



SOS-TORTURE/BURUNDI

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

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



FRAD¹ : Towards the legalisation of the imbonerakure militia?

July 2022

¹ Reserve and Development Support Force.

TABLE OF CONTENTS

<u>SOCIO-POLITICAL CONTEXT</u>	<u>3</u>
<u>1. VIOLATIONS OF THE RIGHT TO LIFE</u>	<u>6</u>
1.1. THE PERSISTENT PHENOMENON OF DEAD BODIES FOUND MAINLY IN CIBITOKÉ PROVINCE	6
1.2. VICTIMS TARGETED BUT KILLERS NOT IDENTIFIED.....	7
1.3. VIOLATIONS OF THE RIGHT TO LIFE BY LAW ENFORCEMENT OFFICIALS	9
1.4. POLITICALLY MOTIVATED ABDUCTIONS OR ENFORCED DISAPPEARANCES: THE SNR AT WORK	10
<u>2. VIOLATIONS OF THE RIGHT TO PHYSICAL INTEGRITY.....</u>	<u>11</u>
2.1. ATTACKS ON PHYSICAL INTEGRITY BY IMBONERAKURE MILITIAMEN.....	11
2.2. ATTACKS ON PHYSICAL INTEGRITY ATTRIBUTED TO POLICE AGENTS.....	13
2.3. VARIOUS PHYSICAL INJURIES DUE TO ATTACKS, GRENADE THROWING AND MOB JUSTICE	13
2.4. ALLEGED REPEATED RAPE OF MINORS BY A NURSE	15
<u>3. VIOLATIONS OF THE RIGHT TO LIBERTY: ARBITRARY ARRESTS AND DETENTIONS</u>	<u>15</u>
3.1. ARBITRARY ARRESTS AND DETENTIONS OF CNL MEMBERS: POLITICALLY MOTIVATED	15
3.2. ARBITRARY ARRESTS AND DETENTIONS ON CHARGES OF COLLABORATION WITH ARMED GANGS: THE SNR AT WORK	17
3.3. THE ARBITRARY ARREST AND DETENTION OF DR CHRISTOPHE SAHABO: AN EMBLEMATIC CASE OF THE ABSENCE OF THE RULE OF LAW IN BURUNDI.....	18
<u>CONCLUSION</u>	<u>19</u>
<u>RECOMMENDATIONS</u>	<u>19</u>
TO THE GOVERNMENT OF BURUNDI :	19
TO THE COUNTRIES OF THE EAST AFRICAN COMMUNITY :.....	19
TO THE INTERNATIONAL COMMUNITY :.....	20

Socio-political context

This is the first time that the Burundian Government, through the mouth of the President of the Republic, has announced its readiness to enter into dialogue with rebel groups since the crisis erupted in 2015. On this occasion, the President declared: "*If the RED-Tabara (Resistance for the Rule of Law) and the FNL (National Liberation Forces) ask to negotiate, we are ready to welcome them and to dialogue with them. It is the role of the government to listen to the grievances of all its children and to provide answers.* However, he was quick to quash this announcement by quoting an adage in Kirundi according to which "*the place of a scoundrel is in his country*"². Other contextual elements also lend themselves to scepticism.

Indeed, this peace-bringing declaration would have a strong political impact if actions could be matched with words, which has not been the case for many presidential declarations that have so far remained dead letters. Moreover, dialogue has been constantly called for since 2015 by all the opposition movements and civil society and has been repeatedly advocated by continental and international bodies. But these recommendations have always been rejected by the Burundian authorities. Also, in this context, the repeated refusal of the CNL (National Congress for Freedom), for two months³, to form a political group, even though this right is recognised, is a clear sign of the closure of the political space, which proves that this new announcement by the President can only be taken with reservations.

Another worrying event that has raised serious and profound questions is the presentation, on 11 April, by the Government of Burundi through the Ministry of Defence and Veterans, of the project to create the Reserve and Development Support Force (FRAD). In his explanatory statement, the Minister of National Defence, Alain-Tribert Mutabazi, spoke of an entity that will be dedicated to "*the patriotic guidance of the sons and daughters of the country and to supporting development*"⁴.

