

## **REPORT N° 249 OF SOS-TORTURE/BURUNDI PUBLISHED ON 19 SEPTEMBER 2020**

This SOS-Torture report covers the period from 12 to 19 September 2020 regarding cases of human rights violations in Burundi.

At least five (05) persons were murdered during the period in different localities of the country.

This report also deplores sixteen (16) cases of arbitrary arrests directed mainly against political opponents.

Finally, the report warns of an increase in punitive violence exercised by members of the Imbonerakure militia against ethnic Tutsi populations after attacks by armed individuals.

SOS Torture Burundi recalls that this violence, which takes place in broad daylight in total impunity, engages the direct and/or indirect responsibility of the administrative and police authorities of the locality up to the top, according to an adage, "*who can and does not prevent sin*" (Antoine Loysel).

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

- In the evening of 12 September 2020, Donatien BIGIRIMANA, a retired member of the former Burundian army (ex-FAB), was murdered and beheaded at his home on Gatsinga hill, Ndava commune, mwaro province.

SOS Torture Burundi notes that the perpetrators of this crime remain unknown and that police investigations have so far yielded no results. SOS Torture Burundi denounces a systematic pattern of harassment against the ex-FAB consisting of assassinations, arbitrary arrests, kidnappings, and forced disappearances with total impunity for the perpetrators.

- On 16/09/2020, four persons, including a certain Kamoteri, leader of Imbonerakure on Kiganza hill, the named Hatungimana, and a third known by the first name of Lambert, were assassinated on the hills of Gisagazuba and Kiganza, in Maramvya zone, Burambi commune, Rumonge province, by armed men who, according to corroborating witness accounts, were dressed in police uniforms. The identity of the fourth victim remains unknown.

SOS Torture Burundi notes that those killed were on night guard on these two hills at the time of the attacks that directly targeted their positions. SOS Torture Burundi deplores the use of civilians as human shields, forced by administrative and police officers to set up guards, thus exposing them to attacks by armed groups, and recalls that this practice is prohibited by international law.

## **2. Violation of the right to physical security**

- On 17/09/2020, on Rumonyi hill, Burambi commune, Rumonge province, on the bangs of the funerals of the victims of the attack of 16/09/2020, young Imbonerakure militiamen affiliated with the CNDD-FDD Party led by a certain NKURIKIYE, the deputy head of the Imbonerakure militia on Rumonyi hill and MBONANANKWA, an influential member of the same militia of the same hill, accompanied by local administrative officials, including a certain NTARYAMIRA and the first named Pierre, attacked civilians, all of Tutsi ethnic group, to avenge their members who died on the night of the previous day.

Witnesses reported that attacks by Imbonerakure militiamen with machetes caused serious injuries, including a given Charles Kabonesho and his wife Aline Ndayikengurukiye, and spread panic among some people in the locality and forced them to leave their own households against their will. They also deplore that the victims have been subject to detention instead of the executioners.

SOS Torture Burundi denounces acts and threats of violence whose main purpose is to spread terror among the civilian population and mainly the Tutsi community of the locality.

## **3. Arbitrary arrests**

- On Saturday, 12 September 2020, Désiré Gikobera, a member of CNL party residing on Shombo hill, Muramvya commune and province, Zénon NICAYENZI, a retired member of the former Burundian Army (ex-FAB) from the same hill, together with a third person whose identity could not be identified, were arrested at their home by Muramvya head of the intelligence service named Felix HAVYARIMANA.

SOS Torture denounces an arbitrary detention in an unknown location and the impossibility for their family members to be informed of the measure against them and the place of their detention, in violation of the Burundian Code of Criminal Procedure (art. 36).

- On 12 September 2020, Félix Nduwimana, communal leader of CNL party in RUTOVU and Romuald HANKANIMANA, leader of CNL party in MUGAMBA, were arrested in Matana by Imbonerakure led by a nickname KAYA. The two arrested persons are also members of the communal councils of their respective communes.
- On Saturday, 12/9/2020, Prime Niyongabo alias Komesha, a former police officer, previously an executive Officer in the communications company Econet Leo Burundi, was arrested near his residence in Gasekebuye. Concordant testimony points out Joseph Mathias Niyonzima alias Kazungu, an SNR officer, for carrying out the arrest.
- On Sunday morning, 13 September 2020, Colonel Pontien Baritonda, a retired ex-FAB officer, was arrested at his home in Kinanira 2. Witnesses were able to note the plate number of the van used to transport Baritonda, which was DA 6401. Given the victim's medical condition, relatives are concerned.

