



SOS-TORTURE/BURUNDI

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

***Report on the human rights situation
First quarter 2022***



Burundi: "Bringing a complaint against the State is a mistake!"

Statement by President Evariste Ndayishimiye

April 2022

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Socio-political context

If one thing were to be retained to characterise the context of the first quarter of 2022, it would be the astonishing declaration of the President of the Republic, which gives the quintessence of his vision of the rule of law. For him, *'Bringing a complaint against the State is a mistake. Even the judges did not know this, I taught them and they laugh when I tell them. In this case, the State becomes judge and jury. How are you going to lodge a complaint against the State even if it is bullying you? But justice belongs to the State, it is a State institution. Before, people confused the Government with the State, and people filed complaints against it. A state never violates the law.'* This statement negates President Evariste Ndayishimiye's earlier voluntarist statements on the need for an efficient and honest Judiciary. It shows that for the President of the Republic, the separation of powers is a hollow principle. This somehow explains the permanent control of all other institutions by the Executive, the ruling party and the circle of Generals, acting as a single entity with indistinguishable contours.

The context of the period under review was largely marked by the publication of reports of Burundian troops entering the Democratic Republic of Congo to hunt down rebels from the "Red Tabara" rebel movement.

Despite the repeated denials of the Burundian authorities, several Congolese and Burundian observers have confirmed these facts. Numerous human rights violations have been committed in this deliberately opaque context. Firstly, the soldiers themselves, of whom there are several credible reports of the elimination of some of them following the demand that the mission be made official. Subsequently, more than a dozen corpses in military uniform were discovered on the shore of the Rusizi River. The identity of these people could not be revealed or made public. In view of the secrecy surrounding this case, it is highly unlikely that the families of the victims were properly informed about the circumstances of the death of their loved ones in order to bury them in dignity, let alone be entitled to the compensation provided for in the matter. Several reports have indicated the presence of CNDD-FDD (National Council for the Defence of Democracy-Forces for the Defence of Democracy) Imbonerakure militiamen among the victims.

On the socio-economic level, the context was marked by the announcement of the lifting of economic sanctions by the EU (European Union) against Burundi at a time when social tensions were high in several sectors against the backdrop of fuel shortages.

There was considerable discontent in the education sector where teachers had called a strike to protest against the government's measure to evaluate them. Finally, negotiations took place between the two parties and an agreement was reached.

The other area affected by discontent is the transport sector, linked to the government's measure to ban the entry of bicycles, motorbike taxis and 'Tuk-tuk' tricycles on certain roads in Bujumbura. This measure, taken without consultation, has created immense discontent

among those concerned and users. Indeed, it punishes many families with modest incomes, which will be further reduced, thus compromising their right to a decent life. On this subject, the President of the Catholic Bishops' Conference of Burundi (CECAB) declared that "*those who were surviving thanks to these motorbikes, bicycles and tuk-tuk, are among the people who are lamenting and certainly there are others who think that 'bitter medicine' can create divisions between the rich and the poor*".

With regard to human rights violations, the first quarter was marked by a significant drop in the number of violations in all the categories listed, but the worrying trends remained unchanged, as did the impunity that provides fertile ground for the commission of these crimes. In total, SOS Torture Burundi recorded 64 violations of the right to life, the most numerous of which occurred in February (exactly 28), while January and March recorded 13 and 23 respectively. There were also 12 violations of the right to physical integrity, 13 arbitrary arrests and detentions, 2 cases of torture and 7 abductions or forced disappearances.

These violations are presented in the following pages with the help of some illustrations.

1. Violations of the right to life

Compared to previous quarters, the number of violations of the right to life decreased significantly from 164 in the last quarter of 2021 to 64. However, the main trends remained unchanged. Thus, there are still bodies found after having been thrown by the killers in the wild - wastelands, bushes, forests, rivers -, places where their identification is difficult. The Rusizi River and its surroundings have remained the preferred place for the assassins to abandon the bodies. The other major trend that constitutes the mark of impunity in Burundi is the high number of cases of assassinations that remain unsolved. Those that are solved remain few in number.

There, the perpetrators were often identified and sometimes tried in flagrante delicto situations. A new development in the province of Cibitoke is that in different circumstances, apparently fed up with the abuses committed, an angry crowd attacked imbonerakure militiamen and took justice into their own hands by killing them. Several other cases were reported of women found murdered and there was evidence that they had been raped first.

