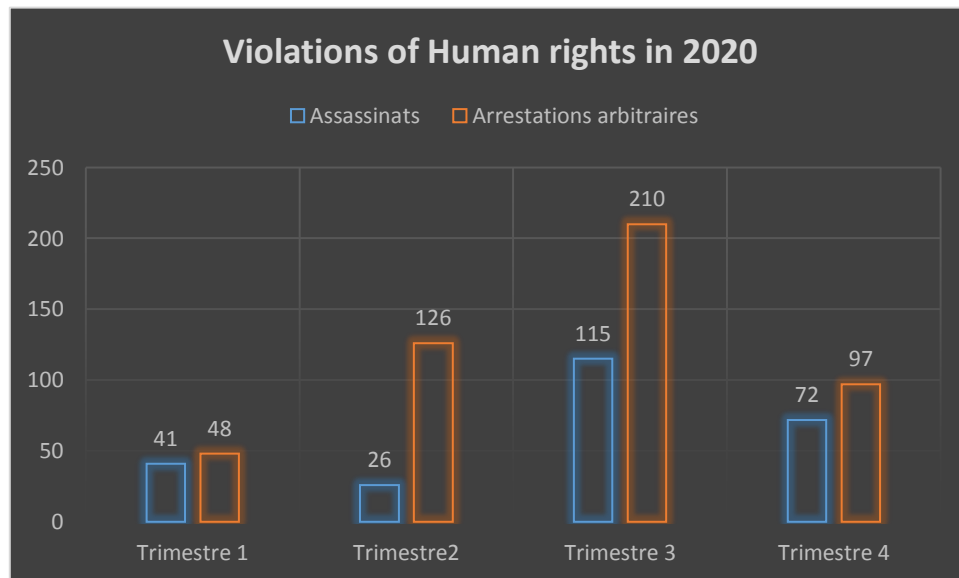




SOS-TORTURE/BURUNDI

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

Annual report on human rights situation in Burundi in the year 2020



Burundi: Alternation in continuity

Massive human rights violations, impunity and regression of the rule of law

February 2021

TABLE OF CONTENTS

SOCIO-POLITICAL CONTEXT..... 3

1. VIOLATIONS OF THE RIGHT TO LIFE AND PHYSICAL INTEGRITY 10

1.1. BODIES FOUND IN WATERCOURSES AND ON LAND: VICTIMS AND PERPETRATORS ARE NOT IDENTIFIED..... 11

1.2. VICTIMS TARGETED AND KILLED CLOSE TO THEIR HOMES AND WHOSE PERPETRATORS REMAIN UNIDENTIFIED..... 12

1.3. CRIMES WHERE THE ALLEGED PERPETRATORS ARE APPREHENDED AND SOMETIMES JUDGED: SPRINGS FOR THE FIGHT AGAINST IMPUNITY? 13

1.4. VIOLATIONS OF THE RIGHT TO LIFE ATTRIBUTED TO LAW ENFORCEMENT OFFICIALS..... 15

1.5. VIOLATIONS OF THE RIGHT TO LIFE ATTRIBUTED TO IMBONERAKURE MILITIAMEN 16

1.6. VIOLATIONS OF THE RIGHT TO LIFE IN THE WAKE OF INCURSIONS BY ARMED GROUPS 17

1.7. FEMINICIDES AND DOMESTIC VIOLENCE 19

1.8. INCREASING CRIMINALITY WITHIN FAMILIES 20

1.9. RAPES FOLLOWED BY MURDER AND SEXUAL VIOLENCE: UNIDENTIFIED PERPETRATORS 21

1.10. KIDNAPPINGS AND ENFORCED DISAPPEARANCES GENERALLY ATTRIBUTABLE TO NSR AGENTS..... 22

1.11. PHYSICAL SECURITY VIOLATIONS BY IMBONERAKURE MILITIAMEN 22

2. ARBITRARY ARRESTS..... 24

2.1. ARBITRARY ARRESTS ATTRIBUTED TO POLICE OFFICERS 25

2.2. ILLEGAL ARRESTS ATTRIBUTABLE TO IMBONERAKURE MILITIAMEN: WITH IMPUNITY..... 26

2.3. ARBITRARY ARRESTS ATTRIBUTED TO SNR AGENTS..... 27

3. ADMINISTRATION OF JUSTICE: TWO CONTRADICTORY EVENTS..... 29

3.1. RELEASE OF SOME OPPONENTS THE DAY AFTER THE ELECTIONS 29

3.2. REFUSAL BY THE PUBLIC PROSECUTOR'S OFFICE IN BURUNDI TO ENFORCE A JUDICIAL DECISION 29

CONCLUSION..... 30

RECOMMANDATIONS..... 30

TO THE GOVERNMENT OF BURUNDI :..... 30

TO EAST AFRICAN COMMUNITY COUNTRIES : 30

TO THE INTERNATIONAL COMMUNITY : 31

Socio-political context

Year 2020 was globally marked by the holding of elections, the setting up of new institutions and the unexpected disappearance of Pierre Nkurunziza. On the social side, the Government's management of the COVID-19 pandemic has undergone some changes, going from the denial of the pandemic under Pierre Nkurunziza's rule to its recognition accompanied by measures to combat it, albeit with mixed results.

During the first quarter, the country embarked on the effective preparation of elections with the designation and reception by the Independent National Electoral Commission (CENI) of the various candidates for the presidential and legislative elections. In this context, the ruling party appointed its Secretary General, Major General Evariste Ndayishimiye, during the extraordinary congress of this party, held in Gitega on 26 January 2020. This choice put an end to persistent speculation about Pierre Nkurunziza's probable candidacy for a fourth term.

Between 25th February and 5 March 2020, the CENI received the files of candidates for the presidential election and selected seven of them. For the legislative elections, 33 candidates submitted their files including 13 political parties, 2 coalitions and 18 independents. The Constitutional Court confirmed, following the appeals lodged, the rejection decisions taken by CENI, with the exception of that of Kira-Burundi Coalition which partially won its case¹.

Despite the opening of the political space proclaimed during the appeal to all exiled personalities to return, six slingers of the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) in exile, including its former president, Jérémie NGENDAKUMANA, were paradoxically blocked in Kampala by government decision. They had gone there to renew their travel documents at the Burundi embassy. To their great surprise, the latter, after initially giving them a warm welcome, was ordered to stop receiving them and closed the door in their faces².

The organisation of the elections by the government was far from consensus for several reasons. Some refuted the electoral process because not only did it enshrine the burial of the Arusha Agreement, but also because it was taking place in a context of massive human rights violations that could not, therefore, guarantee freedom and transparency. Moreover, in addition to the permanent closure of political space and freedoms, members of the main opposition party, the National Council for Liberty (CNL), were systematically hunted down, arbitrarily arrested and even killed.

On the economic front, the most striking fact was the decision of the Bank of the Republic of Burundi (BRB) to close all currency exchange offices from 15th February 2020. This measure has had a negative impact on the availability of foreign currency, with several negative

¹ <https://www.iwacu-burundi.org/burundi-elections-2020-la-cour-constitutionnelle-invalide-plusieurs-candidatures-au-legislatives/>

² <https://www.iwacu-burundi.org/jeremie-ngendakumana-triste-de-voir-un-etat-qui-empeche-ses-citoyens-de-rentre-dans-leur-pays/>

consequences on the quality of life of the population. It has contributed to worsening poverty in Burundi, which has meanwhile become one of the poorest countries in the world, with 74.7% of its population living below the poverty line. In addition, more than 50% of Burundi's population faces chronic food insecurity³.

The second quarter was marked by four major, successive and interrelated events. These were the official announcement of the first case of coronavirus in Burundi, the electoral campaign, the triple voting for the presidential, legislative and communal elections and the disappearance of Pierre Nkurunziza followed by his rapid succession.

