomplices, had arrested the named Lambert, during the night.

The violence inflicted on them caused injury and led to the death of Samson and the hospitalization of Lambert. This is an alleged extrajudicial execution by police agents. No alleged perpetrators of the deadly blows have been apprehended so far following this execution attributed to elements of law enforcement, supposed to protect and the law.

On 3 August 2019, at the communal centre of Gihanga in Bubanza province, agents of the national police tortured to death Jean Claude Nizigiyimana. The victim was arrested on her way home. His attackers struck him hard in the belly, causing injuries to the intestines and pancreas.

The victim succumbed to the ill-treatment on 6 August 2019. Subsequently, the police agent named Émile Niragira was reportedly arrested and prosecuted by the public prosecutor's office as the main suspect in the assassination.

## *1.2. Killings attributed to members of the imbonerakure militia*

*Five killings were attributed to elements of the imbonerakure militia, almost all of which occurred during the night. In most cases, these crimes go unpunished and often benefit from the complicity of police officers. Besides, most of these murders are politically motivated. The most emblematic case is an ambush by militias of CNL members returning from a meeting in Muyinga province. The attack resulted in one death and serious injuries. Here are some illustrative examples.*

On 18 July 2019, on Kaburantwa Hill, in the commune of Buganda, Cibitoke province, members of the imbonerakure militia are presumed to have murdered Pierre Nsanzerugeze during the night. According to witnesses, the victim was tortured after being tied up by militiamen. Subsequently, Mr. Nsanzerugeze was evacuated to a health centre in agony but did not survive the abuse. A leader of the imbonerakure militia, alleged to have inflicted fatal blows, was

imprisoned and then released after only three days. This highlights the often-observed complicity of the police and the prosecutor's office to ensure the impunity of these militiamen.

On 31 July 2019, on Rugamba Hill, in the commune of Muhanga, in Kayanza province, Gaspard Bunyange was assassinated during the night. According to witnesses, the victim was arrested on his way home and tortured to death by his attackers.

This incident occurred after the victim had received several death threats from members of the imbonerakure militia accusing him of recruiting for the UPRONA party, which is considered to be composed mostly of members of the Tutsi ethnic group. The police did not arrest any suspects, although the relatives suspected a local leader of the imbonerakure militia, of being one of the executioners.

On 18 August 2019, during the night, alleged members of the imbonerakure militia assassinated Grégoire Nsanzimana following an ambush in the Rugari area, in the commune and province of Muyinga. Mr. Grégoire Nsanzimana was one of a group of about 250 CNL activists returning from an official opening ceremony of their party's provincial headquarters. They were walking back to Giteranyi commune in the same province. On their way, members of the Imbonerakure militia, armed with machetes, ambushed them. Mr. Nsanzimana was killed in the attack and eight (8) other CNL militants were seriously injured.

The reported facts clearly show the premeditated nature of this attack. Militants of the main opposition party returning home in large numbers, and awaited by many armed imbonerakure militiamen. The police announced the arrest of three suspects who were brought under control by members of the CNL during the attack.

On 23 September 2019, suspected members of the imbonerakure militia killed Jérémie Ntaconimariye on the Gashikanwa Hill in the Gihogazi commune of Karusi province during the night. Ntaconimariye, who is reputed to be a member of the CNL opposition party, was woken up in the middle of the night and told by his attackers to leave his house, after which the victim was violently beaten and left in agony.

The victim died the next morning because of the beatings. The police have not arrested any of the alleged perpetrators to date. According to his relatives, Ntaconimariye was targeted because of his refusal to join the ruling CNDD-FDD party.

