



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 October to 31 December 2020**



Imprisonment of Fabien Banciryanino:

The will to silence any critical voice

JANUARY 2021

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1. Socio-political context

Burundi's socio-political context has evolved in a jagged fashion in the last quarter of 2020. It is generally characterised by contradictions, which are quite paradoxical, and it is not always easy to understand the ins and outs, both internally and externally. Following the example of some observers, on certain aspects, it is not always obvious to perceive the differences between the power of Evariste Ndayishimiye and that of his predecessor, the late Pierre Nkurunziza, things are not clear "the difference is sometimes clear, sometimes blurred¹ ». If, globally speaking, it is continuity that is essential, especially in terms of respect for human rights and fundamental freedoms, on other aspects such as the fight against Covid-19, where the discourse is versatile, the discourse on bilateral relations is also sometimes breaking and sometimes conciliatory.

However, on the whole, gestures of openness remain rare. The momentum gained from the first 100 days of Evariste Ndayishimiye's rule continues. The reports of several burundian and international organisations had spoken of continuity, evolving in the direction of a worsening of human rights. This continuity is reflected in the continuation of massive human rights violations with numerous assassinations, kidnappings and arbitrary arrests but above all the continued imprisonment of people, imprisoned because of their opinions or their activities as human rights defenders such as Germain Rukuki and Nestor Nibitanga, respectively members of the organisations ACAT-Burundi and APRODH. The only exception was the release on the basis of the presidential pardon that the four journalists requested and obtained². As a result, they were released on Christmas Eve, after 430 days of detention. They had been sentenced to a prison term of two and a half years and a fine of one million Burundian francs each, which they paid³.

This gesture of openness, although appreciable, is however difficult to interpret in a context where, for about two months, the authorities arrested Fabien Banciryanino, with the responsibility for the interventions made when he was still a member of parliament, between 2015 and 2020. He was arrested on 2 October without a warrant, in violation of the law, which stipulates that no member of parliament may be prosecuted for the statements he made or a choice he made in the exercise of his mandate. He was allegedly questioned about remarks made in the plenary session of the National Assembly in February 2020. He had questioned the elevation of Pierre Nkurunziza to the title of Supreme Guide of Patriotism, citing numerous human rights violations committed by his regime.

This is clearly a very worrying signal. And the message is very clear: any denunciation of acts committed by the government is risky. As these are facts that occurred during the reign of Pierre Nkurunziza, it would mean that the new President has "decided not to turn the page", and that

¹ https://www.lemonde.fr/afrique/article/2020/12/29/au-burundi-un-vrai-faux-changement-cautionne-par-la-communaute-internationale_6064763_3212.html

² They are Agnès Ndirubusa, Christine Kamikazi, Egide Harerimana and Térrence Mpozenzi.

³ <https://www.rfi.fr/fr/afrique/20201225-burundi-les-quatre-journalistes-d-iwacu-ont-%C3%A9t%C3%A9-lib%C3%A9r%C3%A9s>

he "continues with the same means of repression noted and documented during the reign of Pierre Nkurunziza, and that is a worrying sign"⁴».

This determination was confirmed, among other things, by the government pirouette concerning the role of the Imbonerakure militia. While with the advent of the new government, many orders from various national, provincial and local authorities had summoned the militiamen from different regions of the country to leave the maintenance of order to the authorised forces, including making arrests, making night rounds, in a speech delivered on 21 November 2020 in Karusi commune and province, during the closing ceremonies of the week dedicated to the fighters, the government has not yet taken any action to ensure that the militiamen are not used to carry out their duties⁵, President Evariste Ndayishimiye has made a complete turnaround. He thus dashed the hopes for change raised by these earlier messages. He asked the Imbonerakure present "*to be virulent*", legitimising their action with a "protect us" because "*every Burundian must be vigilant and contribute to the defence of his native country*". By specifying that "to remain vigilant" meant for all Burundians "to patrol wherever they are"⁶ ».

At the same time, there are other facts that make the new power a continuation of the old system. This is the case of the census with an ethnic mention launched by the government in the public and private sectors. This census, which began on 26 October without having been validated by all partners, was initially intended for all civil servants in the country. Several trade unions expressed their concern, pointing out that the census risked "undermining privacy and freedom of association", and that it violated Burundi's constitution and the conventions of the International Labour Organisation (ILO). The issues that raised the most concern included those related to the obligation to mention religious denomination and ethnicity. The government did not provide any explanation of the ins and outs of this survey⁷. This opacity has caused much concern and fear in a country where the ethnic factor is once again being instrumentalized for political purposes and where discriminatory practices are increasingly observed. In a position paper published on 13 February 2020, Amnesty International called on the Burundian government to drop the requirement for INGOs to disclose the ethnicity of their staff. Given Burundi's history of ethnic violence in the past, it was extremely worrying that the authorities require INGOs to disclose the ethnicity of each of their local employees⁸. This principle should apply to the census organised by the government. This is all the more so since the ethnic quotas provided for in Arusha Accord, which the current Burundian government no longer adheres to, did not extend to technical posts.

This is also the status quo in the field of justice, where the instrumentalisation continues as before, or is even being reinforced. Several facts illustrate this trend. For example, on 11 November, an auction sale of the assets of the "putschists" began. The latter are essentially persons arbitrarily placed on arrest warrants. Their common denominator being that they are considered as political opponents by the authorities. They are all accused of having participated

⁴ Remarks of Lewis Mudge of Humans Rights Watch, <https://www.rfi.fr/fr/afrique/20201014-burundi-inqui%C3%A9tude-apr%C3%A8s-arrestation-ex-d%C3%A9put%C3%A9-opposition-iteka>

⁵ <https://www.sosmediasburundi.org/2020/11/22/cloture-de-la-semaine-dediee-aux-combattants-le-president-ndayishimiye-met-en-garde-garde-quiconque-tenterait-de-perturber-la-securite/>

⁶ See an excerpt of the speech given by Evariste Ndayishimiye on 17 November 2020 in: <https://burundihri.org/rep/Report-Dec-2020-Fr.pdf>

⁷ <https://afrique.lalibre.be/55294/burundi-le-recensement-des-fonctionnaires-souleve-des-soupcons/>

⁸ <https://www.amnesty.org/fr/latest/news/2020/02/burundi-drop-demand-on-international-ngos-to-disclose-ethnic-identity-of-employees/>

in the attempted putsch of 13 May 2015. Apart from the fact that these actions are not based on any regular judicial decision, the sale affected property belonging to the families and not only to the targeted individuals. Moreover, the whole process took place in total opacity, behind closed doors, with journalists being banned.