While the authorities had stubbornly opted for the denial of coronavirus pandemic, on 31 March 2020, the first case of coronavirus was declared in Burundi. This attitude of the authorities towards the pandemic has inclined them not to take any barrier measures, arguing that Burundi will be forever protected from the pandemic by "the grace of God". Thus, in spite of this serious threat, schools remained open, the celebration of religious cults and the holding of social ceremonies and other mass gatherings continued without any limitations. With the exception of the otherwise loosely enforced quarantine of travellers coming from abroad and hand washing at the entrance to public places.

It is in this context that the election campaign was launched on 27th April, ignoring the risks incurred during major election rallies. An "irresponsible approach by the authorities to the pandemic" which "added more uncertainty and fear to an already politically charged atmosphere"⁴ ». In order to give the ballot the appearance of pluralism, the government had decided to open up the political spaces to allow meetings to be held for the competing parties.

Despite this semblance of openness, the stature of the CNL, the feared competitor of CNDD-FDD, demonstrated by its ability to attract huge crowds during meetings, cost it a lot and therefore paid a very heavy price. Several of its members have been hunted down, arbitrarily arrested, tortured or killed⁵. Overall, the campaign and elections were "marred by violence and marked by arrests of opposition members, including candidates, and by restrictions on freedom of speech. In addition, on the day of the triple voting, access to the Internet and social networks was interrupted throughout Burundi.

The CNL party spokesperson said that more than 600 CNL members were arrested and imprisoned during the campaign, while authorities arrested CNL members accused of forgery, disruption of security during the election period and incitement to violence⁶.

³ https://www.europarl.europa.eu/doceo/document/TA-9-2020-0011_FR.pdf

⁴ HRW, « Burundi : Peur et répression dans la réponse au covid-19 », accessible on <https://www.hrw.org/fr/news/2020/06/24/burundi-peur-et-repression-dans-la-reponse-au-covid-19>

⁵ <https://www.hrw.org/fr/news/2020/06/01/burundi-les-elections-ont-ete-entachees-dactes-dintimidation-et-darrestations>

⁶ Ibidem.

In addition to the serious irregularities observed during the polls, the announcement of the results was marked by oddities that could only reinforce doubts about their authenticity. The CNL quickly claimed total victory on the basis of minutes transmitted by its few proxies, but Burundi National Radio and Television (RTNB), took it by storm by broadcasting fragmented results proclaiming the overwhelming victory of CNDD-FDD.

On 25th May, one day ahead of schedule, the president of CENI publicly announced the provisional results with a clear victory for CNDD-FDD in all three polls. He declared Major General Evariste Ndayishimiye, the CNDD-FDD candidate, elected with 68.72%, against 24.19% attributed to Agathon Rwasa of CNL⁷. The latter immediately rejected these results in the following terms: "*I reject them, they are fantasy results, and they do not match reality*"⁸.

In the face of the outcry caused by "*completely eccentric totals, fancy percentages, etc.*", it was decided to take a step backwards⁹. », already published on the official website of CENI, its president acknowledged that it was a "draft", to be corrected. The figures were quickly removed from the CENI website. However, they were used by the Constitutional Court to certify the election results. All the appeals lodged, in particular by CNL, were declared unfounded by the Constitutional Court, presided over by a zealous servant of CNDD-FDD regime, Charles Ndagijimana¹⁰. It also ignored the reports it had received, notably from the Catholic Bishops' Conference of Burundi (CECAB), which had deployed 2,716 observers on the ground during polling day. Their report concluded that in view of the irregularities observed, their seriousness and magnitude, the Catholic Church wondered whether these "*were not prejudicial to the results to be proclaimed*"¹¹. For its part, the CNL of Agathon Rwasa continues to claim victory and denounce a "*carefully prepared electoral hold up*"¹².

On 4th June 2020, the Constitutional Court declared Evariste Ndayishimiye the winner. His investiture, which was initially scheduled for the end of Pierre Nkurunziza's term of office on 20 August 2020, was brought forward following the latter's unexpected death on 8 June. Normally, the death of President Nkurunziza before the end of his term of office constitutionally paved the way for a transition period until 20 August 2020. However, the Constitutional Court ruled otherwise, considering that the interim period was not necessary. According to several sources, it would have decided in the direction desired by the influential circle of generals who hold the reality of power in Burundi. The new president was therefore invested on 18 June 2020, before the funeral of Pierre Nkurunziza. Five days later, he appointed Prosper Bazombanza as Vice-President, in principle from UPRONA (Union for National Progress), and the Prime Minister, Police Commissioner General Alain-Guillaume Bunyoni. The latter is reputed to be

⁷ <https://www.yaga-burundi.com/2020/reserve-evariste-ndayishimiye-futur-president/>

⁸ <http://www.rfi.fr/fr/afrique/20200522-burundi-annonce-surprise-resultats-partiels-election-presidentielle>

⁹ <https://www.iwacu-burundi.org/ce-netait-quun-draft/>

¹⁰ [https://sostortureburundi.org/wp-content/uploads/2018/09/Bulletin de Justice au Burundi 002.pdf](https://sostortureburundi.org/wp-content/uploads/2018/09/Bulletin%20de%20Justice%20au%20Burundi%20002.pdf)

¹¹ <https://www.iwacu-burundi.org/elections-2020-le-bilan-alarmant-des-eveques-catholiques/>

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

a "hard" member of the regime, and he is strongly suspected of numerous crimes committed or specially ordered since 2015.

It is in this context of setting up new institutions that the third quarter began. Despite persistent doubts about the legitimacy of this power, the alternation of power was perceived as an opportunity and hope for change. But these expectations were quickly dashed by several facts that were in line with continuity. Among them are the profiles of the personalities appointed in the institutions, dominated¹³ by high-ranking army and police officers, and demobilized soldiers, cited in numerous serious abuses. The most prominent are Alain-Guillaume Bunyoni, as prime minister, and Gervais Ndirakobuca, alias Ndakugarika¹⁴, appointed to head a super Ministry of the Interior, Community Development and Public Safety. Other generals have been appointed to the presidency, including General Gabriel Nizigama, appointed head of civil cabinet of the president of the Republic, and Gélase Ndabirabe, a demobilized officer, appointed as president of National Assembly. These appointments were a strong signal of a desire for continuity and the strengthening of impunity. And when the executioners arise, the victims have no choice but to remain silent and resign themselves and " appear to be shadows, faceless, voiceless, lightless¹⁵ ».

The option of continuity was very well reflected in the inauguration speech of President Evariste Ndayishimiye, full of dithyrambic references to his predecessor, referred to as "the great architect", and presented as the absolute model of governance and patriotism, and credited with many achievements in development, national unity, democracy and reconciliation. Alas, dramatically contradicted by the facts.

Some demarcations have been noticed, however, compared to his predecessor, especially in the fight against covid-19. There, breaking with the denial, Evariste Ndayishimiye asked all Burundians "*to take all possible measures to contain the spread of the virus*"¹⁶ ». Subsequently, the instructions given were implemented, in particular with the organisation of tests to detect the virus and the keeping of regular statistics, the reliability of which, however, was constantly questioned. Innovative announcements have also been made with regard to environmental protection¹⁷.

However, on the subject of respect for human rights, the discourse is totally in line with "the usual tone of power"¹⁸ » and in "the line drawn by Pierre Nkurunziza"¹⁹ ». Among other

¹³ These are certain members of the government including, in addition to the President himself, Prime Minister Alain-Guillaume Bunyoni, General Police Commissioner, and Interior Minister Gervais Ndirakobuca, alias Ndakugarika, Chief Police Commissioner.

¹⁴ Meaning « I lay you stiffly dead».

¹⁵ <https://journals.openedition.org/amnis/890>

¹⁶ <https://www.presidence.gov.bi/2020/06/19/discours-de-son-excellence-general-major-evariste-ndayishimiye-a-loccasion-de-son-investiture/>

¹⁷ Ibidem.