### *1.3. Unidentified bodies discovered and buried in haste: a phenomenon that has become recurrent*

*The phenomenon of lifeless bodies discovered in forests, vacant lands or rivers has become very common in Burundi. Bodies are often found bound, decapitated, or tied to trees. In the case of several victims, they are also sometimes linked to each other. The other characteristic of these killings is that the bodies are abandoned in places far from the victims' places of residence. A strategy of the executioners not to be discovered, facilitated in this by the orders of burial in haste systematically given by administrators, after the discovery of the bodies.*

*In all 15 bodies were discovered, of which a group of five, three and two bodies were discovered each time bound together, suggesting that the cause and the author of their death are identical.*

On August 8, 2019, in the Kibira Forest on nderama Hill, in Bukinanyana commune, Cibitoke province, three (3) lifeless bodies were found abandoned. The forest guards who discovered the bodies of these men reported that the victims had been stabbed several times. The three bodies were bound and attached to a tree, indicating a common execution. The victims have not been formally identified to date.

On August 23, 2019, near the Rusizi River on the transversal 2 of The Hill Ruhagarika, in Buganda commune, Cibitoke province, two (2) bodies were discovered decapitated. Witnesses reported that the bodies of the victims, all men, were bound and decapitated. To date, police have not identified any suspects.

On 28 August 2019, on nderama Hill, in the commune of Bukinanyana, Cibitoke province, five lifeless bodies were discovered. According to witnesses, only three of the victims could be identified. These are Thimotheé Nsenga, Nkurunziza and Nsenga, from the commune of Bukinanyana. The inhabitants of the locality where their bodies were discovered could not identify the other two victims. According to certain hypotheses, these unidentified persons are from the neighbouring commune of Mabayi.

The local administration ordered the five to be buried, but the last two victims could not be identified. Witnesses report that the victims were all gold miners because their bodies were at a gold mining site in Bukinanyana. The police did not identify any suspects or determine the circumstances of their murder.

#### *1.4. Violations of the right to life of targeted individuals with impunity*

*One of the signs of impunity is that people are killed, in a targeted manner, without any investigation being conducted or concluded to determine the circumstances and those responsible for their deaths. In the ten cases listed, the executioners 'desire to throw the bodies away from the victims' homes is evident. Bodies are frequently abandoned in watercourses, in the streets or in vacant lots. A case of popular justice has been reported. A person who was caught and accused of attempted robbery was killed immediately. In this case, while the group of alleged perpetrators could be easily identified, the police did not arrest any suspects. Here are some illustrative cases.*

On July 7, 2019, on The Hill Rusagara, of the commune Makebuko, in Gitega province, Mr. Alexandre Kwizera, aged 40, was killed. According to witnesses, the victim was arrested by a group of residents while attempting to rob a household. He was then reportedly bound, beaten with clubs, and burned to death. The police have not apprehended any suspects to date.

On 15 August 2019, Abel Yamuremye and his companion were killed at their home on Kanabubu Hill in the commune and Bubanza province during the night. The testimonies reported that the victims had been beaten several times with machetes. The Bubanza police have not arrested any suspects to date.

On 19 August 2019, in the town of ntega, in the province of Kirundo, the 50-year-old, undead, Reverie body Kamarampaka was discovered on Lake Kabamba. According to witnesses present, the victim's body showed signs of torture. The victim was known to be a member of the CNL party, and political motives may have been behind the assassination. The Municipal administration ordered the burial immediately after the discovery of the body.

#### *1.5. Rare cases of violations of the right to life followed by prosecution of alleged perpetrators*

*They are rare and therefore deserve special attention, as violations of the right to life are followed by investigations and arrests of suspects. During the reporting period, these cases accounted for just under two in ten cases.*

On 11 August 2019, on Nyagatovu Hill, Vumbi Commune, Kirundo province, Mrs Goreth Cizanye 30 years old was killed at her home. According to the relatives of the victims, the assailants cut the victim's throat and seriously wounded her husband, Niboye, who had to be hospitalized. Vumbi police have announced the arrest of two suspects.

On 19 August 2019, on Murungurira Hill, of Ntega Commune, in Kirundo Province, Mr Jean Prospère Hitimana, aka Gahungu, was discovered, dying. Transported to hospital, the victim died the same day.

Ntega police announced the arrest of four people during the investigation. According to relatives of the disappeared person, his assassination is said to have political motives, following his refusal to join the ruling party CNDD-FDD. Mr. Hitimana was a member of the Union for National Progress Party (UPRONA).