Concerning the case of the attempted putsch of 21 October 1993 and the assassination of President Melchior Ndadaye, the sentences were pronounced on 20 October 2020, one day before the 27th anniversary of this event. The sentences include nineteen (19) life sentences and a fine of 102 billion BIF, and three (3) 20-years prison terms⁹. In view of this temporal coincidence and numerous interferences and irregularities that have marked the handling of this case, it is highly likely that the conclusions were dictated by the political agendas of the authorities since Pierre Nkurunziza. One of those convicted, Pierre Buyoya, rejected the verdict handed down following a “mock trial” of a “judicial parody”¹⁰.

The continuity of the practices of the old system can also be observed in the management of relations with Burundian refugees. Permanent pressure is exerted by the Burundian authorities on Burundian refugees in Tanzania, in collaboration with the Tanzanian authorities, in order to force them to return. Several of them have suffered torture and enforced disappearance¹¹. Some were even killed.

It is on the bilateral and multilateral relations front that a demarcation with the former regime seems to be taking shape, even if relations there too are evolving in a jagged fashion.

With Rwanda, things have taken an unexpected turn towards dialogue, whereas two months earlier, in August, President Evariste Ndayishimiye, in undiplomatic terms, had rejected the Rwandan President's outstretched hand, describing him as “hypocritical” and “a hypocrite”¹². However, on 20 October, two delegations led by foreign ministers met, at the request of Burundi, at the border post of Nemba-Gasenye for the “opening of a new chapter”¹³.

On the multilateral side, notable progress has been made between Burundi and the United Nations and the European Union. However, for some time now, relations with these two partners have been very tense. The European Union was accused of all evils, notably described as an “accomplice”¹⁴ of the attempted putsch of 13 May 2015. With regard to the United Nations, Burundi had notably notified the Secretary-General of the decision to close the office of the special envoy before the end of 2020. Following a request for postponement by the Secretary-General, this closure was finally postponed, granting an additional period of 9 to 12

⁹ <https://www.iwacu-burundi.org/affaire-ndadaye-pierre-buyoya-et-18-autres-prevenus-condamnes-a-perpetuite/>

¹⁰ https://www.rtf.be/info/monde/detail_burundi-l-ex-president-buyoya-rejette-sa-condamnation-a-la-perpetuite?id=10613849

¹¹ <https://www.hrw.org/fr/news/2020/11/30/tanzanie-des-refugies-burundais-victimes-de-disparitions-forcees-et-de-torture>

¹² <https://www.rfi.fr/fr/afrique/20200808-burundi-r%C3%A9ponse-ferme-pr%C3%A9sident-ndashimiye-main-tendue-kagam%C3%A9>

¹³ Remarks by the Burundian Minister of Foreign Affairs, Albert Shingiro: <http://qiraatafrican.com/fr/new/rencontre-a-la-frontiere-entre-les-chefs-de-la-diplomatie-du-rwanda-et-du-burundi#sthash.7TAXZ31B.dpbs>

¹⁴ <https://www.rfi.fr/fr/afrique/20200925-burundi-ndayishimiye-accuse-l-ue-d-%C3%AAtre-complice-la-tentative-coup-d-%C3%A9tat-2015>

months¹⁵. The Secretary-General was quick to return the lift. Thus, on 4 December, the UN Security Council decided to remove Burundi from the list of countries under periodic review, a sign that the situation in that country was normalized. What the Burundian authorities welcomed with « enthusiasm ¹⁶ ». Paradoxically, two months earlier, the seriousness and frequency of human rights violations in Burundi had convinced the UN Human Rights Council to renew the mandate of the International Commission of Inquiry on Burundi¹⁷.

Indeed, the record of human rights violations remains worrying. In the last quarter of 2020, a total of 72 murders were reported, as well as 97 arbitrary detentions, 127 cases of physical violence and kidnapping, 16 enforced disappearances, 5 cases of rape and 6 people tortured.

These cases of violations are developed here with the help of some typical illustrations.

2. Numerous violations of the right to life, which go largely unpunished

Over time, the trends observed for violations of the right to life remain unchanged, and some aspects are even becoming more pronounced. For example, bodies are constantly being found in rivers, fields, forests or other public places, far from places where they can be recognised. Almost always, the administration orders burial without identification of the victims, making further investigation impossible. Exceptionally, in Rugombo, the persons requested refused to obey the administrator's order to hastily bury a body found in a gutter. This phenomenon of abandoned bodies is very widespread in the communes of Buganda and Rugombo, most often found in the Rusizi river. Numerous testimonies from the inhabitants of this area implicate SNR agents who take people who are still alive to kill them and then throw them into the river.

The other category, which includes the most numerous cases, and which is a mark of the persistence of impunity, consists of attacks on life where the victims are targeted but the presumed perpetrators of these crimes remain unknown, because no investigation has been carried out where it does not lead. In this category, crimes that may be politically motivated are observed. During the period under review, individuals, members of the CNL, appear to have been targeted for their political affiliation.

Finally, the last category consists of cases where the police arrest the alleged perpetrators, who are sometimes even convicted during flagrante delicto trials.

The culture of violence that is taking hold, reinforced by impunity, gives rise to phenomena such as mob justice, targeting people accused of practicing witchcraft, or invades the family sphere with settling of scores following matrimonial or land disputes.