¹⁸ <https://www.lalibre.be/dernieres-depeches/afp/burundi-le-president-ndayishimiye-dans-la-ligne-de-nkurunziza-pour-son-investiture-5eeb84049978e21bd0927ca3>

¹⁹ <https://www.la-croix.com/Le-president-Ndayishimiye-prend-tete-Burundi-fragilise-2020-06-18-1301100428>

examples, it has castigated homosexuality as a practice contrary to respect for human rights and has undermined the freedoms of association and opinion. In his view, a political party that does not speak the language of the Government has no legitimacy. And human rights defenders have been treated, as his predecessor did, as agents in the service of foreigners “*Under the pretext of defending their rights to dignity, some Burundian puppets are working underhandedly for the pay and the interests of the settlers. In case of failure, they hasten to join their sponsors*”²⁰».

These statements are in accordance with the facts. Human rights violations have continued, and even increased, especially against the CNL and its members to marginalise them and limit its representation in the country's various institutions to the strict minimum. To this end, all stratagems have been used against the members of the CNL, who have been mistreated, hunted down and forced to withdraw from the lists of senatorial and hillbilly candidates. In total, at least 306 candidates had to withdraw.

Another revealing event will be the management of the incursion of an armed group on 23rd August 2020 in the locality of Gahuni, in Rumonge province. In the coolness of the incursion, eleven porters forcibly engaged by the rebels were murdered. Law enforcement officials and the rebels denied responsibility for these acts and no investigation was conducted to establish the facts and responsibilities. Also, following the fighting between the rebels and the forces of law and order, especially in Mukike and Mugamba communes, a relentless repression was orchestrated against civilians in these communes and beyond, targeting especially young Tutsi, former soldiers ex-FAB (Burundi armed forces), and members of the CNL.

Continuing human rights violations and the consequent need for vigilance motivated the UN Human Rights Council to renew the mandate of the International Commission of Inquiry on Burundi on 6th October 2020 in Geneva.

During the last quarter, the socio-political context has evolved in a jagged fashion. It has been strewn with contradictions, quite paradoxical. While on several aspects the power embodied by Evariste Ndayishimiye is in continuity, a demarcation has been initiated in diplomacy but "the difference was sometimes clear, sometimes blurred"²¹ ». The discourse alternated between brittle and chauvinistic, on the one hand, and conciliatory, on the other.

However, apart from the release of four journalists from Iwacu Group under a presidential pardon, gestures of openness have remained rare. But this gesture of openness, certainly appreciable, detonates in the face of the arrest of Fabien Banciryanino, two months earlier, for eminently political reasons. He was arrested on 2nd October without a warrant, in violation of the law, accused of having made comments during his parliamentary mandate in February 2020. He had questioned the elevation of Pierre Nkurunziza to the title of Supreme Guide of

²⁰ Idem.

²¹ https://www.lemonde.fr/afrique/article/2020/12/29/au-burundi-un-vrai-faux-changement-cautionne-par-la-communaute-internationale_6064763_3212.html

Patriotism, citing numerous human rights violations committed by his regime. This is a strong signal against anyone who dares to denounce the regime's bad practices

Another striking sign of continuity concerns the government's pirouette on the role of Imbonerakure militia. While at the advent of the new government, various unequivocal orders were issued to the Imbonerakure to stop taking care of the maintenance of order, President Evariste Ndayishimiye backed down. In a speech delivered on 21st November 2020²², he told the Imbonerakure present "*to be virulent*", and to protect the country, "*every Burundian must be vigilant and contribute to the defence of his native country*"²³.

Another very worrying fact was the government's launch of a census with an ethnic designation among public and private sector employees. The census, which began on 26 October, has caused much concern and has been strongly criticised, among others by the trade unions. The latter emphasised 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 highest risk is linked to the sensitivity of this issue, which is known to be at the root of the upheavals that the country has experienced.

The maintenance of the status quo was also observed with regard to the instrumentalisation of justice, illustrated by several politically sensitive cases, in particular the illegal auctioning of property belonging to « putschists²⁴ », on 11th November; the sentencing to heavy sentences and fines of those accused in the case related to the assassination of President Melchior Ndadaye of 20th October 2020, whose decision was pronounced one day before the 27th anniversary of this event²⁵. In view of this temporal concomitance and the numerous interferences and irregularities that have marked the handling of this case, the political nature of the decisions seems undeniable. One of the convicts, the late Pierre Buyoya, rejected the verdict, referring to a "mock trial" and a "judicial parody"²⁶.

A demarcation with the old regime has, however, been emerging in terms of bilateral and multilateral relations, even if they have evolved in fits and starts. With Rwanda, things took an unexpected turn towards dialogue when two months earlier, in August, President Evariste Ndayishimiye had rejected his Rwandan counterpart's outstretched hand, calling him "a

²² <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/>

²³ See an excerpt of the speech given by Evariste Ndayishimiye, on 17 November 2020 on: <https://burundihri.org/rep/Report-Dec-2020-Fr.pdf>

²⁴ The latter are essentially persons placed arbitrarily on arrest warrants. Their common denominator being that they are considered as political opponents by the authorities. They are all accused of having participated in the attempted putsch of 13 May 2015.

²⁵ <https://www.iwacu-burundi.org/affaire-ndadaye-pierre-buyoya-et-18-autres-prevenus-condamnes-a-perpetuite/>

²⁶ https://www.rtf.be/info/monde/detail_burundi-l-ex-president-buyoya-rejette-sa-condamnation-a-la-perpetuite?id=10613849

hypocrite²⁷ ». Against all odds, on 20 October, two delegations led by foreign ministers met, at the request of Burundi, at the border post of Nemba-Gasenyi for the “opening of a new chapter²⁸”.

On the multilateral side, notable progress was observed between Burundi and the United Nations as well as with the European Union, while relations with these partners had remained tense. The European Union was accused of all evils, especially of having been an "accomplice²⁹" of the attempted putsch of 13th May 2015. As for 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, postponed following a request for postponement by the Secretary-General, from 9 to 12 months later³⁰. As if to return the favour, the UN Security Council decided to remove Burundi from the list of countries under periodic review on 4 December. The Burundian authorities welcomed this with « enthusiasm³¹ » triumphant. This decision is, however, in contradiction with that of the renewal by the Human Rights Council of the mandate of the International Commission of Inquiry on Burundi³² due to the persistence of serious human rights violations.

In terms of human rights violations, 254 murders were reported, 481 arbitrary arrests, 127 cases of physical violence and seizure, 28 cases of torture and 32 kidnappings and forced disappearances.

²⁷ <https://www.rfi.fr/fr/afrique/20200808-burundi-r%C3%A9ponse-ferme-pr%C3%A9sident-ndashimiye-main-tendue-kagam%C3%A9>

²⁸ 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>

²⁹ <https://www.rfi.fr/fr/afrique/20200925-burundi-ndayishimiye-accuse-l-ue-d-%C3%AAtre-complice-la-tentative-coup-d-%C3%A9tat-2015>

³⁰ <https://www.agenceecofin.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>

³¹ <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>

³² <https://www.sosmediasburundi.org/2020/10/06/burundi-onu-lonu-prolonge-dun-an-le-mandat-de-la-commission-denquete-sur-le-burundi/>

1. Violations of the right to life and physical integrity

Overall, violations of the right to life have the same typology throughout the year, with some particular trends in one or other quarter. In most cases, the national police proved incapable of conducting investigations to search for and apprehend the perpetrators of the crimes in accordance with its mission to ensure "the protection and rescue of the population in all circumstances and the assistance to persons in danger in case of distress"³³.

The main trends, which have persisted throughout 2020 and the last five years, include three main categories of violations of the right to life, distinguished either by the modus operandi of the perpetrators or by the follow-up to these abuses. The phenomenon of bodies abandoned, unidentified, in watercourses or on land, far from the victims' places of residence, constitutes the first category. These bodies are abandoned where there is no chance of recognising them, and they are hastily buried on the orders of the local authorities, without investigation. In a few cases, the faces have been disfigured to avoid identification of the victims. On a few occasions, the executioners have repeatedly resorted to decapitation, cutting out the tongue or puncturing the eyes of the victims. In other cases, the victims were found hung with wounds on parts of their bodies, suggesting that the torturers had wanted to simulate suicide.