The text presented provides for the organisation of paramilitary training in the framework of patriotic supervision with a structure that will be under the command of the Burundian army's General staff. Paradoxically, the text also speaks of a General staff, production units and training centres, patriotic supervision and retraining of reservists. Many of the elements contained in the draft have raised concerns, including the creation of existing units within the Burundian army, especially the 'Intelligence and Special operations Unit'. According to some observers, this is purely and simply a matter of legalising the imbonerakure militia⁵ through the creation of a military structure exempt from the requirements of the Arusha Agreement, even if its respect for the ethnic balance in the National Defence Force is no longer guaranteed, as described in the Iteka League's investigative report published in June 2022 on

² <https://afrique.lalibre.be/70014/burundi-le-pouvoir-pret-a-dialoguer-avec-les-rebelles-bases-dans-lest-de-la-rdc/>

³ The authorisation was obtained on 22 June 2022, after two months of demands, which were categorically and unjustifiably refused by the President of the Parliamentary Chamber.

⁴ <https://www.iwacu-burundi.org/frad-armee-parallele-ou-armee-stagiaire/>

⁵ <https://www.burundidaily.net/post/le-president-burundais-officialise-des-imbonerakure-et-consorts-comme-une-force-de-reserve-et-dappui-frad>

" Continued violations of ethnic quotas in public institutions"⁶. In view of the unlimited power already enjoyed by the imbonerakure militia and the impunity with which their crimes are assured, this project poses enormous risks for peace and stability and the rule of law in Burundi.

In terms of public freedoms, after the British Broadcasting Corporation (BBC) was allowed to reopen, the Reporters Without Borders (RSF) ranking of Burundi improved significantly, rising from 14th to 107th out of 180. But according to RSF, "*Despite some favourable signals sent by the new President, Mr Evariste Ndayishimiye, the environment is still very hostile to the exercise of the profession in Burundi*"⁷. The report notes that President Evariste Ndayishimiye's promise to normalise relations with the Burundian media has been slow to materialise, with the press being kept in check and closely monitored.

Despite some positive signals, the regime's tendency to violate human rights remains unabated. This was clearly demonstrated by the arbitrary arrest and illegal detention of Dr Christophe Sahabo, Director General of Kira Hospital. This event is emblematic of the current nature of the Burundian state in terms of respect for human rights. It reveals serious flaws linked to the absence of the rule of law and the independence of the Judiciary and shows that no right, including the right to property, is spared. It reveals a trend, repeatedly decried by many organisations, of the ruling circle's desire for predation and undue control over the country's resources, both public and private. Thus, after the arbitrary arrest of Christophe Sahabo by agents of the SNR (National Intelligence Service), in the face of denunciations of abuses, the President of the Republic rose to the defence of the action carried out by the SNR, declaring: "*We must seek the country's money, the actions must generate profits in order to use them for the country's needs [...], if I were a public prosecutor, I would do the same*"⁸.

This announcement, in addition to endorsing and legitimising the abuses committed, constitutes a serious interference in the functioning of the justice system, which the President had once defended. According to reliable information, the State of Burundi is not the main shareholder at all, but the detention of the Managing Director has allowed the State to force him to resign and take control of the company by appointing a new Chairman of the Board of Directors and a Managing Director a.i. This constitutes a serious infringement of property rights. Christophe Sahabo was detained illegally in SNR's cells and without any visiting rights for 45 days and was then transferred to Mpimba Central Prison. The French-born Chairman of the Board, Jean David Pillot, was arrested at the same time as Dr. Christophe Sahabo and released the next day. He was able to leave Burundi a few days later after he too was forced to resign, paving the way for the appointment of a new Chairman of the Board and the takeover of KIRA Hospital.

⁶ https://ligue-iteka.bi/wp-content/uploads/2022/06/RAPPORT_D_ENQUETE_SUR_LES_POSTES_DE_RESPONSABILITES_JUIN_2022.pdf

⁷ <https://www.aa.com.tr/fr/monde/liberte-de-la-presse-le-burundi-avance-de-40-places-rsf/2578642>

⁸ <https://www.sosmediasburundi.org/2022/05/13/burundi-le-president-neva-affirme-etre-implique-dans-la-detention-du-dr-sahabo/>

The period under review was also marked by a drastic regression in the enjoyment of socio-economic rights, which was negatively impacted by the persistent shortage of fuel and sugar. While fuel shortages are often resolved after a price increase, the price increase of just over 20% for petrol and heating oil at the end of April did not change anything. This gives rise to speculation and smuggling for the benefit of those close to the government. The Burundian President has acknowledged that the fuel shortage is due to a lack of foreign currency and that the problem is rather endogenous because it is linked to the lack of currency⁹ to buy it on the international market.