Here are some examples of these different violations.

¹⁵ <https://www.agencecofin.com/actualites/2511-82829-le-burundi-accorde-un-delai-supplementaire-de-9-a-12-mois-pour-la-fermeture-du-bureau-de-lenvoye-special-de-lonu>

¹⁶ <https://www.aa.com.tr/fr/afrique/le-burundi-se-r%C3%A9jouit-de-son-retrait-de-l-agenda-du-conseil-de-s%C3%A9curit%C3%A9-de-l-onu/2066478>

¹⁷ <https://www.sosmediasburundi.org/2020/10/06/burundi-onu-lonu-prolonge-dun-an-le-mandat-de-la-commission-denquete-sur-le-burundi/>

2.1. Bodies discovered in rivers and wastelands where victims and aggressors are not identified

The phenomenon has become recurrent since the onset of the crisis in 2015. Lifeless bodies are found in rivers or on wasteland, often tied up, sometimes decapitated. The bodies are likely to be abandoned in places where their rapid identification is not possible. The reaction of the administration is invariably to give the order to hastily bury the bodies without their identification. Of the cases listed here, half of these macabre discoveries were made in the communes of Buganda and Rugombo, in the province of Cibitoke. Most often, the bodies are dumped in Rusizi river. In the period under review, six bodies were discovered together in this river. More and more testimonies from the inhabitants of these communes point the finger at SNR agents who would come with people to be executed in this area before throwing them into Rusizi.

In all these cases, no investigation has been carried out to identify the victims, the presumed perpetrators and the motives for these crimes. The following are a few examples.

On 17 October 2020, near transversal 6 of Ndava hill in Buganda commune, Cibitoke province, six (6) decomposing bodies of unidentified men were recovered floating on Rusizi river. According to sources on the spot, the residents of Rusizi river affirmed that they had seen at least sixteen (16) lifeless bodies since the beginning of October on transversal 6, 9 and 10 at the foot of the hills of Rusiga and Kaburantwa, in Cibitoke zone, Rugombo commune as well as at the foot of Ndava hill, on transversal 4, 5 and 6 in Buganda commune.

The suspicions are that SNR agents took the victims who were still alive during the night by vehicles of the Burundian National Intelligence Service (SNR) from Bujumbura before killing them and throwing them into Rusizi river.

Whenever this situation arises, the governor of Cibitoke province, OPC1 Carême Bizoza, always gives the order to bury the bodies, arguing that these decomposing bodies can contaminate the inhabitants near the river.

On 08 November 2020 at around 12 noon, on transversal 3 of Gasenyi hill and zone, Buganda commune, Cibitoke province, two lifeless bodies of unidentified people were discovered near Rusizi river. According to sources on the spot, these bodies were still fresh, suggesting that they had been murdered a few hours earlier. According to the same sources, the communal administrator of Buganda ordered the bodies to be buried on the spot, despite protests from the population who demanded their prior identification before burial.

On 13 December 2020, near Buhonga parish in the locality called Buyuki, Kanyosha Commune, Bujumbura Province, the lifeless body of an unidentified girl was discovered. According to an audio message accompanied by a photo of the victim's body that has been circulating on social networks since the day after the crime, her body was discovered in a house under construction

that had not yet been inhabited and the girl had been killed by strangulation the previous night by unidentified individuals.

2.2. Violations of the right to life of persons targeted but whose perpetrators are not identified

Of the crimes reported, the most numerous are committed against targeted people with grenades, rifles or knives in home attacks or ambushes. In two cases, the victims were members of CNL and in view of the circumstances, they may have been targeted for political motives.

In all these cases, no investigation was conducted to establish the circumstances and the perpetrators of these crimes. The following are a few examples.

On 11 October 2020, on Muyange hill, Burambi commune, Rumonge province, an ambush was laid on Ezéchiel Nduwimana (32-year-old) who was murdered by stabbing him in the throat. The motive and perpetrators of the murder are not yet identified.

On 07 November 2020, on Gahanda hill, Songa commune, Bururi province, two lifeless bodies of a woman known as Domithile Hafashimana and her small child were found dead at their home. According to witnesses on the spot, the victims were stabbed by unknown assailants and the motive for this double murder is not yet known.

On 08 November 2020 at around 7 pm, on Rurengeera hill, Mutaho commune, Gitega province, a woman named Josiane Nsengiyumva was ambushed on her way home from Rurengeera trading centre. The victim was shot dead on the spot. According to sources on the spot, the motive for her murder is not yet known, but her surroundings suspect a conspiracy linked to the polygamy of the victim's husband, which had led to land disputes. Nothing has been done to shed light on the case.

On 02 December 2020, on Nyarurambi hill, Butaganzwa commune, Ruyigi province, at around 9 pm, an attack was carried out on the home of a couple of CNL members, taking the lives of both spouses: Thomas Nkerabanyanka (65-year-old) and his wife Nathalie Barengayabo (58-year-old).

According to witnesses, the executioners broke down the door of the house and tied the victims up before cutting their throats.

On 29 December 2020, at around 10:30 pm, on Burambi commune, Rumonge province, the home of the deputy hill chief named Antoine Ruceke (65-year-old) was attacked. The assailants first broke down the door of the house before shooting the victim at close range with a Kalashnikov-type rifle.

Antoine Ruceke, was a well-known CNL party activist. According to information received, he was in conflict with one of the leaders of the Maramvya zone, a member of CNDD-FDD. This conflict reinforced suspicions of a settlement of scores related to this conflict, but no investigation was carried out to establish the facts and responsibilities for this crime.

2.3. Violations of the right to life attributed to law enforcement officials

The impunity that mainly benefits law enforcement officers encourages them to commit crimes because they are guaranteed not to be prosecuted. Three cases symptomatic of the continuous failures of law enforcement officials have been reported and presented here.