This phenomenon of abandoned bodies has been observed to a very high degree in Buganda and Rugombo communes, Cibitoke province, where the bodies are most often found in Rusizi River. Numerous testimonies from the inhabitants of this area have implicated agents of the National Intelligence Service (SNR) who would take people still alive to kill them and then throw them into the river.

The second category consists of attacks on the right to life of well-known people, presumably targeted near or at their homes. But the alleged perpetrators are never arrested. It is in this category that crimes of a political nature are found, committed in particular against CNL activists during the election campaign and afterwards. These two categories of crimes constitute the basis of the persistent impunity in Burundi.

The third category concerns crimes whose alleged perpetrators are arrested by the police and sometimes even quickly tried in flagrante delicto proceedings. Alas, these cases are rare.

During the year, some quarterly variations were observed. Thus, the first quarter was marked by numerous summary executions in Bujumbura province, which was the scene of horrific scenes of extrajudicial executions in the communes of Isale and Nyabiraba, between 19th and 21st February 2020, following an alleged attack by an armed group. The death toll declared by

³³ Article 19 of Organic Law N°1/023 of 20 February 2017 determining missions, organisation, composition and functioning of the Burundi National Police (<http://www.securitepublique.gov.bi/pnb/IMG/pdf/loi-03-2017.pdf>).

the police is twenty-two (22) people shot dead among the alleged rebels. Some of those persons were executed after being arrested and paraded in front of the population of the area.

During the second quarter, attacks against members of CNL increased, carried out by Imbonerakure.

The third quarter was characterised by the highest number of murders, with a total of 115, or more than one person killed per day. This quarter was also marked by the incursion of an armed gang into the province of Rumonge and this event gave rise to fierce and selective repression of all those considered to be political opponents or Tutsi, especially young people and ex-FAB.

The fourth quarter was always marked by the macabre discovery of bodies presumably abandoned in places where their rapid identification is not possible. The reaction of the administration has remained invariable, namely to give orders 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 Cibitoke province. Most often, the bodies are dumped in the Rusizi river.

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

These various categories are presented with the help of a few illustrative cases.

1.1. Bodies found in rivers and on land: victims and attackers are not identified

The phenomenon of bodies found in lakes and rivers (Tanganyika and Rweru lakes, Rusizi and other rivers), in forests, in gutters or on wasteland, has become recurrent since 2015. It has marked every quarter of the year 2020. The common denominator of this phenomenon is that bodies are deliberately left in places where they cannot be recognised, sometimes also disfigured, for this purpose. Tying up, hanging, beheading or severing the tongues of the victims are now common practice.

In all cases, the administration gives the order to bury the bodies, making further investigation almost impossible. On numerous occasions, bodies have been found in the same place, including four (4) bodies in military uniforms and wearing boots and twelve (12) others lying together. This phenomenon is more frequent in Cibitoke province in Rusizi River, and on the edge and inside of the Kibira forest. Here are some illustrative examples.

On 17th February 2020, at the fishing port of Rumonge, Rumonge commune and province, the body of a man was discovered floating in Lake Tanganyika. Witnesses reported that the victim, who had traces of a violent blow to the head, was not identified. The police did nothing to identify the perpetrators and the circumstances of the murder. Local administrative officials ordered the burial of the victim, without allowing her possible identification.

On 5th August, on Gafumbegeti hill, Mabayi commune, in Cibitoke province, more precisely in Kibira forest, twelve (12) lifeless bodies were discovered by local residents. Witnesses stated that these bodies were covered with two tarpaulins and that some of them were tied up. An investigation, the results of which are not yet known, has been opened to identify these victims and the circumstances of their death.

On 17th October 2020, near cross-road 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, residents of Rusizi river affirmed that they had seen at least sixteen (16) lifeless bodies since the beginning of October on cross-roads 6, 9 and 10 at the foot of Rusiga and Kaburantwa hills, Cibitoke zone, Rugombo commune as well as at the foot of Ndava hill, on cross-roads 4, 5 and 6 in Buganda commune.

The suspicions are that SNR agents took the victims who were still alive during the night in SNR vehicles coming from Bujumbura before killing them and throwing them into the Rusizi river.

Whenever this situation arises, the governor of Cibitoke province, OPC1 (Chief Police Officer 1st class) Carême Bizoza, always gives the order to bury the bodies, arguing that these decomposing bodies can contaminate the inhabitants near the river.

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

In this case, the victims are well known and targeted by their executioners at their homes or in the surrounding area. While the investigations could be facilitated by research into the proximity of the victims through the clusters of clues available, in particular on motives, paradoxically, these investigations are never opened. Or rarely when they are, they never succeed. The profile of several victims and the context suggest that some of these crimes are politically motivated. It is in this context that members of CNL have been targeted and killed, sometimes after warnings and threats.

There have also been cases where victims have been reported missing and later found dead. As in the case of this person from Mugamba commune, Bururi province, in the south of the country, who was reported missing and then found lifeless, with his tongue cut off and injuries on his head, not far from SNR offices in Bujumbura. Or else, these CNL elected officials, one from Mugongo-Manga, found tied up in Mubarazi river and the other in Ntega commune, discovered hanging from a branch of a tree. Here are a few examples.

On 8th January 2020, on the Gisitwe hill, Ntega commune, Kirundo province, Frédéric Nkezabahizi (65 years) was killed at his home. According to his relatives, the victim's wife was also injured by machete blows during the attack. Ntega police have not identified any suspects to date.

On 30th July 2020, on Bushirambeho hill, Buhiga commune, Karusi province, Séverin and Rose Ntakimazi living as a couple were killed and beheaded. Their bodies were found the next day. The motives and perpetrators of this murder have not yet been identified.

On 2nd 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 years) and his wife Nathalie Barengayabo (58 years old).

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

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

Antoine Ruceke, was a well-known CNL party activist. According to information received, he was in conflict with one of the leaders of 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.

1.3. Crimes where the alleged perpetrators are apprehended and sometimes tried: a springboard for the fight against impunity?

Cases remain rare where crimes committed are followed by investigation and arrest of the alleged perpetrators. This happens in about one in ten cases. The common denominator is that they are generally crimes related to interpersonal and increasingly marital conflicts. In all reported cases, the alleged perpetrators were at least arrested, if not tried in flagrante delicto proceedings.

These arrests, although still few in number, are a small step in the fight against impunity for perpetrators who use all kinds of methods to kill: night fires, grenades, firearms, etc.

The fact is so rare that it is important to point it out. On two occasions, members of Imbonerakure militia, accused of murder, have been arrested. These two exceptions occurred after the assassination of a member of CNL, in Busoni commune, and after a grenade were thrown at a hairdressing salon, full of children watching television, in Kinama zone of Bujumbura town hall. Here are some illustrative examples.

On 25th July 2020, on Jimbi hill, Gitega commune and province, Philbert Ntahimpera, a man in his sixties, was killed with a club after an attack attributed to Nestor Nkurunziza, also injuring Jean-Claude Bukeyenzeza who was with the victim in a bistro.

Nestor Nkurunziza was subsequently arrested and sentenced to 20 years in prison during a flagrante delicto trial in which he pleaded guilty.

On 5th August at around 9 pm, on Rugari hill, Muyinga commune and province, five (5) persons from the same family (the head of the household Zéphyrin Ntirandekura, his wife and three children aged 11, 7 and 4 years respectively), perished, burnt to death in an arson attack. According to witnesses, the criminals crammed the victims into the same room before burning down the house. Muyinga police arrested two neighbours of the victims in the course of an investigation.