1.1. Bodies found, whose identity and circumstances of death are not clarified

During the period under review, the phenomenon of abandoned and found bodies persisted, albeit on a smaller scale than in previous periods. The scene of this macabre scene remained the same: the banks of the Rusizi River in the province of Cibitoke. The toll was increased by the discovery by fishermen of 11 bodies in military uniform on the banks of the Rusizi. Alerted by these fishermen, the Administration called in elements of the Imbonerakure militia who created a security cordon around the area where the bodies were found, chasing away anyone who wanted to approach them. The bodies were then loaded into a truck of the

National Defence Force (FDN). The identities of these people and the circumstances of their deaths have not been disclosed. The incident followed reports of the crossing of Imbonerakure soldiers and militiamen to the DR Congo. In another case of a body found, witnesses pointed the finger at SNR agents who allegedly killed a person, who remained unidentified, and tried to bury him on the sly to hide the crime. Here are some examples of this phenomenon.

On 6 February 2022, at around 2 p.m., an unidentified man died as a result of torture at the office of the National Intelligence Service (SNR) in the province of Cibitoke (northwestern Burundi).

According to local sources, near the hospital in Cibitoke, wardens at the hospital in Cibitoke saw torches being lit at night in the cemetery near the hospital by people burying a body. Witnesses said that they were SNR agents who were burying their victim despite the presence of a military position very close to this cemetery.

The victim had been arrested during the evening of 2 February 2022 in the commune of Murwi in the same province, accused of collaboration with Burundian rebels in South Kivu in the Democratic Republic of Congo.

On 12 February 2022, at around 3 p.m., on the Rusizi River banks at the level of the 12th transversal, at the foot of the Rusiga hill in the Rugombo commune of the Cibitoke province, eleven (11) lifeless bodies of men in Burundian army uniforms were discovered by fishermen. They then alerted the administrative officials who sent Imbonerakure and military personnel to verify the information. When they arrived at the site of the macabre discovery, they chased away all the onlookers who tried to approach them. Later, the bodies were loaded onto a truck of the Burundi National Defence Force (FDNB) and taken to the economic capital Bujumbura.

According to the same sources, the circumstances in which these soldiers died have not been revealed. However, the surrounding population confirmed that several soldiers had crossed the Rusizi River during the night of 7 to 8 February 2022, at the level of the locality of Kigazura at the 6th transversal of the hill of Kigazi, coming from the Democratic Republic of Congo (DRC).

On 11 March 2022, at around 11 a.m., on the 7th transversal of Kaburantwa hill in Buganda commune of Cibitoke province, three bodies of two men and a woman, decomposing and tied together, were discovered by farmers in a cassava field. The victims have not been identified by the local population. Their hypothesis is that they were killed elsewhere and that their bodies were brought to this place to be dumped.

After this discovery, the local administration and the police were notified, and they directly dispatched a judicial police officer and Red Cross agents to make the report and disinfect the site. The administration gave the order to bury the bodies directly without identifying the victims. Suspicions about the murder were directed at the head of the National Intelligence

Service (SNR) in Cibitoke, whose vehicle had been observed moving constantly during the night near the place where the bodies were found.

1.2. Numerous targeted killings whose perpetrators are not identified: one of the features of impunity

In the quarter under review, the number of murders whose perpetrators could not be identified was just over four out of ten. However, several factors suggest that the perpetrators of these targeted crimes, including spatial or relational proximity, could facilitate their identification. In at least three of the reported cases, the victims were killed while staying in a hotel or had been invited there by residents, who were necessarily identifiable. However, the circumstances and responsibilities for their deaths could not be established. In two other cases, the bodies of the victims were found in a surprisingly mysterious way in the morgue of the Prince Regent Charles Hospital in Bujumbura. It is known that this kind of place is normally guarded and that nobody can be deposited there without prior identification or without police authorisation if the body was taken by third parties. Again, the circumstances and responsibilities for the deaths of the victims have not been established. Finally, three of the victims were members of the police force, including two military personnel and one active policeman. While this is normally a factor that encourages the institutions from which they come to shed light on their disappearance, nothing has been done. Here are some illustrative examples.

On 3 January 2022, at around 10 a.m., in a hotel room called “Centre Porta Sion” located in the rural Gikungu quarter of the Gihosha zone, in Ntahangwa commune, north of the economic capital Bujumbura, the lifeless body of a woman known as Eugénie Ntakirutimana, aged 67, was found. The circumstances of her death as well as the perpetrators of the crime remain unknown.