"We are cruelly short of foreign currency to import fuel, so I ask Burundians to be patient, to redouble their efforts to increase production, the only source of foreign currency".¹⁰

This shortage is an aggravating factor of inflation, which is reflected in the rise in prices of all products, especially those of basic necessity, and affects the most vulnerable populations, whose numbers are constantly increasing, especially after the recent ban on bicycles, motorbikes and tricycles " tuk-tuk " in certain parts of Bujumbura. This has left many people without their usual means of livelihood. In its humanitarian response plan for 2022, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), together with its humanitarian partners, has estimated that 1.8 million people will need humanitarian assistance, representing 13 per cent of Burundi's population. Of these, 947,000 people affected by the various shocks will be targeted by humanitarian actors for emergency assistance¹¹.

The number of human rights violations was almost identical to that of the previous quarter, with the exception of arbitrary arrests, which more than tripled. In all, there were 59 violations of the right to life, 13 violations of physical integrity, 41 cases of arbitrary arrest, 3 cases of torture and enforced disappearance and 4 cases of gender-based violence.

These violations will be presented in detail by category.

⁹ <https://www.iwacu-burundi.org/penurie-du-mazout-nous-venons-de-passer-plus-de-deux-semaines-sur-les-files-dattente/>

¹⁰ <https://www.burundidaily.net/post/de-la-penurie-de-tout-aux-rebelles-qui-reprennent-du-poil-de-la-bete-le-president-burundais-joue-cartes-sur-table>

¹¹ <https://reliefweb.int/report/burundi/burundi-plan-de-r-ponse-humanitaire-2022-mars-2022#>

1. Violations of the right to life

The violations of the right to life reported during the period under review, as in previous periods, are dominated by two main phenomena that have become recurrent. The first is that of lifeless bodies, often tied up, sometimes bearing visible marks of torture, which are found in waterways, forests, fields and wasteland. The main theatre of this phenomenon is the province of Cibitoke, generally near or in the Rusizi River. Some bodies were also found in the commune of Nyanza-Lac in the province of Makamba. In all, 26 bodies were found which represents almost 44% of all violations of the right to life during this quarter.

The second phenomenon, which is the main characteristic of impunity in Burundi, is that of crimes committed against persons who are well identified but whose perpetrators and the circumstances in which they occurred are never established. Finally, some violations of the right to life are attributable to imbonerakure militiamen and law enforcement officers including police officers and National Intelligence Service (SNR) agents. Some violations of the right to life attributable to the latter were preceded by acts of torture that led to the death of the victims.

1.1. The persistent phenomenon of dead bodies found mainly in Cibitoke province

A total of 26 bodies were found, mainly in the provinces of Cibitoke and Makamba. The former remains the most frequent scene of these macabre scenes in the communes of the province along the Rusizi River and sometimes in the Kibira forest. Often, these bodies were found together, two, three or even five of them, tied up and with visible marks of torture. In these areas, a persistent suspicion hangs over the SNR official and agents because sometimes the SNR vehicle is seen at night driving near the places where these bodies are later found.

In Makamba province, five bodies were found successively within a three-day period at the end of May. In all cases, the administrators ordered the immediate burial of these bodies without identification, making any further and necessary investigation impossible. In one case, the police official insisted that a body be taken to the morgue, but the administrator would not listen.

Here are some examples of this recurring phenomenon, the perpetrators of which are totally covered by impunity.

On 3 April 2022, on the 4th transversal of the Ndava hill and zone, in Buganda commune of Cibitoke province, farmers on their way to their fields discovered two bodies of men tied up.

According to witnesses to this dismal discovery, the bodies of these men, who were not identified in the locality, were lying in a pool of still-fresh blood and were tied up with a rope. These bodies were buried the same day on the orders of the Buganda communal

administrator without any prior investigation to identify the victims and perpetrators of this double crime.

Residents near the scene of the crime confirmed that they had seen a pickup truck driven by the head of the National Intelligence Service (SNR) in Cibitoke, Police Colonel Ahmed Nabil Sindayigaya, whom they suspect of being the perpetrator of the double murder.

On 27 and 28 April 2002, in the same commune of Buganda of the Cibitoke province, four lifeless bodies of young men were successively discovered by cotton farmers in the space of two days on the 7th transverse of the Kaburantwa hill, less than two kilometres from the Rusizi River separating Burundi from the Democratic Republic of Congo (DRC).