On 12 October 2020, in the urban centre of Mwaro, Mélance Ndikumana, held in police custody by the National Intelligence Service (SNR), died in Kibumbu hospital, Mwaro province, after being evacuated there following acts of torture inflicted on him.

According to information obtained, Mélance Ndikumana had been arrested by SNR agents in Mwaro on 9 October 2020 in the context of an investigation into the murder of his half-brother Pavela Niyomwungere who was killed on 23 September 2020. He was accused of having participated in the preparation of this crime.

After being informed of this blunder by SNR agents in Mwaro, the head of the internal intelligence department, Police Commissioner Emmanuel Ndayiziga, visited the scene. There, he was to meet the staff assigned to the provincial directorate of internal intelligence in Mwaro to enquire about the situation, but he immediately went to the hospital in Kibumbu to request Mélance Ndikumana's medical file.

In a structure where protecting one's own has become a rule, this approach gives rise to fears of a desire to falsify elements of the victim's medical file, particularly those relating to the cause of death, which would be likely to compromise SNR agents.

On 26 October 2020, around midnight, in the dungeon of the communal police station in Gatumba, Mutimbuzi commune, Bujumbura province, four (4) presumed thieves whose identity had not yet been revealed, detained in this dungeon commonly known as the "brigade", were summarily executed, in an extrajudicial manner, by shooting inside the police station.

Medical sources have indicated that they were all killed by bullets to the head, throat and chest. According to sources on the spot, their bodies were buried on the third transversal of Gatumba zone, not far from Vugizo hill.

This summary execution was carried out with impunity. No investigation was carried out to determine the circumstances and perpetrators of this heinous crime.

On 24 October 2020, at Kamenge car park in Bujumbura town hall, a young reaper by the name of Jean Pierre Bukuru was abducted. All the testimonies pointed to Joseph Mathias Niyonzima, nicknamed Kazungu, an agent of the National Intelligence Service (SNR), as the alleged perpetrator of this abduction. On 6 November 2020, after 10 days of uncertainty, the victim's family received a photo of the body of Jean Pierre Bukuru, with his throat cut and arms tied behind his back. Nothing has been done to identify the reasons for this abduction and its perpetrators, who therefore benefit from total impunity.

2.4. Violations of the right to life by Imbonerakure militiamen

The increasingly unlimited power acquired by the Imbonerakure militia allows them to pursue abuses as numerous as they are unspeakable. Four cases have been reported. The obvious conclusion is that some militiamen believe they can do anything they want. For example, to check someone's identity, and if their language does not please them, because of their honourable Rwandophone accent, to execute them. Or that child, the shepherd of a herd of goats, whom the militiamen wanted to steal, who was drowned.

This killing machine, once launched, is sometimes ready to crush his own. In another case, it was an Imbonerakure militiaman who was executed by his fellow militiamen. This feeling of limitless power leads some to take justice into their own hands. This is the case of the deputy head of the Imbonerakure of Gitega, presumed to have ordered the assassination of his employee. In this case, following numerous denunciations, the police and the judiciary were finally obliged to prosecute the presumed perpetrators of this crime. These various facts are presented below.

On 11 October 2020, on Kigoma hill, Bugabira commune, Kirundo province, five (5) Imbonerakure led by the chief of Gitwe hill arrested a young man named Jean-Paul Sibomana (26-year-old) and killed him with clubs. The reason given was that the victim had a Rwandophone accent, although he had shown them his identity papers attesting to his Burundian nationality. According to witnesses at the scene, the victim, who lived on Muhero sub-hill, Yaranda hill, Kirundo commune and province, had gone to Kigoma to visit his mother-in-law. He had recently repatriated from Rwanda.

This act was committed only a few days after the spokesman of the Ministry of Interior, Community Development and Public Security, OPP1 Pierre Nkurikiye, called on the airwaves on 08 October 2020, the Burundian population to denounce and arrest anyone speaking Kinyarwanda.

On 31 October 2020, at transversal 5 on Kaburantwa hill, Buganda commune, Cibitoke province, two young Imbonerakure, Claude Iteriteka and Bosco Ngabire, murdered a child called Emile Dushime, aged 14, before stealing 7 goats he was grazing on the banks of Rusizi river.

The child's body was recovered on November 3, 2020, from Rusizi river, Gatumba zone, Mutimbuze commune in the neighbouring province of Bubanza. The two Imbonerakure allegedly tied the child's arms and legs and threw him alive into the river. The same sources

add that after committing this crime, the Imbonerakure allegedly took the seven goats kept by the child to the locality of Nyamwoma in Sange groupement, Rusizi valley, Uvira territory, Democratic Republic of Congo.

In their search for justice and truth, the victim's family was intimidated by other young Imbonerakure youths in an attempt to force them to remain silent.

On 9 November 2020, on Mukaka hill, Mabayi commune, Cibitoke province, three Imbonerakure, on night patrol, are presumed to have slit the throats of their fellow Imbonerakure, named Evariste Nyandwi, who is believed to be part of a group of thieves who managed to escape.

According to sources on the spot, the three alleged perpetrators of the murder were arrested by police and are being held in the Mabayi communal police dungeon for investigation.

On 26 December 2020, in the urban centre of Gitega, Aimé Irambona, head of town planning and housing in the central-eastern region and deputy head of the Imbonerakure in Gitega province, was caught carrying the body of Ezekiel Ndayisenga, packed in a bag, which he had hidden in the bonnet of his vehicle under large stones.

According to sources on the spot, Aimé Irambona, in complicity with his brother-in-law, Célestin Nduricimpa, his three employees, Cédoine Ndereyimana, Salex Dusenge and Medico Ndikuriyo and a policeman by the name of Didier Zihabandi, violently beat the victim until she gave up her soul by a fatal stab that Aimé Irambona stabbed into her heart.