According to witnesses, employees of this hotel were alerted by a foul smell coming from the room she was occupying but which had remained closed since 31 December 2021 and notified the administration and the police. The police broke down the door of the room to find the decomposing body of the victim lying in a shower, her arms and legs tied with a cloth rope while her head was wrapped in another cloth. In addition, her suitcases were open and her belongings scattered around the room, where the police did not identify any signs of forced entry.

According to the same sources, Eugénie Ntakirutimana, a native of the Musama hill in Butaganzwa commune of Kayanza province, had been living in Belgium for several years and had arrived on 12 December 2021 to spend her end-of-year holidays in Burundi.

On 19 January 2022, in one of the rooms of the Shawala Guest House in the Musinzira quarter of Gitega town, the lifeless body of a passenger reel known as Fulgence Niyonkuru, aged 39, was found.

According to the testimonies received, Fulgence Niyonkuru, a native of the Nyamugari quarter in the same town, was murdered by individuals who have not been identified. Loud screams from his room had been heard around midnight the previous day. However, his killers took care to leave some medicines next to the body of the victim to simulate a natural death due to an illness from which he was suffering or a suicide with an overdose of drugs.

According to the same sources, Fulgence Niyonkuru had been spending the night in this hotel since 6 January 2022 following a disagreement with his wife over a piece of land. The circumstances of his death remain unclear.

On 1st March 2022, close to the San Safari hotel in the Rohero zone of Mukaza commune, in Bujumbura city, the lifeless body of Salomon Niyomwungere was found in a gutter in the place commonly known as Sports Garden.

According to witnesses, Salomon Niyomwungere, aged 32 and working at the Prince Regent Charles Hospital, was killed by strangulation and his body was wrapped in a bag. Salomon Niyomwungere, who was a native of the Kabimba hill in Nyarusange commune of Gitega province, had been visited by a man who introduced himself as his schoolmate at around 7 p.m. at his home in the Bubanza quarter of Kinama zone, in Ntakangwa commune, in the city of Bujumbura, and who had accompanied him home without ever returning.

A thorough investigation based on these elements should lead to the discovery of Salomon Niyomwungere's killers and bring them to justice.

On 2 March 2022, the lifeless body of Chief Warrant Officer Mevin Nduwimana, nicknamed Buregeya, was found in the morgue of Prince Regent Charles Hospital in Bujumbura city. He was a native of the Nyabisindu hill, Mungwa zone, Musongati commune, in Rutana province.

According to local sources, Mevin Nduwimana, assigned to the General Staff of the FDNB (Burundi National Defence Force) in the department in charge of personnel (G1), had disappeared since Sunday 27 February when he was at the market called COTEBU in Bujumbura city.

The same sources said that the body of Chief Warrant Officer Mevin Nduwimana was discovered the day after his disappearance in the river Ntakangwa of the Buyenzi zone at 26th avenue. The police have taken him to the morgue to be identified.

On 15 March 2022, the lifeless body of a man known as Albert Niyomucamanza was discovered in the morgue of the Prince Regent Charles Hospital in the Buyenzi zone of the Mukaza commune, in the Bujumbura city.

According to witnesses, Albert Niyomucamanza, a former soldier in the Burundian Armed Forces (FAB) who had subsequently joined the CNDD-FDD party, was killed in an unknown location before his body was taken to the morgue in circumstances that are still unclear. He

had disappeared since Sunday 13 March after leaving his home in the Buterere zone of the Ntahangwa urban commune, in the economic capital Bujumbura, to attend a meeting that was to be held in the Kamenge zone. Since that day, his family members had been searching for him in all the dungeons of Bujumbura without success.

A thorough investigation should be carried out to determine the circumstances and identify the perpetrators of this murder in order to bring them to justice. It is disturbing that bodies of previously missing persons are mysteriously found in a morgue of a public health facility. This is the second case discovered in the morgue of this public hospital in the period of only two weeks. This may suggest that the people who took the bodies were in positions of great authority.