According to witnesses present at the scene, the first two bodies of unidentified young men were discovered, tied together with a rope, in the afternoon of Wednesday 27 April 2022 at around 5 p.m., in the Gasenyi zone, less than two kilometres from the Rusizi River. Two other bodies, also tied together, were found in the morning of 28 April at around 7 a.m. in the same zone of the Kaburantwa hill, less than 50 metres from the Rusizi river. All these victims, who have not been identified, were killed with machetes and knives and had wounds on the chest and head. The bodies of the victims were buried on the spot on the same day on the orders of the Buganda communal administrator, Pamphile Hakizimana, despite the protests of a local police officer who demanded that the bodies be transferred to the morgue of the Cibitoke hospital first.

On 31 May 2022, on the hill and zone of Muyange, in Nyanza-Lac commune of the Makamba province, the lifeless body of an unidentified man was discovered in the Nyakabondo River. According to local sources, the man was killed elsewhere and then thrown into the river to simulate drowning in a river so small that no one can drown in it.

1.2. Victims targeted but killers not identified

During the period under review, four out of ten victims were targeted and killed in or around their homes. This is also a recurring phenomenon and one of the main characteristics of impunity. Sometimes the police open investigations that come to nothing, or simply nothing is done to determine the perpetrators of these crimes and their motives. However, it appears that some victims were killed in their homes, attacked by various means including grenades, or through ambushes near their homes, after leaving a drinking pub. Normally, in view of the many clues that the police can exploit, there is reason to believe that the perpetrators are people in the vicinity of the victims, and that with a little investigation, the determination of their motives could be facilitated. But this is not the case. Here are some examples.

On 2 April 2022, in Ruziba zone of Muha commune, in Bujumbura city, Reverend Pastor Jean Gordien Niyonkuru, the legal representative of a branch of the EUSEBU (Church for the

Unity of the Holy Spirit in Burundi), was assassinated by an unidentified man in Burundian army uniform.

According to witnesses, the alleged assassin in military uniform was waiting for him in front of his house and shot Gordien Niyonkuru at close range as he parked his vehicle. He died immediately while his guest, Pastor Salvator Nzambimana, who had come from the United States of America, was seriously injured by several bullets in his stomach and was admitted to a hospital in the commercial capital where he later died.

In such circumstances, the Judicial, police and administrative authorities should do everything possible to identify the perpetrators and bring them to justice. This double assassination takes place in a context of quarrels within this EUSEBU religious congregation which have been going on since November 2021 and which should be the starting point of the investigations.

On 24 April 2022, on the Rusororo hill in Rugombo commune of the Cibitoke province, the decomposing lifeless body of a young gold miner known as James Niyonzima, aged 25, was found in a pit at a mineral extraction site.

According to local sources, James Niyonzima was last seen on 22 April 2022 in a bistro in the locality with other people after selling gold. One of the gold miners claimed that young Niyonzima was killed with a machete on his way home and that his body was later dumped in a mineral extraction ditch.

The same sources said that the body of the victim showed many wounds which prove that he was killed with a machete.

On 10 May 2022, on the Gihororo hill in Gatara commune of Kayanza province, the lifeless body of a 9-year-old child known as Fabrice Iteriteka was discovered lying in a banana plantation.

According to witnesses at the scene, Fabrice Iteriteka was killed by strangulation by unidentified people while his mother was away at a cherry coffee washing station near their home.

On 10 June 2022, in the capital of Rumonge province, the lifeless body of a woman named Aline Ngendahoruri, aged 45, who lived in the Gihwanya quarter, was discovered near the Murembwe River on National Road No. 3 in the same province.

According to local sources, Aline Ngendahoruri was strangled by unidentified persons and had been missing since Tuesday 7 June 2022.

1.3. Violations of the right to life by law enforcement officials

Six violations of the right to life by law enforcement officials were reported. It is clear that the perpetrators of these crimes have trivialised them and consider that they have a right to life or death over citizens: the freedom to kill, with impunity. The most emblematic of these cases is that of a member of the CNL who was arrested by an official of the SNR and found the next day lifeless, with traces of torture on his body. The other example of this trivialisation of killing is that of a policeman who was guarding a microfinance agency and who got mixed up with people in front of the agency who were queuing up with their cars for petrol. An argument that broke out between the policeman and a driver turned ugly and as a result of the disagreement, the policeman decided to kill the driver using his service weapon. Exceptionally, this policeman was arrested and tried. Another example is that of a search of a household where, having failed to find the weapon they were looking for, the police agents led by a station chief arrested the suspect's brother, tortured him and then killed him. Here are some illustrations of these abuses with details of the facts.