On 13th August 2020, in Gahahe quarter, Kinama zone of the Ntakangwa commune in Bujumbura City Hall, a grenade exploded in a hairdressing salon full of children watching television, immediately taking the life of one child while two others died from their injuries during their evacuation to hospital. Also 8 children were seriously injured. According to the testimonies collected, the grenade was aimed at the owner of the hairdressing salon who had had arguments with a certain Désiré, head of Imbonerakure in Gahahe, who was suspected of being the perpetrator of this crime.

The police arrested three suspects, including the head of Imbonerakure, in the course of their investigations into the case.

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

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

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

The impunity generally enjoyed by law enforcement officials encourages them to commit crimes. This encourages the abuse of their power, including the use of firearms to kill. In this context, several dozen people have been executed, especially during the first quarter, at close range, in Bujumbura province. In other quarters, similar cases, in smaller numbers, have recurred. Among these numerous violations of the right to life, attributed to law enforcement officials, the alleged perpetrators were prosecuted in only four cases, arrested and tried. Some examples of these violations include the following.

Between 19th and 20th February 2020, in the communes of Isale and Nyabiraba, agents of national police summarily executed around 20 persons, all presented as presumed members of an armed group, who had carried out an attack in these areas. Various testimonies indicated that the persons killed had previously been arrested and tied up by police officers, supported by Imbonerakure militiamen. To justify the crime, the police spokesperson, Pierre Nkurikiye, said in front of microphones and cameras that "*the objective of these criminals was to take advantage of the electoral context, where the population is less vigilant, to commit their crimes ... and distract the attention of the population*³⁴". However, several victims had been photographed by witnesses while they were still alive. Most of them were members of the opposition party National Congress for Liberty (CNL).

On 14th June 2020, on Gifurwe hill, Mpanda commune, Bubanza province, a police officer shot and killed Renovat Nduwayo, owner of a drinking establishment. It was precisely there that police officers entered and asked him to turn off the music on his radio. Which he did. But the policeman shot and killed him with two bullets, because he had refused to give him the USB driver containing the music. Another customer of the bar was injured by the shooting.

This APC police officer (Chief Constable) Charles Hakizimana was arrested and sentenced to life imprisonment by Bubanza Intermediate Court in a flagrante delicto trial on 19th June 2020.

On 17th August 2020, in the town of Kayanza province, a policeman known as Nestor Sindihebura alias Tindo shot and killed Police Brigadier Philbert Ndiokubwayo nicknamed Kiduduye and Céleus Ndiokubwayo, a bicycle taxi driver who succumbed to kidney injuries after an emergency evacuation to Ngozi hospital. Both victims were on the same bicycle when they were shot by police officer Nestor Sindihebura.

Kayanza police arrested five (5) persons who were at the scene of the crime including Nestor Sindihebura for investigative reasons. Subsequently, on 18th August 2020, Kayanza Intermediate Court sentenced police officer Nestor Sindihebura alias Tindo to life imprisonment for the murder of Philbert Ndiokubwayo and the murder of Céleus Ndiokubwayo.

³⁴ <http://sostortureburundi.over-blog.com/2020/03/bulletin-de-justice-n-20-du-20-mars-2020.html>

On 20th September 2020, a group of police officers under the command of Kanyosha 2nd Mobile Rapid Intervention Group (GMIR) shot and killed Chief Corporal Cishahayo of 11th Armoured Battalion, assigned as a driver to the Special Brigade for the Protection of Institutions (PSPI). According to sources on the spot, this Brigadier of Corps, whose name is not yet known, ordered a policeman to shoot Chief Corporal Cishahayo while he was having a glass of beer with friends in a bistro near his residence, located in Busoro quarter of Kanyosha zone, south of the economic capital Bujumbura. And he died on the spot. At the origin of this murder, a dispute is said to have taken place between the murdered soldier and a motorcycle-taxi driver over the cost of the transport ticket. The victim had refused to be questioned at GMIR by elements of the police in intervention, asking instead to be questioned by his military hierarchy.

According to the information obtained, two other persons not yet identified were injured by the bullets fired by this policeman, but no police investigation had been opened over this package.

On 26th October 2020, around midnight, in the cells of the communal police station in Gatumba, Mutimbuzi commune, Bujumbura province, four (4) presumed thieves whose identity had not yet been revealed, detained in these cells commonly known as the "brigade", were summarily executed, extrajudicially, by bullets inside this 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, the bodies of these persons were buried on the third cross-road 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.

1.5. Violations of the right to life attributed to Imbonerakure militiamen

The increasingly unlimited power granted to the Imbonerakure militia allows them to commit and prosecute abuses as numerous as they are unspeakable because they have come to consider themselves untouchable. During the election period, the attacks attributed to the Imbonerakure militiamen were specifically targeted at people considered to be members of the opposition, especially CNL militants. Sometimes the attacks launched by these militiamen degenerated into pitched battles with CNL militants. When the police intervened, it was mainly the victims who were arrested or molested.

The feeling of limitless power is illustrated by some examples.

On 26th February 2020, on Jani hill, Gasorwe commune, Muyinga province, members of Imbonerakure militiamen attacked the household of Asmani Rwsa in the evening. Witnesses among neighbours reported that militiamen violently beaten the head of the household and his wife Fausie Basesuwabo, who died of her injuries on 5th March 2020 while her husband was

still in hospital. None of the members of the Imbonerakure militiamen who participated in the attack were arrested by the police.

On 11th 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 years) and killed him with clubs. The reason given was that the victim had a Rwandan 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 travelled to Kigoma to visit his mother-in-law. He had recently repatriated from Rwanda.

This act was committed only a few days after the spokesperson of the Ministry of Interior, Community Development and Public Security, OPP1 (Senior Police Officer 1st class) Pierre Nkurikiye, called on the airwaves on 8th October 2020, the Burundian population to denounce and arrest anyone speaking Kinyarwanda.

On 26th 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 the province of Gitega, was caught carrying the body of Ezéchiél 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 Ndoricimpa, 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 using a fatal stab that Aimé Irambona stabbed into her heart.

On 29th December 2020, the alleged perpetrators of this crime were tried and sentenced in a flagrante delicto trial by 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 penalties³⁵.

1.6. Violations of the right to life in the wake of armed group incursions

In the morning of 23 August 2020, a group of armed men attacked the locality of Gahuni, Bugarama commune, Rumonge province. Fighting continued until 25 August 2020 in several localities in Rumonge province, including Ku Nyoni, the border between Mugamba commune in Bururi province and Burambi commune in Rumonge province. According to police and administrative sources, the clashes between these armed men, who claimed to belong to the rebel movement Red-Tabara, and the security forces reported at least 16 persons killed

³⁵ <https://www.rpa.bi/index.php/actualites/4justice/un-cadre-de-l-urbanisme-condamne-a-21-ans-de-prison-ferme-pour-meurtre>

including eleven (11) civilians who had been abducted by these armed men and five (5) rebels executed after being captured.

Monge forest of Bugarama commune was burnt down by soldiers and police so that the "rebels" could not hide there. These clashes served as a pretext for a wave of arbitrary arrests including young students on holiday in the communes of Mugamba and Mukike, close to the localities where the fighting took place. Beyond this perimeter, these arrests affected people presumed to belong to opposition political parties, especially members of CNL, and Tutsis accused of supporting the rebellion.

Clashes have also been reported in Muramvya, Bubanza and Kayanza provinces. The opacity with which the Burundian authorities have managed these attacks makes it impossible to know the exact toll and the share of responsibility for the crimes that seem to be shared between the two belligerents. The rebel group seems to have specifically targeted members of the Imbonerakure militia in the areas it crossed. Here are some illustrative examples.

On 29th August 2020, on Busimba hill, in Muramvya commune and province, a group of armed men in Burundian army uniforms killed Vital Nsengiyumva and wounded two persons. According to testimonies, these armed men passed very close to the site of the demobilised disabled people of Busimba and shot at people trying to identify them.