1.3. Killings by elements of the imbonerakure militia

In all, eight killings attributed to Imbonerakure militiamen were reported. In only one case were the alleged perpetrators apprehended, probably because the victim was also a known ruling party activist. However, in another killing of a CNDD-FDD member, the perpetrators were not worried. Strengthened by the power they have acquired as a result of the legitimisation of their acts by the government and the impunity they enjoy, elements of the militia believe they can do whatever they like, and intervene in private affairs to settle disputes by force or to correct anyone they want, even taking their lives, especially when they are members of the opposition. Some reputed gangs operate, for example, in the commune of Rugombo to control the crossing of the Rusizi River between Burundi and the DR Congo, where they hold people to ransom, steal and kill, with complete impunity.

Elsewhere, militiamen regularly ambush their victims, some of whom lose their lives. Here are some illustrations of these crimes.

On 3 January 2022, at the 2th transversal on the hill of Ruhagarika in Buganda commune of Cibitoke province, Timothée Niyonkuru, a 50-year-old CNDD-FDD activist, was killed with a dagger by a young Imbonerakure named Ignace Butoyi.

According to witnesses, this young Imbonerakure Ignace Butoyi is part of a large group of other young Imbonerakure who have the habit of stealing after committing murders of passengers travelling to or from the DRC across the Rusizi River separating the two border countries and that the members of this group are well known and untouchable because they are protected by certain authorities in that country.

On 10 February 2022, on Kibande hill of Giheta commune, in Gitega province, a member of the National Congress for Freedom (CNL) known as Révérien Butoyi died in a health facility after being severely beaten by a group of Imbonerakure.

According to witnesses, Révérien Butoyi was quenching his thirst in a bar in the locality when one of the young Imbonerakure from the ruling CNDD-FDD party attacked him and other

Imbonerakure, at the instigation of the hill leader named Ferdinand, beat him violently until he lost consciousness. The victim was then evacuated, in a very critical state, to a local health facility where he succumbed to his injuries immediately upon arrival at the emergency room. These acts have gone unpunished, which encourages the perpetrators to do it again.

On 11 February 2022, on the Kibande hill in the same commune of Giheta, in the province of Gitega, an activist of the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD), named Révérien Butoyi, died in the hospital of Giheta following the blows and wounds inflicted on him the previous day by a group of Imbonerakure militiamen.

According to witnesses, on the evening of Thursday 10 February, Révérien had jokingly taken a sip of beer from a bottle of banana wine belonging to one of the Imbonerakure in a local bistro. Before he had even swallowed the drink, all the militiamen present violently jumped on him and beat him several times until he fainted. He was evacuated the same night in a very critical state to the hospital in Giheta, where he succumbed to his injuries the following day.

The same sources stated that all the alleged perpetrators of the crime remained free and untroubled, although the crime was committed in a public place, in the presence of many eyewitnesses.

SOS-Torture Burundi deplors the fact that the recurrent criminality attributable to certain CNDD-FDD militants, in this case the members of the Imbonerakure youth league, is based on a feeling of immunity that they claim to have as a result of the almost general impunity that has surrounded all the abuses committed since the time of the maquis.

On 20 March 2022, at around 5 a.m., on the hill of Rukana II in Rugombo commune of the Cibitoke province, the lifeless body of an unidentified man was discovered in a cotton field by farmers.

According to witnesses of the macabre discovery, the body was lying in a pool of blood still fresh and very close to the body were young Imbonerakure of the CNDD-FDD led by their communal leader who took the body on a wooden stretcher to an unknown destination. The same sources believe that this man, who was returning from the Democratic Republic of Congo (DRC), was killed by these Imbonerakure who hastened to make his body disappear in order to cover up any possible police investigation.

1.4. Imbonerakure victims of mob justice

In the province of Cibitoke, in three different communes, militiamen were subjected to mob justice and lynched by an angry crowd. The use of mob justice could be a manifestation of the refusal of the impunity enjoyed by the Imbonerakure militiamen and can generate feelings of revolt and anger at the inaction of the Judiciary and the administration. Here are some examples.

On 25 January 2022, on the Buhayira hill of Murwi commune, in Cibitoke province, a young Imbonerakure known as Claude Bizimana, aged 32, was killed with sticks and clubs by an angry population after he was caught stealing a cow from a household.

On 26 January 2022, in the administrative centre of Buganda commune of Cibitoke province, an Imbonerakure by the name of Etienne Niyonkuru (30 years old) was killed with sticks and clubs by an enraged population after he was caught inside a house in possession of several keys and equipment enabling him to break into houses.

On 28 January 2022, on Munyika I hill in Rugombo commune of Cibitoke province, a 29-year-old Imbonerakure named Côme Mpawenayo was killed with sticks and clubs by night watchmen who caught him stealing maize from a field they were guarding.