On 29 December 2020, the alleged perpetrators of this crime were tried and sentenced in a flagrante delicto trial by the Gitega Intermediate Court sitting in the criminal division, initially to very light sentences ranging from two and a half to five years of penal servitude and to pay jointly and severally a modest sum of two million Burundian francs (2,000,000 FBU) as compensation to the victim's family. After much pressure, the trial was reviewed and the alleged perpetrators were sentenced to heavier penalties¹⁸.

2.5. Violations of the right to life punished by the prosecution of alleged perpetrators

Cases where crimes committed are followed by investigation and arrest of the alleged perpetrators remain rare. During the period under review, they accounted for 15% of the total. The common denominator is that they are generally crimes related to interpersonal and increasingly marital conflicts. In all the cases reported here, the alleged perpetrators were at least arrested, if not tried in flagrante delicto proceedings. These cases are examples that could

¹⁸ <https://www.rpa.bi/index.php/actualites/4justice/un-cadre-de-l-urbanisme-condamne-a-21-ans-de-prison-ferme-pour-meurtre>

inspire a more committed and effective fight against impunity. Here are some examples from the ten of so cases reported.

On December 4th 2020, on Kabere hill, Mabayi commune, Cibitoke province, some inhabitants of the same hill murdered a 60-year-old man named Jacques Nzobarantumye, using clubs and iron bars.

According to sources on the spot, these angry inhabitants rushed at the victim and beat him until he gave up his soul, accusing him of having bewitched several local people. According to testimonies received, the intervention of the communal and police authorities led to the immediate arrest of eight of the alleged perpetrators of this murder.

On December 18th, 2020, in Nyamugari quarter of Gitega town, Mrs Souavis Irakoze was murdered at her home on 1st Avenue. According to witnesses at the scene, her executioner tried to falsify the evidence of the crime to make it look like the victim's suicide by hanging her body on a rope around her neck.

The presumed perpetrator of this crime is the husband of the woman who was apprehended, tried and convicted for murder on December 24th, 2020 by Gitega Intermediate Court, sitting in the criminal chamber in a trial for flagrante delicto with a life sentence of penal servitude.

On 27 December 2020, on the banks of Rusizi river on the 6th transversal of Kagazi hill, Rugombo commune, Cibitoke province, a lifeless body of a man bound and lying in a pool of still fresh blood was discovered. The victim has not been identified, nor has the motive for the crime been identified. Local residents suspected Imbonerakure and police officers of being the perpetrators of the murder.

According to information received, the alleged perpetrators were arrested on 29 December 2020 by the police of Cibitoke town province as part of an investigation. The same sources indicated that the suspects were subsequently taken in a vehicle of the National Intelligence Service (SNR) to an unknown destination.

On 29 December 2020, on Kiziba hill, Mbuye commune, Muramvya province, Emmanuel Manirakiza, a teacher at Migezi Basic School in the said commune was killed not far from his home. According to his neighbours, the victim was decapitated by his torturers with a machete and his body was found lying in his blood.

Subsequently, two suspects, Jean Marie Bigiramana and Aloys Uwingabiye, were reportedly arrested and detained in the cells of the Mbuye communal police station as part of an investigation. Clothes soiled with blood were allegedly discovered in their homes during a police search. In addition, the defendants, one of whom reportedly pleaded guilty, were sentenced for murder by the Muramvya Intermediate Court in a flagrante delicto trial on 31 December 2020, to life imprisonment and the payment of fifteen million Burundian francs (15,000,000 FBU) as compensation to the victim's family.

3. Violations of physical integrity and gender-based violence

A total of ten attacks on physical integrity have been recorded. Three out of these ten are attributed to Imbonerakure. Their actions are a testament to the assurance they have acquired over time that they can afford anything, sometimes outside of generally accepted societal norms. In one incident, for example, pupils beat up their teacher in front of the school principal because they knew they were untouchable. In another case, Imbonerakure, co-owners of a bistro, attacked a customer because he had been looking for money to pay for what they thought was a long time. The client left for dead was taken to hospital. Other violations of integrity were committed by authorities who tortured people they were supposed to protect. This is the case of a police officer who tortured a detainee under interrogation to the point of pulling out nails. Initially protected by his superiors, he was only arrested following the intervention of the National Commission for Human Rights (CNIDH). Also, a neighbourhood chief hit a young man visiting the area under his jurisdiction with unprecedented violence, accusing him without any evidence of being a thief.

Other acts of violence reported include attacks on public and private places which caused serious injuries to some people, as well as acts of violence sometimes perpetrated with firearms by groups or individuals in a targeted manner. Many of these acts go unpunished. Some examples of such attacks on physical integrity are as follows.

3.1. Violations of the right to physical integrity

On 20 October 2020 at around 8 pm, in Gishubi commune, Gitega province, two Imbonerakure co-owners of a bar called "Ryimare and Ndiyo" violently beat Fabrice Manariyo alias Rumanda and left him for dead.

According to a source on the spot, Fabrice Manariyo had come to share a drink with his friends in this bar and, as he was looking for the money in his pocket to pay the bill, he was attacked by these Imbonerakure who accused him of wanting to leave without paying the bill. The same source stated that the reason for this was not so much the fact that the victim had dragged out to pay, but because she was of Tutsi ethnicity. The words uttered by the two attackers attest to this. They said: "We are going to correct you to set an example for other Tutsis".

SOS Torture Burundi has learnt that Fabrice Manariyo is currently in a critical condition, placed in intensive care at Gishubi dispensary. But the perpetrators of these deliberate bodily injuries and ethnically averse remarks have not been apprehended in order to answer for their criminal act.

On 04 November 2020, an official of Mirango Quarter, Kamenge zone, urban commune of Ntahangwa, Bujumbura municipality, known as Janvier Bizimana, inflicted acts of torture in a horrendous manner on a young man called Bienvenu Nshimirimana, in the presence of numerous witnesses. According to the witnesses, the young man had gone to visit a friend, and

the neighbourhood chief arbitrarily accused him of being a thief. A video showing this scene of torture has been circulating on social networks since this horrible act. Despite the fact that these acts are punishable under Burundian law, the person responsible has not been punished.