On 16 May 2022, on the hill of Ceru, in the commune and province of Gitega, a young man known as Fulgence Hakizimana, aged 35, succumbed to his injuries caused by torture and bullets fired by a group of policemen during an operation to arrest his older brother, Eric Nijimbere.

According to witnesses, a group of police agents led by the chief of the Bwoga police station, a certain Minani, went in two vehicles to the victim's parents' home on Sunday evening, 15 May 2022, at around 8.30 p.m., for an operation aimed at searching for a firearm allegedly held by Fulgence Hakizimana. Although the law enforcement officials did not find the weapon, they arrested him and took him to a small bush in the locality to torture him atrociously, causing serious injuries to his chest and face. He tried to run away, but in vain, and the police shot him, wounding him seriously, and left thinking he was dead. His family subsequently evacuated him to Gitega regional hospital where he succumbed to his injuries the following day.

According to the information received, none of the policeman among the torturers has been arrested to answer for the murder of Fulgence Hakizimana while a thorough investigation is still needed to identify the perpetrators and bring them to justice.

On 14 June 2022, on the hill of Mushanga in Murwi commune of Cibitoke province, the lifeless body of Jean-Paul Ntirampeba, head of the youth league of the National Congress for Freedom (CNL) party, was discovered on the shores of the Rusizi River by farmers, near the 3rd transverse of the hill of Gasenyi, in Buganda commune.

According to witnesses, Jean-Paul Ntirampeba, aged 27, was arrested on Saturday 11 June 2022 at around 3 a.m. at his home on the Rwiri sub-hill by the head of the National Intelligence Service (SNR), Police Colonel Ahmed Nabil Sindyigaya (OPN 0916), and then taken to the secret service dungeon in the same province. He was stabbed to death by police

officers on the orders of Ahmed Nabil Sindayigaya, after being tortured in the SNR's dungeon on suspicion of collaboration with Burundian rebels based in eastern DRC.

Other reports indicate that the body of Jean-Paul Ntirampeba was buried the same day it was found on the orders of Police Colonel Jean Claude Ntirandekura, Provincial Police Commissioner in Cibitoke. It is very likely that Mr. Jean Paul Ntirampeba was simply a victim of his political affiliation and his position within his party. The elimination of these political opponents is so far covered by the impunity guaranteed to the perpetrators who are thus encouraged to do it again. This SNR official, Ahmed Nabil Sindayigaya, has been cited in numerous crimes and abuses but remains in his position without being questioned.

On 22 June 2022, at around 8 a.m., at a petrol pump station located on the "Boulevard de l'UPRONA" (Union for National Progress), in downtown Bujumbura, a policeman known as Emmanuel Nyandwi, assigned to the Bujumbura municipal police station, shot and killed André SIBOMANA, 47 years old, a car driver who was queuing up for fuel

According to eyewitnesses, when the driver of the Probox car was a few meters away from the petrol station, policeman Emmanuel Nyandwi, guarding the Hauge Family Umuryango microfinance near the petrol station, asked him for a bribe to allow him to park his car there, but the driver refused. The policeman then ordered him to move his car when it could not move as it was stuck in a long, tight queue. The policeman started slapping the driver and when he got out of the car to argue with the policeman, the latter shot him without any further ado and the victim died on the spot.

Afterwards, the policeman tried to escape, leaving his beret behind, but he was arrested for investigative reasons.

1.4. Politically motivated abductions or enforced disappearances: the SNR at work

Three cases of abduction or enforced disappearance were reported, two of which were attributed to SNR agents targeting CNL members. The head of the SNR in the province of Cibitoke, who has already been cited in other crimes, was implicated in one case. This type of violation is emblematic of the state of exception in which Burundi has found itself since 2015, where agents of the law enforcement, especially those of the SNR, arrest and make disappear people considered undesirable by the government. But this can also cover settling of scores or other arbitrary acts. Here are some detailed examples of these crimes.

On 7 April 2022, in the capital of the Cibitoke province, an activist of the National Congress for Freedom (CNL) known as Richard Ntihakose was abducted by the provincial head of the SNR in that province. According to local sources, the reason for his abduction is not known and his family members have searched in vain in all the dungeons of the province of Cibitoke.