On 31 August 2019, the body of Samuel Bapfekurera was discovered on the Hill Ruseseka, in the commune of Mabayi, in Cibitoke province. The victim is a member of the twa ethnic group. Mabayi police announced the arrest of five people during the investigation.

### *1.6. Torture and risk of enforced disappearance by law enforcement officials*

*These are three cases, one of which is associated with fears of Enforced Disappearance of a person who has been "kidnapped" by SNR agents following a rogue operation. The other two are torture cases. One is attributed to SNR agents in Mwaro province. In the other case, they are police officers who, under the cameras' lenses, have engaged in cruel, inhuman and degrading treatment towards her, who beat her and drag her to the ground, in the middle of a church. This scene was filmed and circulated on many social networks.*

On July 22, 2019, on bwayi Hill, in Mugina commune, Cibitoke province, agents of the National Intelligence Service (SNR) kidnapped Isaïe Batumunwa (nicknamed Kirandaranda). According to witnesses, these agents landed on board a Toyota model Prado jeep and took Mr. Batumunwa on board the same jeep. According to his relatives, the victim is an active militant in charge of mobilization within the opposition CNL party, and a former combatant demobilized from the FNL movement from which the CNL party originated. According to witnesses, Mr. Batumunwa was taken on board with his motorcycle, which was seized at the time of the abduction, and the vehicle then proceeded to the town of Bujumbura.

All the evidence concurs and tends to show that this is indeed a kidnapping committed by SNR agents in front of several witnesses. Mr Batumunwa was singled out by a member of the imbonerakure militia, Boniface Baranyumviye (nicknamed Muhumure), who was directing SNR agents. There are well-founded fears for Mr. Batumunwa's safety since this abduction.

On 4 September 2019, the head of National Intelligence Service of Mwaro province tortured Étienne Gahungu in the offices of the National Intelligence Service of Mwaro. Mr Gahungu, in charge of the ideology and propaganda of the opposition CNL party in Rusaka, was arrested on 27 August 2019 clearly on political grounds. He was accused of holding night meetings.

According to information gathered, the victim suffered serious abuse and had to be treated by ICRC staff. To this day, this member of the opposition remains held in the SNR's dungeon by his torturer.

On 21 September 2019, police officers tortured worshippers of the Adventist Church located in Rubuye district, Ngozi commune and province. Testimonies, confirmed by video footage of the scene, reported that agents broke into the church at the time of worship and began beating the faithful who failed to flee. One of these videos shows a woman being beaten defenseless by three police officers, who then dragged her through the church towards the exit, despite the screams of distress pushed by the victim.

In addition to the violence inflicted on many worshippers in full worship, at least fifteen (15) people who were in the church were arrested. According to information from relatives, the women arrested were released on 24 September 2019.

SOS-TORTURE

## *2. Violations of the right to liberty and physical security*

*Violations of the right to liberty and physical security have been recurring since the onset of the crisis in April 2015. Their nature remains invariable. It is their magnitude that changes slightly with each quarter. During the period under review, 97 violations of the right to liberty and physical security have been identified. The facts show that almost all of these violations are politically motivated, led by alleged CNL members. These attacks are believed to have been carried out in order of importance by police officers, imbonerakure militiamen and SNR officers. Increasingly, elements of the imbonerakure militia are engaged with impunity in serious attacks on the physical security of persons, most of whom are identified as members of the CNL. The crimes of these militiamen remain unpunished and benefit from the approval or complicity of the police officers, who instead of arresting the aggressors, imprison the victims, often in a critical state of health because of the abuses suffered.*

### *2.1. Cases of torture attributed to elements of the imbonerakure militia with impunity*

*Several cases of torture attributed to elements of the imbonerakure militia have been reported. The most serious is that it is the victims of these attacks who are often detained when they are arrested by their aggressors and taken to the various police stations. The victims are imprisoned while their attackers are left free without any prosecution, thus contributing to legitimizing the illegal acts constantly perpetrated by elements of the imbonerakure militia. This situation strengthens the imbonerakure militia in their crimes and increases the illegal power that is increasingly recognized to them. The vast majority of those targeted are members of supposed opposition political parties, especially the CNL. Here are some illustrations of these packages.*