On 1st December 2020, on Muzye hill, Giharo commune, Rutana province, pupils presumed to be Imbonerakure of Muzye Communal High School violently beat a teacher named Didace Muzaneza from the same school, in the presence of the education authorities of this commune, namely the communal director of education (DCE) and the headmaster of this school.

According to sources on the spot, the physical assault of the victim took place after an inter-school match after this teacher had denounced the obscurantist behaviour of some of these pupils and the school authorities refrained from reacting.

During the first half of December, two judicial police officers (OPJ), Wilson Mpayimana and Arsène Nimubona, tortured the detainee Donatien Nitunga, accused of breach of trust. The latter was employed in a warehouse for the products of Brarudi (Breweries and Lemonades of Burundi), located in Bururi town province.

3.2. Kidnappings and the risk of enforced disappearance

Kidnappings with a high risk of enforced disappearance have become the SNR's modus operandi since 2015. During the period under review, 16 people were victims of abduction, all of them primarily attributable to SNR, sometimes in association with Imbonerakure and police officers. Members of CNL remain among the most targeted, but also former members of ex-FAB military. Here are some examples of these packages.

On 29 September 2020, at around 2 pm, Rémy Niyonsaba, a teacher at the basic school of Ruhanza in Giheta commune, Gitega Province, originally from Rutovu commune, was abducted not far from the Gitega communal high school, at the place commonly known as "Kukirato", by armed men in police uniforms in a black Toyota Carina car type TI.

According to sources on the spot, at the time of abduction, Rémy Niyonsaba was waiting for a vehicle which was to take him to his residence in Magarama quarter, in the urban centre of Gitega.

On 8 October 2020, in the provincial town of Mwaro, seven men from Kiganda commune, Muramvya province, were arrested without a warrant or summons by Gérard Ndayisenga Mwaro provincial director of internal intelligence. The persons arrested are: Gervais Nteziryayo, Martin Bukuru, Tite Nsavyimana, Sigismond Mpawenayo as well as Eric, Philbert and Jean Marie, a former policeman). Since that day, the relatives of these victims have lost their trace in the official dungeons of this province. Sources on the spot, said that three of them, namely Gervais Nteziryayo, Martin Bukuru, Tite Nsavyimana, were activists of the National Council for Liberty (CNL).

Given that Mr Gérard Ndayisenga is cited in many cases of enforced disappearance, there is a strong fear that this act of abduction could later turn into an enforced disappearance.

On 27 October 2020, at the bus car park in Kamenge zone, Ntahangwa urban commune of the Bujumbura town hall, an SNR agent known as Joseph Mathias Niyonzima nicknamed Kazungu abducted a beater man called Pierre Bukuru who is from Rukeco, Busiga commune, Ngozi province. Although his family members had no news since his disappearance, a photo of the victim's body was sent to them on 6 November.

3.3. Rape and sexual violence

A total of five cases of rape and sexual violence were reported during the period under review. In three of the cases, the rapes were attributed to persons with authority or influence over the victims. These were either police officers or a teacher who were caught in flagrante delicto. A change is perceptible in the repression of these crimes, all the alleged perpetrators have been arrested by the police, even when they were police officers, who usually benefit from the complicity of their colleagues. Another event that made headlines was the discovery of a house in which a hundred women were locked up, apparently destined, with the complicity of high-ranking people, for human trafficking. Here are some illustrative examples of these facts.

On 1st November 2020 at around 11 pm, at Rugombo communal police station, Cibitoke province, a Chief Constable 2nd class (APC2) known as Cyriaque Bivakumana was caught by his colleagues raping a girl who was still a minor, aged 17. To do so, this policeman had taken the girl out of the dungeon where she had been held since last Friday, November 30, 2020.

According to sources on the spot, this policeman was directly arrested and taken to the cells of the police station to prepare his criminal case while the victim was receiving appropriate care in a health facility in Cibitoke.

On November 10, 2020, Jean Berchmans Nkerandanga, a teacher at Karunyinya basic school in Buhiga communal directorate of education (DCE), Karuzi province, was caught on Tuesday in flagrante delicto of rape of a 15-year-old girl, a student in the 1st year post-basic at Buhiga High School, in a bush located near the Buhiga cemetery.

According to a witness, this teacher was immediately taken to police cells in Buhiga zone and then transferred the next day to the cells of the provincial police station in Karuzi.

On 21 December 2020, on Ruvumu hill, Songa commune, Bururi province, a judicial police officer known as Elvis Arakaza raped a young girl she had just hired as a waitress in his bistro at gunpoint all night long on 21 December 2020.

According to information at the scene, the victim was able to alert her parents with her mobile phone, which made the perpetrator was arrested in flagrante delicto and taken to the public prosecutor's office in Bururi to investigate his criminal case.

3.4. About a hundred women kidnapped and destined for human trafficking

On 14 December 2020, one hundred and one (101) women and girls, cut off from the rest of the world because they had no means of communication with the outside world, were apprehended by the police in a villa located in Buterere, Bujumbura City Hall. This villa was rented by an organisation called "Culinary Training Agency Burundi", near Bujumbura International Airport.

According to a police source, these women and girls were waiting to be transferred, via some African countries such as Tanzania, Uganda or Kenya, to some Middle Eastern countries such as Saudi Arabia, Oman, the United Arab Emirates and Yemen where, as soon as they arrived, they were to be sold as slaves and were subjected to various types of sexual and gender-based violence by their masters and/or relatives.

For some time, SOS-Torture/Burundi and other civil society organisations had been aware of these illegal activities and had denounced them through well-documented reports. They implicated the ruling party, the National Council for the Defence of Democracy - Forces for the Defence of Democracy (CNDD-FDD), and some state institutions such as the Air, Border and Foreign Police (PAFE), the National Intelligence Service (SNR), the airport services, the services of the presidency and the Ministry of Interior. All of them would be involved in this traffic of young girls and women towards Middle Eastern countries, a traffic which generates billions of Burundian francs to a few privileged people of the CNDD-FDD system.