On 23 April 2022, in a drinking pub called Ramba in the Kinanira III quarter of the Musaga zone, in Muha commune of Bujumbura city, a young man of 19 years of age known as Aimé Aubin Niyongabo was abducted by unidentified individuals and taken to an unknown destination.

On 2 May 2022, in the capital of Ngozi province, Claver Kantungeko, a resident of the Kinyami quarter and an agent of the STAMM foundation in Ngozi, was arrested by SNR agents led by a certain Pascal Ciza and taken to an unknown destination. He has been missing since that date.

According to the information received, Claver Kantungeko's wife, Perpétue Nizigiimana, went the day after his arrest to the SNR office in Ngozi to inquire about her husband's fate but, curiously, by way of response, she was in turn arrested and transferred the same day to the judicial police cell in Ngozi, after being accused without proof of being involved in her husband's disappearance.

2. Violations of the right to physical integrity

In all, fourteen people who had suffered physical harm were recorded. Three of these attacks were attributed to elements of the imbonerakure militia, two of which were inflicted on women. These attacks show once again the power that the imbonerakure feel they have, allowing them to commit abuses with impunity, even when they are acting in their own interests. The police were not left out and harmed the physical integrity of four people by shooting at them with their service weapons. Recourse to mob justice is also common and its perpetrators are not prosecuted, especially when it is aimed at suspected thieves or people suspected of witchcraft. Three attacks on households by groups of unidentified assailants armed with machetes and clubs were reported, but there was no investigation to determine the perpetrators and their motives. Also, as in previous periods, a grenade attack was perpetrated in a household, showing once again the proliferation of this type of weapon among the population. Here are some examples of such abuses.

2.1. Attacks on physical integrity by imbonerakure militiamen

Three attacks on integrity are alleged to have been perpetrated by imbonerakure militiamen, the victims of which are a member of the CNL, a woman persecuted because her husband belongs to the CNL and another woman mistreated because she caught and denounced an imbonerakure who had committed a theft. These abuses continue because they go unpunished, which reinforces many militia members in their pursuit of abuse and the exercise of ever greater power. The following examples are a good illustration.

On 13 April 2022, at around 8 p.m., on the Murengeza hill in Mpanda commune of Bubanza province, a young CNL activist, known as Sigisi, was seriously injured by members of the ruling party's Imbonerakure youth league during a confrontation between activists of the two parties. The victim was hospitalised in a serious condition at Mpanda General Hospital.

According to witnesses, electoral fraud surrounding the election of peer educators to the management committee of the Murengeza health centre orchestrated by militants of the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) with a view to excluding CNL members from this committee was at the origin of these clashes. The same sources said that the police had to intervene to restore order by firing into the air.

On 15 June 2022, at around 6 p.m., on the hill of Gatura in Mitakataka zone of the commune and province of Bubanza, a pregnant woman named Fabiola was attacked at her home by four imbonerakure, members of the youth league of the presidential party CNDD-FDD, including a certain Joseph Bapfubusa, who had threatened to kill the victim.

According to local sources, Fabiola was attacked by these four men while she was in her kitchen. They put a gag over her mouth to suffocate her and left her for dead before running away. Fortunately, neighbours intervened in time and took her to Bubanza hospital where, after recovering her senses, she said she had identified three men among the attackers, including a certain Joseph Bapfubusa whom she had denounced for stealing a can of palm oil.

According to the information received, Joseph Bapfubusa was apprehended the next day while three others, including Eric and a certain Buhungu, are on the run. An investigation should be undertaken to find the other three criminals in order to bring them to justice and punish them in accordance with the law.

On 27 May 2022, on the Kinama hill in Gisuru commune of Ruyigi province, a woman known as Joselyne Nsabimana, aged 60, was atrociously tortured by two imbonerakure from the youth league of the CNDD-FDD party. The victim was tortured to punish her for the refusal of her husband, Philbert Bukuru, a CNL party activist, to join the CNDD-FDD party.

According to witnesses, Joselyne Nsabimana was returning from the fields when she was attacked by two Imbonerakure, Clément Ikorukwigomba and Gaspard Nyawenda nicknamed Gitenge (former driver of the commune of Gisuru), who ambushed her at a public fountain in the locality commonly known as 'Chez Anaclet'. They beat her by kicking, punching and slapping her to the point of disfiguring her and breaking her teeth before the residents of the locality rushed to rescue the victim. The same source said that Joselyne Nsabimana was evacuated in a critical condition to Gisuru hospital for intensive care while the two torturers were never charged.