On 4 July 2019, on Murungurira Hill in the Ntega commune of Kirundo province, members of the imbonerakure militia defeated Jean Prosper Hitimana. This teacher simply came to claim the money owed him by the headmaster of his school. The latter, being a member of the imbonerakure militia, immediately called upon other militiamen to help him "correct" Mr. Hitimana for "insolence." Relatives report that the victim is a member of the opposition CNL party, which is believed to be the cause of the violence against him.

The blows inflicted on Mr. Hitimana caused him to have a fractured arm. The police did not carry out any arrest of the alleged assailants, although they were well identified by the victim and their names handed over to the police.

On the same day, on Mutambara Hill, in Rumonge commune and province, members of the imbonerakure militiamen attacked and beat Ibrahim, a member of the CNL party. He was arrested and mistreated by the militia of the ruling party for wearing a T-shirt with the insignia of his CNL party.

Despite the violence of the beatings, the victim was imprisoned after she had lodged a complaint against her attackers at the Rumonge police station. His attackers were not harmed.

On August 30, 2019, in Gatumba zone, Mutimbuzi commune, Bujumbura province, members of the imbonerakure militia violently beat Jean Pierre Nsengiyumva, an activist of the CNL party. Among his torturers was zone Leader Gatumba.

Despite his injuries, his attackers took Mr. Nsengiyumva to the Rukaramu police station where he was taken into custody in a police cell.

On 8 September 2019, in Kayogoro commune, Makamba province, members of the imbonerakure militia attacked Innocent Nininahazwe and Paul. The criticism of these two men was that they no longer supported the ideology of the ruling CNDD-FDD party. They were then taken to the police cell in Kayogoro and imprisoned.

As in other cases, by imprisoning illegally arrested and tortured persons, the police in Kayogoro became complicit in the abuses committed by these imbonerakure militiamen, and cautioned them, encouraging them to continue their crimes..

## *2.2. Arbitrary arrests by police officers: politically motivated*

*The important mobilizations, the meetings and the cascading inauguration of the Permanent of the CNL party, worthy of an early electoral campaign, create a great nervousness of the power, the party in power and its members, leading to mass arbitrary arrests of members of the CNL and other political parties. Police officers play a key role in this crackdown. Most affected are members of the CNL, but 12 members of another opposition party, "Union for Democracy and Development (UPD-Zigamibanga) were arrested during the period under review and an activist of the party UPRONA. In some cases, police officers acted with the support of imbonerakure militia elements or SNR officers. The protection of the imbonerakure by the police remained flawless and the legitimation of the acts they sometimes carried out by arresting persons attacked by militiamen who had only defended themselves against this aggression.*

*In all, the police carried out 13 arbitrary arrests, several of which targeted groups of 2 to 12 people. Here are some illustrative examples.*

On 5 July 2019, in the centre of Gitega commune and province, police agents arbitrarily arrested five (5) people, all students at the Faculty of Bio-engineering of the University of Burundi (formerly ISA: Institute of agronomic Sciences, campus ZEGE) who had just claimed the five-month arrears of bursary. According to witnesses, the five arrested were taken to the police dungeon in Gitega.

On 13 July 2019, Police officers arrested Bosco Bayisabe and David Nahinkuye on Rwaniro Hill in the Burambi commune, Rumonge province, both reportedly activists of the opposition CNL party. The reason for their arrest is that they defended themselves in an attack on a group of imbonerakure militiamen. During these clashes, one of the militiamen of the ruling CNDD-FDD party was injured.

These are clearly arbitrary arrests aimed at the victims and not at the perpetrators of the aggression. The two (2) young men were transferred to the police cell of the Rumonge commune on 17 July 2019.