4. Arbitrary arrests and detentions

During the period under review, although in terms of frequency, the rate of arbitrary arrests and detentions decreased slightly, quantitatively the figures remain high, with a total of 97 people arbitrarily arrested.

On the other hand, the characteristics have remained unchanged. Those most targeted are members of CNL, this time also of the FNL, but also former members of Burundian Armed Forces (ex-FAB), who are being hunted down especially in Burambi commune, Rumonge province. The passage of armed gangs in August seems to have served as a pretext for a witch hunt against this category of the population. Moreover, the statements of the spokesman of the Ministry of the Interior, Community Development and Public Security, Pierre Nkurukiye, calling for the reporting or arrest of people with a Rwandophone accent, led to outbursts of xenophobia, which effectively led to the arrest of this profile of people. For example, in Gatumba, around thirty Rwandophone Banyamulenge were arrested simply because of their accent and therefore their origin.

This quarter was also marked by the arbitrary arrest of former deputy Fabien Banciryano. His crime is to have, in the exercise of his duties as a deputy, dared to question Pierre Nkurunziza's elevation to the title of Supreme Guide of Patriotism. Under the circumstances, the deputy was protected by law. This arrest, which came several months after the events, can be interpreted as a signal aimed at destroying any critical intent.

The alleged perpetrators are invariable in time. They are police officers, who are responsible for most of the arrests, Imbonerakure militiamen and SNR agents. All three groups act in good intelligence, often in synergy. In one case, elements of the National Defence Force were associated with the police in search and seizure operations, which by their very nature should have been carried out by the police alone.

4.1. Arbitrary arrests attributable to police officers

Police officers are most active in the repression organised by the government against anyone considered a political opponent. In this context, they have become accustomed to ignoring the law. This appears symptomatically, particularly during the arrest of Fabien Banciryano, that of Banyamulenge because of their accent, and above all that of the wife of an untraceable defendant, even though responsibility is individual. Here are some illustrative examples of these abuses.

On 2 October 2020, in Ntahangwa urban commune, Bujumbura region, the police arrested Fabien Banciryano at his home. The latter is a former deputy elected in the Bubanza constituency during the 2015-2020 legislature. He was immediately taken to the cells of the Special Investigation Bureau (BSR).

According to sources on the spot, he was questioned about his interventions in the plenary sessions of the National Assembly. During the interrogations conducted by judicial police officers and agents of the National Intelligence Service (SNR), among other charges, he opposed the appointment of President Pierre Nkurunziza as Supreme Guide of Patriotism and accused him of crimes and highlighted the responsibility of the state in the persecution of returnees from the Democratic Republic of Congo (DRC) by imprisoning them. The same sources stated that he was arrested even though no arrest warrant had been issued against him.

On 14 October 2020, in Gatumba, Mutimbuzi commune of Bujumbura province, not far from the border with the Democratic Republic of Congo (DRC), Burundian police proceeded to the arbitrary arrest of thirty (30) refugees from the Banyamulenge community. These arrests were carried out as part of the operations to track down Kinyarwanda-speaking people, following the slogan launched by the spokesperson of the Ministry of the Interior, Community Development and Public Security, Pierre Nkurikiye, to hunt down any Rwandophone, and to alert the administration or the police each time.

In the context of these xenophobic arrests, around one hundred Banyamulenge have been arrested since 6 October in different neighbourhoods of the communes of Gitega, Ngozi and Muyinga.

On 3 November 2020, on Donzi hill, Maramvya zone of Burambi commune, Rumonge province, the police arrested without warrant a retired ex-FAB (Burundian Armed Forces) soldier by the name of Évariste Ndiokubwayo at his home on Donzi hill, Maramvya zone of the Burambi commune, Rumonge province, and detained him since that day at the police position located on Kiganza hill, in the same zone of Maramvya.

On 26 November 2020, in the chief town of Burambi commune, Rumonge province, the police arrested Jonathan Nibasumba, a teacher at the communal high school of Murango, and took him to the cells of Burambi communal police station.

Witnesses at the scene reported that the victim was accused of distributing arms to the population of his home located on the hill of Gisagazuba, in Maramvya zone, Burambi commune. Her family denounced a set-up orchestrated by the police based on mere suspicion.

On 21 December 2020, the wife of Roger Nduwimana, headmaster of the basic school of Karinzi, in BUBanza commune and province, was arrested by the police and placed in detention in place of her husband, who was on the run, and actively sought by Bubanza public prosecution for having clandestinely delivered common exams for the pupils of the basic schools in this province.

This is clearly an arbitrary, outrageous arrest, carried out outside the law, given that the Burundian penal code and several international legal instruments enshrine the absolute principle of individual criminal responsibility.

4.2. Arbitrary arrests attributed to elements of the Imbonerakure militia jointly with police officers

Hand in hand with police officers, administrative officials and SNR agents, elements of the Imbonerakure militia have become the linchpin of repression, with eyes, ears and arms everywhere. Often assured of impunity, they intervene in an almost unlimited way in all sectors of life on the various hills of Burundi. Here are some facts illustrating their abuses.

On 18 October 2020, an inhabitant of Gisagazuba sub-hill in Burambi commune, Rumonge province, known as Dieudonné Mukamarakiza nicknamed Mapengu, was arbitrarily arrested by Imbonerakure and police officers on a montage of an Imbonerakure named Ndikumwenayo also known as Marius.

According to an on-the-spot source, these Imbonerakure militiamen issued a false alarm to Kiganza policemen and soldiers from Donzi's position, telling them that he had just seen rebels

in a local cemetery. They wanted to encourage them to start a search in the locality to find and arrest Dieudonné Mukamarakiza, who had started being sought the day before since his release from Rumonge prison.