Subsequently, after the passage of these men, Muramvya police arrested seven (7) persons accused of collaborating with these armed groups and took them to the police dungeon in Muramvya.

From 29th August to 2nd September 2020, on Kayange hill, in Musigati commune, in Bubanza province, clashes opposed, in the locality of Masare, the forces of law and order, supported by Imbonerakure, to a group of armed men. According to the testimony of a local administrator, fifteen (15) persons were killed in the wake of these clashes. For most of these murdered persons, no identification procedure was carried out and nothing had been undertaken to establish responsibility.

On 6th September 2020 at around 9 pm, on Gisagazuba hill, Maramvya zone, Burambi commune, Rumonge province, Léonidas Nibayubahe and his wife Thérèse Hagabimana and Frédance Nahimana, a teacher at Gisagazuba primary school, were killed in an attack attributed to unidentified armed men.

According to sources on the spot, the headmaster of Gisagazuba primary school, husband of Frédance Nahimana, who was murdered, and his child were also wounded during the attack and subsequently evacuated to a local health care facility.

Ten days later, on 16th September 2020, in the same commune on Kiganza and Gisagazuba hills respectively, four persons, including a certain Kamoteri, head of Imbonerakure on Kiganza hill,

named Hatungimana, and a third known by the first name Lambert, were murdered by armed men who, according to corroborating testimony, were dressed in police uniforms. The identity of the fourth victim remains unknown.

On 10th September 2020, on Nyarumanga hill, in Matongo commune, Kayanza province, six (6) unidentified persons including four (4) men and two (2) minors were killed in an attack attributed to a group of armed men. According to witnesses on the spot, three (3) unidentified persons were also injured during this attack by these men in military uniform of the Burundian army.

According to information received, these persons who were killed were on night guard on these two hills at the time of the attacks which directly targeted their positions. This involves the use of civilians as human shields, forced by administrative officials and police officers to set up guards, thus exposing them to attacks by groups at war with the authorities. This practice is prohibited by international law.

1.7. Femicide and domestic violence

Domestic violence is sometimes superimposed on the political violence that serves as its breeding ground. Several cases of femicide have been reported, including the following examples.

On 27th March 2020, Muyange hill, Mugina commune, Cibitoke province, the named Déo Bukuru murdered his wife Généroise Kubwimana, who was eight months pregnant. According to witnesses, the death occurred following a violent blow to her belly.

The police apprehended the alleged perpetrator of the crime as he tried to flee.

On 8th June 2020, on Gasave hill, Ntega commune, Kirundo province, Leonidas Mbarushimana (42 years), killed his wife Laetitia Bukuru. According to witnesses, the quarrel between the couple was due to a sum of money from the sale of beans from their harvest. It was when the wife demanded accountability that the husband started kicking her until she died. The police in Ntega arrested the alleged criminal after this incident.

On 10th June 2020, on Mugitega hill, Bugendana commune, Gitega province, a man named Élysée Havyarimana murdered his wife Rose Nahimana with a knife. According to witnesses, the husband had already tried to eliminate his wife so that he could marry another woman. The alleged perpetrator was arrested by the police and imprisoned in Gitega prison.

1.8. Increasing of criminality within families

The third quarter of the year was particularly marked by very high levels of crime within families. In almost all cases, suspects were arrested or even convicted. A total of 16 cases were reported. In one of the cases, the alleged perpetrator was even tried in flagrante delicto proceedings and convicted. The proportion of women arrested is significant. They were suspected of responsibility for the murder of their husbands. In at least half of the reported cases, they were arrested alone or with accomplices. In some situations, land and inheritance disputes are the alleged motives for crimes committed.

In view of the increase in this phenomenon, it cannot be ruled out that the situation of impunity and political violence that has persisted in the country for several years may have been the breeding ground for settling scores, reprisals against violent or fickle husbands, or for some spouses, a solution to get rid of spouses who have become troublesome. Here are a few examples.

On 12th July 2020, on Bugama hill, Gisuru commune, Ruyigi province, the lifeless bodies of Anne-Marie Nimubona, aged 37, and her 2-month-baby were discovered in a stream. According to people close to the victims, the woman was stabbed and her body was wrapped with her baby in a bag before being thrown into the water.

Gisuru police announced the arrest of the victim's husband.

On 15th August 2020, on Nyarurinzi hill, in Murwi commune, in Cibitoke province, Charles Ndikumana alias Buso, aged 30, was murdered in his home. According to sources at the scene, his attacker smashed his skull with a hoe before setting fire to the house where the victim's body was found.

According to the information received, Murwi judicial police arrested his wife, Gloriose Nishemeze, aged 18, who is reportedly a member of Imbonerakure militia. She was then sentenced, in flagrante delicto proceedings, to 20 years of penal servitude and a fine of five million Burundian francs (5,000,000 BIF) for the murder of her husband and arson.

On 27th August 2020, on Gasange sub-hill, in Rutana commune and province, Gilbert, a polygamist of 4 women, was killed, stabbed. The children of the victim and his wives, suspected of having committed this crime, were arrested by the police for investigative reasons. The motives for the murder were not yet known.

1.9. Rape followed by murder and sexual violence: unidentified perpetrators

Eleven cases of rape were reported during 2020. Several victims were raped and killed with unprecedented violence, and their bodies were apparently left at the scene of the crime. In some cases, the victims had sounded the alarm but were not rescued. During the first three quarters of the year, the perpetrators of these crimes were not identified, enjoying total impunity and the ability to repeat their crimes. During the fourth quarter, five cases of rape and sexual violence were reported. In three of the cases, the rapes were attributed to persons with authority or ascendancy over the victims. These were either police officers or a teacher who were caught in flagrante delicto and arrested. 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 trafficking in human beings. Here are some illustrative examples of these facts.

On 4th June 2020, in Bubanza commune and province, a young girl named Chantal was abducted and found the next day, her arms and legs tied up. She had been the victim of rape by her abductors, who also injured her head. According to the victim's relatives, the girl had alerted teachers at her school after receiving several threats by telephone from unknown persons. Bubanza police have not arrested any suspects to date.

On 22nd June 2020, on Kavogero hill, in Kirundo commune and province, the lifeless body of Chantal Mukarwego was discovered, abandoned. According to relatives of the victim, she was attacked, raped and strangled on her way home. Kirundo police have not arrested any suspects to date.

On 9th July 2020, the body of Marie-Annick Bayishememeze (18 years) was discovered in a field of eucalyptus trees near the offices of Musongati commune in Rutana province. The victim was a high school student who had been missing since 7th July 2020. Witnesses stated that the girl was raped and cut her throat by her executioner(s).

On 1st November 2020, at around 11 pm, at the Rugombo commune police station in Cibitoke province, a 2nd class Chief Constable (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 Friday 30th November 2020.

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

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

According to information on the spot, the victim was able to alert her parents with her mobile phone, which resulted in the perpetrator being arrested in flagrante delicto and taken to the Bururi public prosecutor's office for investigation of his criminal case.

1.10. Kidnappings and enforced disappearances generally attributable to SNR agents

Kidnappings with a high risk of enforced disappearance have become the SNR's modus operandi since 2015. During the period under review, 34 people were victims of kidnapping, all of them primarily attributable to the SNR, sometimes in association with Imbonerakure and police officers. Members of the CNL remain among the most targeted persons, but also former members of the ex-FAB military. Here are some examples of these packages.

On 20th January 2020, on Kagazi hill, Rugombo commune, Cibitoke province, the head of National Intelligence Service (SNR) kidnapped Paul Nzeyimana. Witnesses reported that the victim had just answered a telephone call and was immediately taken away in a vehicle with tinted windows. As the destination was not communicated to relatives, the risk of abduction and enforced disappearance is high, as has been observed in other similar cases. This modus operandi has been typical of SNR since 2015.