SOS Torture Burundi deplures acts of kidnapping that are part of the persecution of members of the former defense and security forces (ex-FAB), most of whom are of Tutsi ethnic group.

- On 13/9/202, Ferdinand Nduwayo, head of CNL on Bukeye hill, Nyanza-Lac commune, Makamba province, was arrested by young Imbonerakure and handed over to the communal police commissioner before being handed over to the local intelligence officer.
- On Sunday, 13/9/2020, around 6:00 p.m., Sylvère SIMBAVIMBERE and his son NINTERETSE, an active national police officer, were arrested by police officers on Gisagazuba hill, Maramvya zone, Burambi commune, Rumonge province. On-site testimonies indicate that another son of Sylvère SIMBAVIMBERE was among the victims of the attack by armed men on 06/09/2020, and the police suspect that he was among those who carried out the attack.

SOS Torture Burundi notes that the two members of the same family, who should be observing the mourning of one of their own, are being detained on

suspicion of an offence allegedly committed by a third person. Since criminal responsibility is personal, SOS Torture Burundi denounces the arbitrary detention of SIMBAVIMBERE and his son NINTERETSE.

- On 14 September 2020, Japhet Ntahomvukiye and Thaddée Nshimirimana, respectively presidents of CNL Vyanda and Bururi communes, were arrested at their service posts in Gatsiru and Bamba, while Hurumbirimana Emmanuel, head of CNL in Songa commune, was arrested in Kiryama.
- On Monday, 14/09/2020, Jean Marie Bizimungu, a teacher at Bihinga Basic School, in Ruteme zone, Bugarama commune, Rumonge province, was arrested by the police at his residence on Bambo hill. He was reportedly handed over by the police to the local head of SNR (National Intelligence Service), who is said to be detaining him at his residence.
- On 15 September 2020, agents of the National Intelligence Service and the Burundian police arrested Cyprien Kagabo and Meschack Butoyi on Raro hill, Nyabiraba zone and commune, Bujumbura province. Testimony from relatives indicates that both of them were activists of the National Council for Liberty party (CNL).
- On 15/9/2020, in the morning, Daniel Ayumwe, a member of CNL and communal council of Gatara, was arrested at his home in Rwesero in Kayanza commune and province, after a brief search of his residence. Relatives fear for the physical safety of the victim.

SOS Torture Burundi denounces untimely and systematic arrests followed by arbitrary detention and/or enforced disappearance of members of the opposition and especially members of CNL, the main challenger of the CNDD-FDD during the May elections.

#### **4. Destruction or damage to civil property.**

On 10/09/2020, Burundi Military Navy destroyed two fishing boats accusing the fishermen on board of collaborating with armed men without any evidence. The operations to destroy these civilian property were supervised by Brigadier General Venant Bibonimana, commander of the military navy.

SOS Torture Burundi denounces the destruction with impunity of the property of civilians guilty of burning buildings or materials belonging to others (Art. 329 CP). Even in a situation of armed conflict, such destruction of civilian property



would constitute a crime under international law, given that humanitarian law grants general protection to civilian property and prohibits acts of violence, attacks, or reprisals against it.

SOS-Torture/Burundi was initiated with the aim of informing national and international opinion on serious human rights violations taking place in Burundi through monitoring reports on torture, arbitrary arrests, enforced disappearances, sexual violence and summary executions.

This initiative to inform on the realities of the country followed the carnage of a hundred persons killed during the day of December 11 and 12, 2015 by the police and military under the pretext of pursuing rebels who had just attacked military camps located on the outskirts of the capital.

The affected zones are said to be contesting President Nkurunziza's third term of office, namely Musaga, Mutakura, Cibitoke, Nyakabiga, Jabe, the last two being located in the center of the Bujumbura City Hall..