1.5. Murders whose perpetrators have been identified and prosecuted

The number of murders whose perpetrators have been arrested and sometimes tried in flagrante delicto represents less than 20% of the total. Generally, these are murders committed in the private sphere, a large proportion of which are linked to domestic violence or settling of scores between individuals, without political motives. In these cases, the police are often quick to identify and arrest the presumed perpetrators, when, as has happened in some cases, they do not turn themselves in to avoid reprisals.

Here are some illustrative cases.

On 29 January 2022, at around 7.30 p.m., in Muramvya quarter, Kinama zone, Ntakangwa commune, in Bujumbura city, a 4-year-old albino child known as Abdoul Igiraneza was kidnapped by unidentified men and then taken away on a motorbike to the commune of Kigamba, in Cankuzo province, where he was atrociously murdered with machetes and knives, and skinned.

According to witnesses, two men, alleged perpetrators of this crime, together with three motorcyclists who were moving them, were apprehended on 31 January 2022 in possession of a bag containing the amputated body of the victim's arms and legs, after being denounced by a child who was herding goats in the Ruvubu Park. They were taken to the provincial police station in Cankuzo for investigations while the third alleged criminal escaped but was actively sought by the police.

Among the alleged perpetrators, two men were tried and sentenced in a flagrante delicto trial that took place in Cankuzo on the afternoon of Friday 4 February 2022. The Tribunal of First Instance of Cankuzo sentenced Médard Ndayizeye to life imprisonment and 40 million in damages to be paid to the child's mother, for abducting, killing and cutting up a 4-year-old albino child. It also sentenced Augustin Seshahu to 20 years' penal servitude and 20 million in damages for facilitating the transport of the abducted child on his motorbike.

On 13 February 2022, at around 6 p.m., on Gahwazi I hill of Mpanda commune, in Bubanza province, Charlotte Igiraneza, a 25-year-old mother of three, was stabbed to death by her husband, Bosco Kamaro.

According to local sources, Bosco Kamaro, aged 27 and a member of the Imbonerakure youth league affiliated to the ruling CNDD-FDD party, stabbed his wife, who died immediately. The motive for the crime was allegedly a land dispute, as the victim was opposed to the sale of a family property.

According to the same source, Bosco Kamaro was arrested by the police and taken to the lock-up of the communal police station in Mpanda for a judicial investigation. He was subsequently tried on Friday 18 February in flagrante delicto by the Bubanza Tribunal of First Instance and sentenced to 20 years' imprisonment on admission of guilt.

On the night of Sunday 13 March 2022, on Buramata hill, in Gihanga commune of Bubanza province, a woman known as Agnès Nahishakiye, nicknamed Shakiye, was murdered by her husband, Jean de Dieu Niyonsaba.

According to local sources, Jean de Dieu Niyonsaba, aged 26 and an activist of the CNDD-FDD youth league, slit his wife's throat in the marital home as they were returning late at night from a local bistro. The next morning, he went himself to the provincial police station in Bubanza to escape the popular vindictiveness.

The same sources said that Jean de Dieu Niyonsaba was tried in a flagrante delicto trial by the Bubanza Tribunal of First Instance and sentenced to 20 years' penal servitude for the murder of his wife and ordered to pay ten million Burundian francs (10,000,000 Fbu) to the in-laws in damages.

1.6. A worrying increase in rape and murder

The data collected during the first quarter of 2022 shows a resurgence of cases of gender-based violence. Ten (10) women were murdered in one month alone, seven of whom were raped by their torturers, particularly in the provinces of Bubanza, Karusi, Muramvya and Bururi. A few examples help to illustrate this disturbing phenomenon. Here are some examples of this scourge.

On 10 February 2022, in the Buhororo quarter of Bubanza town centre, the lifeless body of a young girl known as Emelyne Ndamuhawenimana, who lived there, was discovered half-naked in the bushes on the hill of Gahongore in the commune and province of Bubanza.

According to the testimony of people who witnessed the gruesome discovery, Emelyne Ndamuhawenimana was killed the day before by unidentified criminals who half undressed and raped her before strangling her with a scarf that she usually wrapped around her head.

On 8 February 2022, a 25-year-old girl from the Twa community known as Carine Niyonzima died in Bururi hospital as a result of the blows and wounds inflicted on her by the APC¹ Mohamed Rugamba, after raping her on the night of Sunday 6 February 2022 at around 9 p.m. in the Kigwati quarter in the capital of Bururi province. The latter is a policeman at the provincial police station in Bururi.