Dieudonné Mukamarakiza was eventually arrested and taken to the dungeon located on a police position in Kiganza after he had been cleared by the justice system, which prosecuted him for complicity with rebel groups. The next day, he was transferred to the dungeon of Rumonge provincial police station.

On 18 October 2020, on Rukoba hill, Gitega commune and province, Imbonerakure from this hill, in complicity with some policemen from the Gitega provincial police station, arbitrarily arrested a member of the National Counsel for liberty (CNL) party named Dieudonné Havyarimana, whom they accused of collaborating with fighters of RED-Tabara rebellion. He was immediately taken to the dungeon of this police station.

According to sources on the spot, the victim had just spent four months in hiding in Bujumbura to escape persecution during the May 2020 electoral campaign.

On 4 November 2020, in Cibitoke zone in Ntahangwa urban commune, in Bujumbura town hall, Imbonerakure accompanied by police officers arrested a young girl named Divine Kezakimana (20-year-old). A few days earlier, she had launched a joke on a local YouTube channel, calling boys in the northern neighbourhoods of Bujumbura "impolite".

According to sources on the spot, Imbonerakure natives of Kamenge complained that the girl had demeaned them.

4.3. Arbitrary arrests attributable to SNR agents for political motives

The role of SNR in political repression is clear from this case, where provincial officials worked hard to silence a protest that arose within the FNL party, led by Jacques Bigirimana, a faithfully of the ruling party, to whom various political tasks are entrusted, especially that of discrediting the other branches of FNL, and all the parties that have emerged from it, such as the CNL.

Provincial SNR officials will engage in a manhunt against FNL cadres whose only crime is to have denounced the abuses of their president and formally requested, in accordance with their party's regulations, a congress for the establishment of new bodies. These acts are part of a series of other violations of political rights, particularly the right to freedom of expression and association. This is another element that testifies to the continuity of the political system, in terms of violations and abuses, after Evariste Ndayishimiye's accession to power.

Since 16 October 2020, following a correspondence addressed by nine provincial representatives of the National Liberation Front (FNL) party, requesting the convening of an extraordinary congress in order to put in place a new structure for their party, a real manhunt

has been launched by the president of this party, Jacques Bigirimana, against the signatories of the said correspondence. In fact, in addition to being immediately excluded from the party, three provincial representatives among the signatories of this correspondence are under lock and key in various dungeons, after having been arrested in cascade by the provincial officials of the National Intelligence Service (SNR). They are Prosper Nijimbere and Jean Bosco Sezibera, respectively representatives of the FNL in the provinces of Bujumbura and Kirundo, arrested on 22 October. Ézéchiel Ndayisenga, representative of the FNL party in Karuzi province, was arrested Tuesday, October 27, 202.

Conclusion

The record and trends of the various human rights violations during the fourth quarter of 2020 clearly show a total continuity in the methods and practices of repression of CNDD-FDD power. In this respect, the change hoped for by some observers is still awaited. Certain acts, such as the illegal and arbitrary arrest of Fabien Banciryano, are symptomatic of the denial of the exercise of freedom of expression, and a warning to all critical voices. Other excesses have been observed such as the wave of persecution and stigmatisation of people because of their Rwandophone accent and now the requirement of ethnic mention on official documents.

The officially assumed demand for ethnic identity, combined in particular with the selective research work on past crimes currently being carried out by the CVR (Truth and Reconciliation Commission) for the purpose of political-ethnic manipulation, and certain discriminatory practices of CNDD-FDD power towards Tutsi, as well as slogans and hate speech against them, give rise to fears of a dangerous ethnic drift.

At a time when, unexpectedly, dialogue is resuming between Burundi and some of its partners, in particular the EU, the terms of the dialogue should be firm to demand that the country really commit itself, on the basis of visible and verifiable indicators, to the path of democracy and the rule of law.

Recommendations

To the Government of Burundi

The willingness of the Burundian government to renew relations with its partners cannot be made in the continuity of the past regime in terms of violations of human rights and democratic principles. This requires concrete acts of openness and change.

In this regard, the Government of Burundi should:

- Release all political prisoners, civil society activists and journalists detained illegally and arbitrarily. More specifically Fabien Banciryano, Germain, Rukuki, Nestor Nibitanga and others detained for political reasons;
- To remove all obstacles to the exercise and enjoyment of the rights and freedoms recognised by the country's constitution and the relevant conventions that Burundi has ratified, especially the freedoms of opinion, association, press, peaceful assembly, etc.;
- To remove all obstacles to the exercise and enjoyment of the rights and freedoms recognised by the country's constitution and the relevant conventions that Burundi has ratified, especially the freedoms of opinion, association, press, peaceful assembly, etc.
- Guarantee the right to life and freedom to all persons facing multiple human rights violations whose perpetrators often go unpunished;

- Take urgent and firm measures to dismantle all networks of criminals as well as the Imbonerakure militia and prosecute those guilty of acts contrary to the law;
- Stop the persecution of Burundian refugees in neighbouring countries, especially in Tanzania;
- Cancel all politically motivated arrest warrants issued unjustly against human rights activists, journalists and other civil rights activists;
- Resume cooperation with international bodies, and allow for the continuation of investigations into crimes committed since 2015, and the monitoring of the human rights situation in the country.

To the countries of the East African Community:

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

To the International Community:

- Basing the political dialogue on firm and verifiable commitments by the Burundian authorities on human rights and democracy. In particular, demand the release of all political prisoners and respect for civil and political rights (association, expression, etc.), on the basis of a timetable and verification indicators;
 - Require the suspension of acts that could lead to stigmatisation and ethnic discrimination, such as the ethnic mention on official documents of employees and economic actors in the public and private sectors; the selective work of the CVR, etc.
 - Maintain support for the work of the International Criminal Court (ICC) on Burundi in pursuing investigations and prosecutions to end impunity in Burundi.
-