On 8th October 2020, in the provincial town of Mwaro province, seven men from Kiganda commune, Muramvya province, were arrested without a warrant or summons by the provincial director of internal intelligence in Mwaro, Gérard Ndayisenga. The arrested persons 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 cells of this province. Sources on the spot said that three of them, namely Gervais Nteziryayo, Martin Bukuru and 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 27th October 2020, at the bus car park in Kamenge zone, in Ntahangwa urban commune of Bujumbura town hall, an SNR agent known as Joseph Mathias Niyonzima nicknamed Kazungu abducted a rabatteur called Pierre Bukuru who is from Rukeco, in Busiga commune, Ngozi province. Although his family members had not heard from him since his disappearance, a photo of the victim's body was sent to them on 6th November.

1.11. Violations of physical security by Imbonerakure militiamen

With the unlimited power that is increasingly being granted to them, Imbonerakure militiamen commit numerous abuses and serious physical security breaches throughout the country, with the complicity of law enforcement officers, local authorities and justice officials. During the election campaign, the terror exercised by these militiamen increased, especially against

members of CNL. The crimes committed by these militiamen generally go unpunished. On the contrary, it is those attacked who are arrested or mistreated by police officers when they try to defend themselves. These crimes have extended to acts of vandalism targeting individual property or especially that of CNL party where more than fifty (50) CNL party offices have been partially or totally destroyed or soiled. In all, 127 cases of physical security breaches were reported, including the following examples.

On 16th February 2020, on Rwerambere hill, Gisuru commune, Ruyigi province, members of the Imbonerakure militia attacked the home of Thaddée Nahimana and then violently beat him. The injuries sustained as a result of this violent attack led to the victim's hospitalisation. Mr. Nahimana is known to be a member of the opposition CNL party. None of the alleged perpetrators of the attack were arrested although the victim was able to identify one of his executioners: a member of the Imbonerakure militia named Évariste Manirakiza.

On 3rd August 2020, in the chief town of Rugombo commune, Cibitoke province, Imbonerakure militia led by the deputy leader named Évariste Nijimbere violently beat an influential member of CNL party, Aloys Ngendakumana, residing on Mparambo hill in the said commune, for refusing to join the CNDD-FDD party. The victim was then taken to the CNDD-FDD headquarters in the early evening, where he was sequestered and violently beaten until he lost consciousness. He was then locked up in the dungeon of Rugombo modern market. The police did not open an investigation to prosecute the perpetrators of these atrocious acts.

On 20th October 2020 at around 8 pm, in Gishubi commune, Gitega province, two Imbonerakure co-owners of a bar called "*Ryimare na 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 those 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 Tutsi*".

Fabrice Manariyo was in critical condition and had to be placed in intensive care at the Gishubi dispensary. But the perpetrators of these deliberate bodily injuries and ethnically hateful language were not apprehended in order to answer for their criminal act.

2. Arbitrary arrests

A total of 481 arbitrary and illegal arrests were reported in the year 2020. The peak was reached in the third quarter (210) followed by the second quarter, when 126 arrests were made. Both periods are moments of electoral campaigning and the proclamation of the results of the triple polls of 20 May 2020, all of which were marked by strong tensions.

The reported violations are almost exclusively attributable to police officers, Imbonerakure militiamen and, to a lesser extent, agents of the National Intelligence Service.

All these violations are part of a deliberate strategy of terror exercised against members of the political opposition and especially the CNL. These various acts were aimed at further restricting the political space of the CNL and preventing it from campaigning normally, mainly by arresting activists of this party who were campaigning locally, door-to-door, or to candidates and agents of CNL at different levels whose accusation was to mobilise for their party. Some CNL activists were arrested a few days before the elections, sometimes on the eve or on Election Day, with the deliberate intention of preventing them from voting. After the elections, the mass arrests were aimed at silencing CNL members and preventing them from challenging the results, which their leaders had described as an electoral "hold-up".

The level of arbitrariness reached in Burundi meant that people were arrested for any reason. Thus, some people were arbitrarily arrested, accused of celebrating the death of President Pierre Nkurunziza, or of not mourning as they should have, or for taking photos of the mausoleum built to house the remains of Pierre Nkurunziza. There are even CNDD-FDD militants who have been arrested, accused of supporting Pascal Nyabenda, president of the National Assembly at the time, who is supposed to be the rival of the current president to succeed Pierre Nkurunziza.

The third quarter was particularly marked by numerous arrests linked largely to the incursion of armed elements in the south of the country, claiming to be part of the Resistance for the Rule of Law in Burundi (RED-TABARA) movement. A repression was organised mainly in the regions near the scene of the clashes and even beyond. It mainly targeted young people of the Tutsi ethnic group in the provinces of Rumonge, Bururi, Mwaro and Muramvya, retired ex-FAB soldiers, also Tutsi, and members of the CNL or demobilised former combatants of the National Liberation Front (FNL).

The fourth quarter saw a drop in the number of arrests but the characteristics remained unchanged. Those most targeted are members of the CNL, this time also of the FNL, but also former members of the Burundian Armed Forces (ex-FAB), who are being hunted especially in Burambi commune, Rumonge province.

Furthermore, the statements of the spokesperson of the Ministry of the Interior, Community Development and Public Security, Pierre Nkurukiye, asking to report or arrest people with a

Rwandophone accent, gave rise to outbursts of xenophobia, which effectively led to the arrest of this profile of people.

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. In the circumstances, the deputy was protected by law. The arrest, which took place several months after the events, may be interpreted as a signal aimed at destroying any critical intent.

A few examples are offered to illustrate this phenomenon.

2.1. Arbitrary arrests attributed to police officers

Through the arbitrary arrests made, a police force at the service of the government and the CNDD-FDD party, highly politicised and committed to maintaining the political status quo, is clearly visible. They were deployed to reduce the CNL party's ability to campaign and carried out actions aimed at intimidating voters and preventing them from voting according to their preferences. Police arrests targeted CNL members and officials who constitute the majority of those arbitrarily arrested.

In this context, the police have become accustomed to ignoring the law. This appears symptomatically, for example in the last quarter of the year, when Fabien Banciryano was arrested, Banyamulenge was arrested because of their accent, and especially the wife of an untraceable accused, although criminal responsibility is individual. Here are some illustrative examples of these abuses.

On 23rd January 2020, in Bwambarangwe commune, Kirundo province, police officers arrested Céléus Nzungu, Emmanuel Nduwimana and Emmanuel Mushimantwari, activists of the opposition party CNL. Mr. Nzungu was accused of failing to rescue the Bugorora zone chief while he was struggling with people in his constituency. The other two were accused of defaming Burundian President Pierre Nkurunziza. These are clearly arbitrary arrests of members of the opposition, in this case the CNL party.

On 9th May 2020, in Bugendana commune, Gitega province, police officers arrested Ézéchiel Bitariho, Bonaventure Ndikumana, Pierre Claver Ruvugusi and Clément Nzeyimana, all activists of the opposition party CNL, as they were on their way to a meeting of their party. They were accused of having prepared materials with their party's logo for distribution to other activists.

These are clearly arbitrary arrests with no legal basis as all these political actions are recognised by the constitution. These arrests were aimed at discouraging members of the opposition and sabotaging the campaign of the competing party in favour of the ruling party.

On 2nd October 2020, in the urban commune of Ntahangwa, in Bujumbura town hall, policemen arrested Fabien Banciryano at his home. The latter is a former deputy elected in the Bubanza constituency during the 2015-2020 legislatures. He was immediately taken to the cells of the Special Research 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 21st December 2020, the wife of Roger Nduwimana, director of the basic school of Karinzi, in Bubanza commune and province, was arrested by the police and detained in place of her husband, who was on the run, and actively sought by the public prosecutor's office of Bubanza for having clandestinely delivered common exams for students of 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.

2.2. Illegal arrests attributable to Imbonerakure militiamen: with impunity

The increasingly important role played by Imbonerakure in the repression of opposition would not be possible if they were not permanently in collusion with law enforcement agents. Very often and almost everywhere, the two act hand in hand. Thus, when these militiamen make illegal arrests, they hand over their victims to police officers who immediately detain them, thereby legitimising these illegal acts. In the eyes of the population, this confers and reinforces the recognised authority of the militiamen and guarantees their impunity.