On 11 August 2019, in a bistro in Muzenga Bururi commune and province, police agents arrested twelve (12) people, all members of the opposition party UPD-Zigamibanga. The order to arrest them was given by the governor of Bururi province, Frédéric Niyonzima, who accused them of holding an unauthorized meeting. Among those arrested are two prosecutors in Bururi: Jean Claude Ndayisenga and Tharcisse Nduwimana, as well as teachers.

The twelve were transferred to Bururi prison the day after their arrest. The arrest of these people is clearly linked to their political affiliation.

On 23 September 2019, in Minago zone of Rumonge Commune and province, police officers arrested Boniface Ndikuriyo, a representative of the opposition CNL party in the Minago area. Mr. Ndikuriyo was summoned by the Minago zone chief who was waiting for him with police officers. He was accused of organizing an illegal meeting.

This arbitrary arrest is clearly linked to the political affiliation of this militant and is yet another example of the persecution of members of the CNL party. According to relatives of the victim, members of the CNL party had gathered the day before to raise funds for the rehabilitation of their permanent residence, which had been destroyed a few weeks earlier by members of the imbonerakure militia of the ruling CNDD-FDD party.

### *2.3. Arbitrary arrests attributed to SNR agents*

*In addition to a simultaneous arrest with officers of the National police, SNR officers are presumed to have carried out four arrests, two of which are similar to kidnappings, following a known modus operandi. One of the targets is a journalist who was carrying out his mission, seeking information on arrests made by police officers. Grounds for arrest are never served.*

On 19 July 2019, at the communal centre of Buganda, Cibitoke province, Agents of the National Intelligence Service arrested Claude Kubwimana. According to his relatives, Mr. Kubwimana was taken in the vehicle of the chief of the SNR of Cibitoke province, who headed towards the town of Bujumbura.

To date, the SNR has not specified this man's destination. As Mr. Kubwimana's relatives have not heard from him since his arrest, there are fears that it may be a kidnapping involving a risk of disappearance.

On 28 August 2019, on Nyamitanga Hill, in Buganda commune, Cibitoke province, agents of the National Intelligence Service arrested three people: Thaddée Nzeyimana, Eddy Nzoyisaba and Fabien Sinzumusi. According to witnesses, the head of the SNR of the Cibitoke province named Venant Miburo directed the operation. The three men were bound and embarked in the back of a van with registration number H4879A coming from the town of Bujumbura, which resumed the same direction after the abduction.

According to the information received, the relatives of the arrested persons have not been notified of the place of detention. So there are well-founded fears for the safety of these three men. Their relatives reported that the three were suspected of supplying food to rebels based in the Democratic Republic of the Congo.

On 28 August 2019, at his home in the Maramvya area, in the Burambi commune of the province Rumonge, the head of the National Intelligence Service of the province Rumonge arrested a secondary school student named Claver Hakoringingo. According to relatives of this student, SNR officers, police and military personnel surrounded the young man's home early in the morning, before organizing a search of the House. Witnesses reported that the officers suspected the young student of possessing a firearm that belonged to his older brother who was shot dead last year. The search did not result in any seizure, but the young man was arbitrarily arrested.

He was then taken into custody in the Dungeon of the Rumonge police station without any reason, since the suspicions of illegal possession of a firearm proved unfounded.

#### 2.4. *Illegal arrests of members of the imbonerakure militia*

*The facts observed during the period under review show that, throughout the country, elements of the imbonerakure militia are at work in a manhunt organized against any political expression that differs from the ideas and instructions of the party in power. Members of the CNL pay the heaviest price, illegally arrested, mistreated, forced by all possible means to limit their freedom of action and movement to the maximum. Any pretext is used in this systematic harassment, but the real motive is obviously their political affiliation.*

*The crimes committed by militia elements almost always go unpunished. They are covered by administrators and officers of the forces of order, which contributes each day to strengthen the power recognized to the imbonerakure militiamen. The latter, for example, grant themselves the right to impose curfews and to arrest them illegally if they disregard them. Just like they do for alleged crimes of opinion. In two of the cases listed, members of the CNL were illegally arrested simply because they were looking after the party's permanence. In another case, a person was arrested because he had asked for an explanation of the forced contributions collected in households by members of CNDD-FDD.*

Here are some illustrations.