According to local sources, the police officer Mohamed Rugamba raped the victim on the hill of Myugaro in the commune and province of Bururi and, after the despicable act, he allegedly beat her repeatedly until she lost consciousness. Carine Niyonzima was subsequently evacuated in a very critical state to Bururi hospital where she eventually succumbed to the blows and wounds inflicted on her by her torturer.

According to the same sources, Mohamed Rugamba was arrested on Wednesday 9 February by the police and is being held in Bururi Central Prison after being tried and convicted on 15 February in a flagrante delicto trial by the Bururi Tribunal of First Instance.

2. Attacks on the right to physical integrity: generally attributed to imbonerakure militiamen

Almost all the violations of the right to physical integrity recorded during the first quarter of 2022 were attributable to Imbonerakure militiamen acting individually or, as is often the case, in groups. Only one firearm attack targeting Imbonerakure militiamen was not claimed and the alleged perpetrators remain unknown. These different attacks occurred in various circumstances in which the militiamen acted without hindrance, as has become the habit, feeling that they have the power to rule everything by punishing and repressing other citizens illegally and with impunity. Here are some illustrations.

On 16 January 2022, at Ngozi central prison, a prisoner named Ezéchiel Nduwayo was tortured by Victor Niyonkuru, one of the prisoners in charge of the cell in charge of security (commonly known as Kapita) and a member of the Imbonerakure militia league affiliated to the CNDD-FDD party.

According to witnesses, the torture took place in a correctional cell after the torturer notified the police guard and the prison manager not to intervene following the victim's cries of distress. The same sources said that Victor Niyonkuru was not bothered although the prison authority was informed of the case.

On 22 January 2022, at around midnight, in the Ruvumu quarter on Shari II hill in the capital of Bubanza province, a group of unidentified criminals armed with machetes and clubs attacked a household and seriously injured a woman called Sophie Nindorera and her daughter Emelyne Uwikunze.

¹ Chief Constable (one of the ranks of policemen in the Agents category).

According to testimonies received, these criminals found the victims in their house and violently beat and wounded them with machetes on the head after having extorted money from them. The victims were evacuated to Bubanza hospital for medical treatment while the robbers fled after the victims' cries for help.

Residents of the Ruvumu quarter stated that these criminals are part of a group of Imbonerakure who carry out nightly rounds in the locality under the command of the Imbonerakure leader of Ruvumu, Christophe Ntunzwenimana.

On 27 January 2022, at around midnight, on the hill of Rukindo, Kiyonza zone, Bugabira commune, in the province of Kirundo, a group of Imbonerakure seriously injured a man known as Léonidas Ugirashebuja, aged 55, with machetes.

According to witnesses, Imbonerakure broke into the home of Léonidas Ugirashebuja, forced open a door while the occupants were asleep and broke into the house. They dragged all the occupants out before beating the victim with machetes and leaving him for dead when they left. Neighbours evacuated the victim the next morning to the Ruhehe health centre and later to Kirundo hospital.

Local sources revealed that Léonidas Ugirasebuja was the victim of a plot by the Imbonerakure of the locality who suspected him of having bewitched one of theirs, a certain Janvier Murenzi (27 years old) who had been taken by fits of agitation considered by these Imbonerakure to be the result of an evil spell cast on him by the victim.

On 22 February 2022, at around 4 p.m., on the Gasenyi hill, in the chief town of Buganda commune of Cibitoke province, seven people were seriously injured in a grenade explosion.

According to witnesses, this grenade was thrown by an Imbonerakure known as Laurent Isaac Nimbona, who wanted to take revenge on his neighbour, Kwizera Bahati, whom he accused of having stolen maize from him, which he had dried in the sun in the courtyard of his home. After a moment of arguing, Laurent Isaac Nimbona angrily went back to his house and took a grenade which he threw and immediately exploded. As a result, seven people were seriously injured, including the perpetrator, who was wounded in the chest and evacuated to the Cibitoke hospital for treatment. Two children were identified among the injured, including Enoch Nsengiyumva, aged 11, who was wounded in the arm and taken to the Ruhagarika dispensary on the Gasenyi hill, and Carine Uwingabire, aged 9, who was wounded in the ribs and evacuated to the Ubuntu clinic for medical care.