2.2. Attacks on physical integrity attributed to police agents

The two cases of physical harm attributed to police agents are an indicator of the lack of professionalism but above all of the perception of many police agents that they can abuse the power they hold and the weapons on duty as they see fit, outside the law. These two examples illustrate this perfectly.

On 12 April 2022, in Mutakura quarter of Cibitoke zone, in Ntakangwa commune of Bujumbura city, an unidentified policeman of the Burundi National Police shot and injured two people, a taxi-bike driver and his client.

According to witnesses, the taxi-bike driver was accused of parking his bike right next to the line demarcating the area off-limits to bicycles, motorbikes and tricycles (commonly known as tuk-tuk) and of frequently crossing the area off-limits to these engines.

The same sources revealed that this policeman used to "racket" bicycle taxi drivers and tried to forcefully withdraw money from the victim's pocket before shooting him at point range on his left leg.

These behaviours require not only severe sanctions but also training in strict adherence to basic principles on the use of force and firearms by law enforcement officials.

On 19 June 2022, at around 11 p.m., in a bar commonly known as "Chez Musitanteri" located in the Kibenga quarter in the Bujumbura city, a policeman from the Kinindo zone police station in Muha commune, in the south of the city of Bujumbura, shot and injured two people.

According to witnesses, the policeman in the bar asked one of the victims to advance him money to buy a beer, which the victim refused. The police officer then fired at point range, wounding the victim in the abdomen and another young man who tried to intervene in the arm.

The same sources said that the two injured were evacuated to a local health facility for appropriate treatment.

2.3. Various physical injuries due to attacks, grenade throwing and mob justice

Attacks on physical integrity are caused recurrently by attacks within households, which have become numerous and persistent. Sometimes, the assailants come in large numbers with machetes and clubs and start to molest the members of the targeted families. The weapons used vary. Sometimes the attackers use grenades. Acts of mob justice have also become commonplace and generally go unpunished. The victims are often accused of theft or witchcraft and in many of these cases, the administration and the police turn a blind eye, leaving the perpetrators unpunished. By way of illustration, here are some examples.

On 22 May 2022, at around 7 p.m., on the Rugeregere hill in Rugombo commune of Cibitoke province, a grenade attack was carried out on the household of Japhet Mbonihankuye and the explosion seriously injured three people.

According to local sources, the grenade explosion injured Evelyne Mukeshimana (56 years old), the wife of the head of the household, her 22-year-old niece Nadia, and their tenant, a 35-year-old man known as Ndiwokubwayo.

According to the same sources, the attack was mainly aimed at Evelyne Mukeshimana, who was accused by her entourage of witchcraft on the basis of death threat leaflets based on suspicions of witchcraft that had been spread in the locality before the attack. The three injured people were evacuated to Rugombo hospital for medical treatment.

Targeted killings linked to suspicions of witchcraft, particularly in the communes of Cibitoke province, have become recurrent as a result of the impunity that surrounds the commission of these heinous crimes, despite the fact that the criminals are not difficult to identify, given their proximity to the victims, and the fact that demonisation campaigns often precede and prepare the perpetration of these crimes.

On 11 June 2022, an 18-year-old man known as Bethel Pfukamusabe was evacuated unconscious and admitted to Gitega regional hospital after being severely tortured the previous day by residents of Rutegama hill in Gitega commune and province on charges of stealing crops from a household.

According to an eyewitness, the young man was caught stealing maize and beans from a local household and was severely beaten and injured by enraged residents, even introducing chilli pepper into his wounds.

The sources consulted revealed that none of the torturers had been apprehended although they had been well identified.

On 12 June 2022, at around 2 a.m., on Kajondi hill in Rutovu commune, Bururi province, a household was attacked by a group of men armed with machetes and clubs.

According to local sources, these unidentified criminals seriously injured the head of the household, Pascal Niyonkuru, on the leg, his wife on the back and a neighbour named Mélance on the head and leg. The victims were evacuated to a local health facility for intensive care.

Paradoxically, the perpetrators of these crimes often attack and leave incognito while the police and the Imbonerakure scour every nook and cranny throughout the country at night under the cover of the joint security committees.

2.4. Alleged repeated rape of minors by a nurse

On 27 May 2022, in the Matonge district of the Bubanza city, a nurse known as Cyprien Nyabenda from the emergency department at Bubanza hospital was arrested by the police and taken to the dungeon of the provincial police station in Bubanza for repeated rape of four underage girls aged between 5 and 12 years.