On July 10, 2019, on Gasenyi Hill, Nyarusange Commune, from the province of Gitega Province, members of the militia, imbonerakure, in complicity with officers of the police arrested Vincent Ndikuriyo, Emile Nkurunziza, Philippe Hatungimana, Antoine Mbesherubusa, Elson Nishimwe, Emmanuel Niyongabo and Jean Marie Ms. All of these men were known to be members of the opposition CNL party accused of "breaking the 20-hour curfew" imposed by these militiamen.

The illegality of the arrest is at two levels. On the one hand, these elements of the militia are not qualified to make an arrest, and on the other hand they have arrogated to themselves the power to impose an illegal curfew because no law in force mentioned it. These measures were taken by imbonerakure militiamen to allow them to circulate and commit abuses without further witnesses.

On July 23, 2019, on Kirinzi Hill, in Mugina commune, Cibitoke province, members of the imbonerakure militia arrested three (3) men who were in a bistro. A local official of the ruling CNDD - FDD party who was in the same liquor store called in his party militiamen to arrest the three people, all reputed to be members of the CNL opposition party who were sharing a drink. No grounds were advanced for the arrest and imprisonment of these three men.

On 14 August 2019, in the zone and Bisoro commune of Mwaro province, members of the imbonerakure militia arrested Lionel Minani, Jean Bosco Nduwimana, Déogratias Ndayisaba

and Didace Ndikuriyo, all of whom were members of the opposition CNL party. They were in the process of rehabilitating the premises of their party's local headquarters at the time of their arrest. These arrests are part of many others that have gone unpunished.

According to information received, Lionel Minani and Jean Bosco Nduwimana were released on 18 August 2019. Their comrades remained in detention.

On 18 August 2019, in the same province, in the Kibungere area of Nyabihanga commune, members of the imbonerakure militia arrested Antoine Kimararungu, Éric Niyonizeye and Éric Niyoyitungira, Mwaro province, also CNL activists. They were preparing a quote to paint the permanence of this party located in the Kibungere area.

Police officers in Nyabihanga who agreed to detain the three arrested persons, accused by the Imbonerakure militiamen of holding “an illegal meeting, endorsed these illegal arrests by militiamen. On the same day, Mr. Innocent Niyungeko, communal Secretary of the CNL party, was arrested while visiting his three comrades detained earlier in the day.

### *2.5. Abduction and ill-treatment by the administrator of the Bwambarangwe commune*

On 2 September 2019, the communal administrator of Bwambarangwe in Kirundo Province detained in his office and beat up three young girls named Joséphine Mfukamensabe, Vestine Muhawenimana and Alphonsine Niyonsenga. They had been summoned by the administrator, Ms. Fébronie Niyingabiye, who asked them to explain their presence at the official opening ceremonies of the CNL opposition party in the Bwambarangwe commune.

According to information received, the administrator ordered the three girls to lie down face to face and began hitting them with a stick. According to several accounts, one of the girls, Joséphine Mfukamensabe, was evacuated in critical condition to the hospital. This shows the violence of the blows administered by this authority to young girls whose fault is to have been in an unwanted demonstration by this administrative official. The impunity enjoyed by the communal administrator of Bwambarangwe after having committed these acts, is a sign that the harassment and persecution of opponents are part of the instructions given by the highest authorities of the country as some of their speeches show.

## *2.6. Violations of freedom of association: defiled or destroyed CNL posts*

*This is just one example of the level of political intolerance that exists. In addition to attacks on members of the CNL party, the degradation and destruction of party offices are orchestrated throughout the country. When they are not partially or completely destroyed, they are soiled with human or animal droppings scattered or thrown on the walls. This phenomenon has grown in recent months, and all with impunity.*

For example, on 26 July 2019, in Minago zone, Rumonge commune and, during the night, unidentified individuals wounded four people in an attack aimed at destroying a new CNL opposition party headquarters. According to information obtained, all of the wounded were CNL party militants who had decided to secure their permanence after members of the imbonerakure militia had decided to destroy it. The perpetrators of the attack seriously wounded Paul Ninteretse and his three (3) companions, before vandalizing the permanence.