3. Abductions and enforced disappearances

Of the seven cases of abduction recorded, the victims belong to the categories that are generally the most targeted by these abductions. More than half (4) are members of the CNL (National Congress for Freedom), plus a member of the UPD (Union for Peace and

Democracy) who had just returned from Rwanda, and a young man from the commune of Mugamba, which is known to have paid a heavy price in the post-2015 repression. Among the victims was a young student whose only accusation was that he had received a financial transfer from his uncle living abroad. These abductions were carried out by SNR agents, elements of the imbonerakure militia alone or in the company of SNR agents, and by armed persons in police uniforms. In the majority of cases, the risk of the victims disappearing is high. No information on the reason for the arrest was given and the victims are taken to an unknown location.

Here are some illustrative cases.

On 1st January 2022, Pascal Coyitungiye, a Union for Peace and Democracy (UPD) activist from the Kinyami quarter of the commune and province of Ngozi, was abducted in the capital of the province of Ngozi by Imbonerakure militiamen, in complicity with the provincial head of the SNR, and taken away in an unmarked white Toyota TI car with tinted windows to an unknown destination.

According to witnesses, Pascal Coyitungiye, aged 24, who had just returned the day before (31 December 2021) from Rwanda where he had taken refuge since 2017, was seen near the "Ku Gasaka" stadium with Msafiri Niyonkuru, the provincial leader of the Imbonerakure militia in Ngozi, in the company of two other Imbonerakure named Paul and Gilbert, who were providing his security. The same source said that these Imbonerakure were seen on the same day in the vehicle of Salvator Horihoze, the provincial SNR leader in Ngozi. The family of Pascal Coyitungiye searched all the dungeons in Ngozi without success.

Salvator Horihoze and Msafiri Niyonkuru are named in several cases of human rights violations, including abductions and enforced disappearances.

On 7 February 2022, in the Musaga zone of Bujumbura city, a young man known as Thierry Irakoze, aged 23, was abducted from the police lock-up and taken away in a vehicle from the commune of Ntahangwa to an unknown destination.

According to witnesses, Thierry Irakoze, a native of Nyakimonyi in the commune of Mugamba and a public transport bus driver, was arrested on Monday 31 January 2022 at around 1 p.m. by Police Brigadier General Claver Bigirimana (OPN 0414) nicknamed Rutuku when he had just arrived at the Musaga car park in a bus he was driving. No reason for his arrest was communicated to him or his family, despite the many steps taken to find out the reasons for his arrest.

The same sources said that the men who came to take the victim to the dungeon told him that he was summoned by Police Brigadier General Pierre Claver alias Rutuku, but since that day, his relatives have not seen him again.

On 7 February 2022, in the capital of Ngozi province, a young CNL party activist known as Jean Claude Nzigamye was kidnapped by Msafiri Niyonkuru, the provincial leader of the Imbonerakure.

According to witnesses, Jean Claude Nzigamye, a native of the hill and zone of Makaba, in the commune and province of Ngozi, was abducted in the urban centre of Ngozi by a group of men in civilian clothes armed with pistols and led by Msafiri Niyonkuru. He was then taken away in a car with tinted windows to an unknown destination. His relatives said they searched all the dungeons in Ngozi province for him, but to no avail.

4. Violations of the right to liberty: arbitrary arrests and detentions

The number of arrests and detentions has been steadily decreasing for several months, with the exception of the fourth quarter of 2021. During the period under review, the number of persons arrested and detained arbitrarily amounted to 13. This can be seen as an improvement compared to previous periods when the quarterly total could exceed 100. The people targeted are generally for political reasons, primarily members of the CNL but also anyone suspected of being opposed to the government or sometimes to the private interests of individuals or groups close to the government. The arrests were generally made by SNR and National police agents. Here are some examples.

On 14 January 2022, at around 10:00 a.m., at the 10th transversal in the Buringa zone of Gihanga commune, in Bubanza province, a young CNL party activist known as Hugor Mugisha was arrested by SNR agents.

According to witnesses, the young activist was arrested after a search of his parents' home, but no illegal items were found. Although the reasons for his arrest have not been communicated to him, those close to Hugor Mugisha suspect links with the case of a nurse in his family, Beatrice Nizigama, who was also arrested by SNR agents on 29 December 2021 for expressing her opinion on the death of Augustin Matata following acts of torture inflicted on him at SNR headquarters.