The militiamen also carry out illegal arrests on their own, without the direct approval of the police, the SNR or administrative officials. Their targets were cadres and militants of CNL, motivated by the political stakes of the moment. The aim was to prevent them from either campaigning, electing or being elected and subsequently to counter any contestation of the elections. Other illegal arrests were orchestrated in the wake of an armed group's incursion into Rumonge province. Here are some illustrative cases.

On 11st January 2020, on Nyarunazi hill, Nyabihanga commune, Mwaro province, members of Imbonerakure militia arrested Mathieu Ntakarutimana, Alberique Ntabangana and Bernard Ntahondi, all members of the opposition party CNL. They were arrested in a bistro after the militiamen of the ruling party could not find anything to drink when they arrived at the bar.

These are illegal arrests carried out with the complicity of the Nyabihanga police who detained the three people. Apparently because of their political affiliation.

On 9th April 2020, on Munanira hill, Musigati commune, Bubanza province, members of Imbonerakure militia illegally arrested Jérôme Bucumi, Richard Niyimbeshaho and Amissi Dushimirimana, all militants of the opposition party CNL. They were arrested on their way to the local headquarters of their party. They were accused by ruling party militiamen of teaching CNL ideology in households.

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

On 18th October 2020, an inhabitant of Gisagazuba sub-colline, Burambi commune, Rumonge province, known as Dieudonné Mukamarakiza nicknamed Mapengu, was arbitrarily arrested by Imbonerakure and police officers on amount of an Imbonerakure named Ndikumwenayo alias Marius.

According to sources on the spot, these Imbonerakure militiamen issued a false alarm to Kiganza policemen and soldiers from Donzi 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 cells located on a police position in Kiganza when he had been cleared by the justice system, which was prosecuting him for complicity with rebel groups. The next day, he was transferred to the dungeon of the Rumonge provincial police station.

2.3. Arbitrary arrests attributed to SNR agents

Through a few arbitrary arrests made by SNR agents, the role of political police becomes clear. As in other arbitrary arrests, the most targeted were members of CNL, former ex-FAB officers and, in the last quarter of the year, executives of FNL led by Jacques Bigirimana who contested its legitimacy. The latter is known to be a faithful ally of the ruling party. In their operations, SNR agents worked hand in hand with elements of the Imbonerakure militia and in other circumstances with police officers or elements of the National Defence Force.

A few examples are offered by way of illustration.

On 20th May 2020, in the urban centre of Rugombo commune, Cibitoke province, agents of the National Intelligence Service arrested Edouard Ntawuzahihera, a youth representative of the opposition party CNL. He had come to calm tensions between young people from his party and

those of the ruling CNDD-FDD party. He was tied up by police officers and taken on board by SNR agents.

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

On 11th August 2020 on Muhungu hill, Mabayi commune, Cibitoke province, the communal head of National Intelligence Service and young people Imbonerakure arbitrarily arrested two members of the National Council for Liberty (CNL) Jean Paul Safari, communal head of CNL in Bukinanyana commune, and Alfred Nyandwi, accused of destroying the monument of the National Council for Defence of Democracy - Forces for the Defense of Democracy (CNDD-FDD). However, according to witnesses on the spot, this monument had been destroyed more than a year ago.

According to CNL activists in the locality, the arbitrary arrest had no other purpose than the withdrawal by the CNDD-FDD of CNL party members from the race for the hill council elections; given that Alfred Nyandwi was a candidate for the hill council in Muhungu. The victims were taken to and held in the Mabayi brigade dungeon.

On 12th September 2020, Désiré Gikobera, a member of CNL party residing on Shombo hill in Muramvya commune and province, and Zénon Nicayenzi, a retired member of the former Burundian army (ex-FAB) on the same hill, were arrested at their home, accompanied by a third person whose identity could not be known, by the head of intelligence service in Muramvya, Félix Havyarimana.

In addition to the arbitrary arrest, they were arbitrarily detained in an unknown location. Their family members were not informed of the measure to which the detainees were subjected and the place of their detention, in violation of the Burundian Code of Criminal Procedure (art. 36).

Since 16th October 2020, following a correspondence sent by nine provincial representatives of National Liberation Front (FNL) party requesting the convening of an extraordinary congress in order to set up a new structure for their party, a manhunt was 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 arrest 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 FNL in the provinces of Bujumbura and Kirundo, arrested on 22nd October. Ezéchiel Ndayisenga, representative of FNL party in Karuzi province, was arrested Tuesday, October 27th, 2020.

3. Administration of justice: two contradictory events

3.1. Release of some opponents in the aftermath of the elections

On 4th June 2020, four members of the opposition party CNL were released. Among them was Mr. Laurent Nduwayo, who was a candidate in the legislative elections of 20th May 2020. They had been held in Rumonge prison since 15th May 2020.

Despite this release, several other CNL activists remained in detention. All of them were imprisoned because of their political affiliation and the denunciations of electoral fraud they had made.

3.2. Refusal by the Burundi public prosecutor's office to enforce a judicial decision

According to information received, Bururi public prosecution service has refused to execute a judicial decision granting provisional liberty to nine (9) persons since 30th March 2020. The decision to release them was taken by the advisory chamber of Bururi Intermediate Court. According to their relatives, the nine people were militants of the opposition party CNL accused of participating in the assassination of a member of the ruling party named Eric Niyongabo.

Conclusion

The year 2020 saw a major political turning point, with the alternation at the top of the state, following the elections, the victory of which was attributed by CENI to the CNDD-FDD party. The advent of General Evariste Ndayishimiye at the head of state was for some the bearer of change. All the more so as the unexpected death of Pierre Nkurunziza, consecrated "Supreme Guide of Patriotism" gave him a free hand, uncertain under his shadow. The expected opening did not take place. Bad practices and human rights violations have continued and even worsened. The status quo prevailed with a new deal: the domination of the political scene by military actors who previously pulled the strings, lurking in the shadows. In an assertive and relaxed manner, while some of them are accused of numerous and serious human rights violations. A sign that the fight against impunity is not on the agenda.

However, an unexpected change of direction in diplomacy has begun. Whereas, shortly before, the President himself, in undiplomatic terms, had treated Rwanda, the European Union and the United Nations as hypocrites, allies of the country's enemies. Paradoxically, the same President decided to take the initiative to relaunch dialogue with these partners.

In this process, the wish of human rights organizations is that the political dialogue thus initiated, in particular with the European Union, should enable progress to be made on the fundamental issues of respect for human rights and democratic principles, the fight against impunity and, therefore, the construction of the rule of law and democracy.

Recommendations

To the Government of Burundi:

The willingness desirable of the Burundian government to reconnect with its partners is difficult to combine with the continuity of the practices of Pierre Nkurunziza's regime in terms of violations of human rights and democratic principles. In order to achieve a successful recovery, concrete acts of openness and change are needed to convince partners.

In this regard, the Government of Burundi should:

- Release all political prisoners and civil society activists detained illegally and arbitrarily. More specifically Fabien Banciryano, Germain, Rukuki, Nestor Nibitanga and others detained like former MP Fabien Banciryano for political reasons;
- 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.; and
- Put an end to retrogressive practices of discrimination, in particular through the census with an ethnic mention among public and private sector employees and in the selective work of the CVR (Truth and Reconciliation Commission).
- Guarantee the right to life and liberty to all persons confronted with multiple human rights violations whose perpetrators often go unpunished;
- Take urgent and firm measures to dismantle all criminal networks as well as the Imbonerakure militia and 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 that have been unfairly issued 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 relevant international conventions;
- Relaunch inclusive dialogue initiatives allowing the return of the rule of law and democracy to Burundi.

To the International Community :

- Basing the political dialogue on concrete 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.
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