The police have not apprehended any suspects to date although CNL activists have designated members of the ruling CNDD-FDD imbonerakure militia to be responsible for the assault and vandalism of their station.

Another attempt to destroy the permanence of the CNL party in the zone Gatete, Rumonge commune and province failed on July 30, 2019 in the night. Witnesses reported that unidentified individuals deposited gasoline-sprayed tires in the house on duty, but that they did not catch fire. Police have not identified any suspects either.

## *2.7. Violations of freedom of expression: sentenced for demanding respect for their rights*

On 9 August 2019S, two (2) members of the opposition CNL party in Karusi province were sentenced to prison terms. They are Nathan Barampa, representative of the CNL party in Karusi province and Philbert Ndiokubwayo, executive of the CNL party in Karusi province. The two men were sentenced to 5 years and 10 years in prison respectively for " terrorist acts ".

Their arrests and prosecution are likely the result of messages they sent to officials in Karusi province, including the governor, calling for an end to the intimidation and persecution of members of the CNL party. For these activists, the mere fact of demanding security and the protection of authority has been called a terrorist act and they have been condemned. This reflects the level of persecution of members of the opposition, and particularly of the CNL party, in the country.

### *3. Administration of justice and prisons: malfunctioning and overcrowding*

#### *3.1. Illegal detention by the Makamba public prosecutor's office*

The Makamba public prosecutor's office illegally detained two members of the opposition CNL party for prolonged periods. They are Emmanuel Nyandwi, representative of the CNL party on Rusovu Hill, Kayogoro Commune, and Gad Nduwayo, a member of this party. Members of the imbonerakure militia led by Salim Bayisenge, chief of the imbonerakure militia from Shaka Hill, in the commune of Kayogoro, on 15 August 2019, illegally arrested the two men. Their relatives reported that Mr. Nyandwi and Mr. Nduwayo were accused of holding an illegal meeting. The two men were beaten before being taken by the militiamen to the police cell in Kayogoro.

Subsequently, the Kayogoro police transferred the two opposition members to the Makamba prosecutor's dungeon on 18 August 2019. Legal time limits for pre-trial detention have been exceeded, but the public prosecutor's office has not taken any action on this case.

#### *3.2. Obstruction of a judicial decision by imbonerakure militiamen*

Members of the imbonerakure militiamen obstructed a judicial action to release two people illegally and arbitrarily detained in a police dungeon in Mabanda commune, Makamba province, on 23 August 2019. Witnesses reported that the Deputy Prosecutor of Makamba had decided to release Messrs. Julius Augustin (Tanzanian) and Honoré Ndayiragije, who had been illegally arrested by members of the ruling CNDD FDD party. The arrest took place on 20 August 2019, led by militiamen named Antoine Ninganza and Ndikumana.

The decision to release the representative of the public prosecutor's office and the Mabanda police officers was blocked following the opposition of the imbonerakure militia. It is an interference by the imbonerakure militia in the operation of judicial and police bodies. At the time of the illegal arrest of the two men, Mabanda police officers had colluded with militia members by agreeing to lock up Messrs. Augustin and Ndayiragije.

The Deputy Prosecutor of Makamba also became complicit with the members of the imbonerakure militia for having given in to the obstruction. To date, the two men remain in illegal and arbitrary detention following the action of the imbonerakure militia.

### *3.3. Heavy sentences for UPD-Zigamibanga party*

*In the course of this quarter, several government officials ordered arbitrary arrest of alleged members or sympathizers of the political opposition. When they did not inflict ill-treatment (case of the administrator of Bwambarangwe), it was to exert pressure on the justice so that these persons were sentenced to heavy penalties, outside the law.*

According to information from the Burundian prison authorities, overcrowding persists in Burundian prisons. As of 11 July 2019, the Prison Service counted 10 .832 inmates for a capacity of 4 .194 prisoners at national level, following a little more than 2.5 times the capacity.