On 17 January 2022, in the capital of Rumonge province, Samuel Manirakiza, a teacher at the Basic Islamic school in the Swahili quarter, was arbitrarily arrested by the provincial head of the National Intelligence Service (SNR) in this province, who took him to the dungeon of the provincial police station in Rumonge.

According to local sources, Samuel Manirakiza was accused of having distributed an audio recording via social networks in which he criticised the organisation of a level test for teachers only, whereas, according to him, such a test should concern all civil servants, starting with the country's senior authorities.

In this regard, a negotiation took place between the Special Coalition of Teachers' Unions for National Solidarity (Cossesona) and the Government of Burundi which resulted in an agreement. Attacking a person simply for expressing abuse is a violation of the principles enshrined in the constitution, especially with regard to freedom of expression (art. 31).

Since 14 January 2022, on Bitare hill of Bugendana commune, in Gitega province, three members of the association named Christian Union for the Education and Development of the Disadvantaged (UCEDD) from the Batwa community, namely Sylvestre Nyawenda, Ignace Ndirariha and Isaïe Ndayirukiye, have been arbitrarily detained in the dungeon of the Gitega police station.

According to witnesses, they were arrested after being accused without evidence of holding a clandestine meeting aimed at destabilising the activities of the UCEDD association and were taken *manu militari* to the police dungeon in Bugendana before being transferred 5 days later, i.e. on 19 January 2022, to the provincial police station in Gitega where they have remained arbitrarily detained until today.

According to the information received, these arrests and arbitrary detentions are part of a leadership conflict linked to the management of the association's funds, where its founder, Innocent Mahwikizi, has been detained in Gitega central prison since 23 July 2021 for having denounced the mismanagement and embezzlement of UCEDD funds.

These arbitrary arrests and detentions against members of the UCEDD constitute interference in the internal functioning of an association normally governed by its statutes and internal regulations and are therefore based on non-existent offences.

On 23 January 2022, in Bugarama commune Rumonge province, two CNL party activists known respectively as Marie Nintunze, the party's communal representative, and Venant Manirakiza, were arbitrarily arrested and detained at the provincial police station in Rumonge before being transferred to the central prison of Murembwe, in the capital of the province.

According to local sources, the two activists were arrested on suspicion of collaborating with the rebel movement Resistance for the Rule of Law in Burundi (RED-Tabara).

Conclusion

Even if the record of human rights violations shows a decline during the period under review, it is worrying that the trends that are the breeding ground for these violations are not changing. These are the impunity and opacity that cover all situations in which violations occur. What is even more serious is that in the President of the Republic's conception of the state, the rule of law in which the law applies to all, including the state, is a chimera under his power.

This view seems to vindicate various human rights organisations that have expressed concern about the lifting of economic sanctions against Burundi by the European Union because the circumstances that gave rise to this measure have not changed. This requires the partner, if it wants to remain consistent with its principles, to put in place with the Burundian authorities a rigorous monitoring mechanism to measure the progress made in terms of respect for human rights and democratic principles, and to adjust its interventions accordingly. In this way, the tool of economic support will also be a lever for progress in respecting human dignity and democratic principles.

Recommendations

To the Government of Burundi:

- *Release all illegally and arbitrarily detained political prisoners and civil society activists.*
- *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.;*
- *Prosecute the perpetrators of killings of people accused of witchcraft and put an end to the phenomenon of abandoned bodies and forced abductions and disappearances by conducting investigations to identify and punish the perpetrators of these crimes;*
- *Take urgent and firm measures to stop the abuses of the Imbonerakure militia and prosecute those of them who are guilty of acts against the law;*
- *Protect those released following the presidential pardon and conduct rigorous investigations to determine the perpetrators of enforced disappearances and killings of some of them;*
- *Cancel all politically motivated arrest warrants unjustly 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 for visits to Burundi by the Special Rapporteur.*

To the countries of the East African Community:

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

To the International Community:

- *Base the political dialogue on concrete and verifiable commitments by the Burundian authorities to human rights and democracy. In particular, demand the release of all political prisoners and respect for civil and political rights (association, expression, etc.), based on a timetable and verification indicators;*
 - *Demand the suspension of acts that orient ethnic stigmatisation and discrimination, such as ethnic labelling on official documents of employees and economic actors in the public and private sectors, selective work of the TRC, etc.*
 - *Maintain support for the work of the International Criminal Court (ICC) on Burundi to continue investigations and prosecutions to end impunity in Burundi.*
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