For Gitega prison this rate is slightly higher, with a total of 1048 prisoners and a capacity of 400. The surplus inmates in Gitega are forced to sleep under the stars, for lack of cells.

These figures are alarming from the point of view of the conditions of detention of prisoners. The same authorities have also confirmed that nearly 50 per cent of these detainees are still in pre-trial detention, that is, they are still awaiting trial, i.e. 5,380 defendants.

Overcrowding in prisons is causing extreme hardship for prisoners. The prisoners ' daily food ration is affected: each prisoner receives 350 grams of beans and 350 grams of flour per day.

It is important to point out that these figures relate only to the prison situation and do not take into account the large number of defendants held in the various police and National Intelligence Service cachots. The latter are another category of arbitrary detainees who are also most often victims of prolonged illegal detention with a high risk of enforced disappearance.

### *Conclusion*

The approach of the 2020 elections is a catalyst for tensions. In its desire to eliminate all competition, the government, its party and its repressive instruments made up of police officers, SNR and imbonerakure militiamen are at work to stifle any divergent political expression. Judicial proceedings are also used for this purpose.

The mobilising deployments of the CNL have helped to increase the ire of power against it and pay the heaviest price in the repression. Assassinations, attacks, ambushes, arbitrary arrests are organized against CNL activists. Its perimeters are the target of attack or destruction or are soiled with excrement.

More than in the past, many observers sounded the warning signals. Especially the International Commission of inquiry, the conference of Catholic bishops and various international human rights organizations that Burundi is in danger of tipping into violence that could provoke massive violations of human rights, including mass crimes and crimes against humanity.

In response, the government and the CNDD-FDD party dismissed all these concerns and warnings in the name of national sovereignty, the fight against neo-colonialism and the principle of non-interference in the internal affairs of the state.

In the absence of an early warning and risk mitigation mechanism at the national level, the vigilance of the international community is called upon to prevent or respond, as appropriate.

### *Recommandations*

#### *To the Government of Burundi:*

1. To postpone the holding of elections that could lead Burundi into a more serious crisis, and to agree to participate in the inclusive dialogue in order to find a just and rapid solution to the current crisis ;
2. Implement the announced measure to suppress all political aggression and immediately stop the persecution of CNL activists and other political parties ;
3. Opening up the democratic space by guaranteeing political parties, civil society and the media the exercise of rights and freedoms guaranteed by national, regional and international instruments;
4. Put an end to the harassment of Human Rights Defenders and immediately and unconditionally release Germain Rukuki, unjustly sentenced to 32 years in prison ;
5. To put an immediate and unconditional end to the recent selective prosecution of the alleged assassins of president Melchior Ndadaye by sparing the alleged perpetrators of the serious crimes and other massive human rights violations that followed this sad event and to prepare the overall framework for it as called for by the Arusha Agreement, in order to put an end to impunity for the crimes of the past, without exception and in full equity ;
6. Cooperate fully with human rights mechanisms at the national, regional and international levels in the implementation of human Rights Council resolutions and collaborate with the International Criminal Court (ICC).

*To the East African Community:*

1. Scrupulously respect the relevant conventions to ensure the protection of refugees in the various countries and strictly adhere to the principle of voluntary return ;
2. Drawing lessons from the failures of the inter-Burundian dialogue as a sponsor of the Arusha Peace Agreement and involving other multilateral partners in an effective inclusive dialogue among all Burundian actors with a view to consolidating the achievements of the fundamental principles of the Arusha peace and reconciliation agreement signed in 2000 and the 2005 constitution ;
3. Take coercive measures, including the use of an embargo, to ensure that the Burundian government accepts an inclusive negotiation without preconditions, as the stubbornness of Pierre Nkurunziza constitutes a threat to peace not only in Burundi but also in the region, and entails risks to the stability of the East African Community (ECA)).

*To the international community :*

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