According to local sources, the four underage girls belong to three different families. They are J., aged 5, I.N.L., aged 7 and a pupil in the 2nd year of primary school, and A. and J., aged 8 and 12 respectively. They were raped several times by the same alleged rapist who was arrested. The same source said that the victims were taken by their parents on Saturday 28 May 2022 to the Seruka Centre for psychological and medical care.

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

Slightly more than half of the forty-one arbitrary arrests and detentions were of CNL members. On the one hand, the motives for these attacks are political. On the one hand, it is the political membership of the CNL and on the other hand, it is the collaboration with armed gangs. This period was also marked by the arrest and arbitrary detention for 45 days in the SNR dungeons of Dr Christophe Sahabo. The writings and declarations surrounding this case show that the motives for this arrest were political and financial.

All these arbitrary arrests and detentions were carried out by agents of the police, the SNR and elements of the imbonerakure militia, each body acting alone, with the others or by relay.

3.1. Arbitrary arrests and detentions of CNL members: politically motivated

The hunt for CNL members has become permanent since the pre-election period, with only variations in intensity. During the period under review, 20 CNL members were arbitrarily apprehended, several times in groups or individually. They represent about half of all persons arbitrarily arrested and detained during this period. The imbonerakure militia played a leading role in this endeavour with the active support of the administration, police officers and the SNR. The latter two are not to be outdone and have also taken the initiative in these operations. In addition to being arrested, the members of the CNL were also chased and abused by imbonerakure who in some cases ambushed them or attacked them directly in various places. These abuses can be understood with the help of these few examples.

On 15 April 2022, on the Murengeza hill in Mpanda commune of Bubanza province, fourteen (14) members of the CNL party were arrested by police agents in complicity with members of the CNDD-FDD party, including Jean Claude Murwanashaka (communal secretary of the CNDD-FDD in the commune of Mpanda), Eric (leader of the Imbonerakure in the commune of Mpanda) and Emmanuel Ndayiragije (leader of the Murengeza hill). They were then detained in the police cell in Mpanda. They are Désiré Niyonsaba, Jean Bosco Habimana,

Innocent Hakizimana, Vianney Kwizerimana, Gabriel Butoyi, Jean Claude Havyarimana, Gaspard Niyonkuru, Jules Ndiwokubwayo, Chadrack Niyonkuru, Jean Paul Bigirimana, Dieudonné Havyarimana, Zebron Ngendakumana, Jacques Ntikiribera and Yves Nsavyimana.

According to local sources, these arbitrary arrests of CNL members follow an electoral fraud decried by CNL activists around the election of peer educators, members of the management committee of the Murengeza health centre, orchestrated on 13 April 2022 by CNDD-FDD party activists in order to exclude CNL members. The same sources revealed that six other members of the CNL, namely Eric Manirambona, Meschack Butoyi, Faustin Nduwarugira, Dieudonné Irakoze, Apollinaire Ngendabanyikwa and Ernest Bakundukize, were still actively sought by the police and have been forced to live in hiding for fear of being arrested at any moment.

Since 3 May 2022, in Kayogoro commune of Makamba province, two CNL party activists, Lucien Sakubu and his brother René Niyongirako, have been detained in the Gatwe police cells.

Witnesses reported that the two brothers were arrested by an officer of the judicial police at the Gatwe police station on the orders of the administrator of the Kayogoro commune, Antoine Ndayiragije, when they had gone to lodge a complaint against a group of imbonerakure for assault and theft of money.

According to witnesses, the two CNL activists were ambushed by a group of imbonerakure militiamen led by the chief of Nyantakara hill in the Bigina zone in the said commune, Fanuel Ndayishimiye, on the night of 2 May 2022 at around 10 p.m. and robbed of a sum of money which, according to their testimonies, is three hundred thousand Burundian francs (300,000 Fbu)

This example perfectly illustrates how members of the CNL are treated by the representatives of the government and the dominant party. These two people, arbitrarily detained, should be released immediately. This case also shows the flagrant violation of the right to fair access to justice and the interference of the administration in its functioning.

On 7 May 2022, in the capital of Muyinga province, three CNL party activists were arbitrarily arrested in different locations and taken by the head of the National Intelligence Service (SNR) in that province, Police Colonel Félix Havyarimana, to an unknown destination.

According to witnesses, the first two CNL activists, Evariste Hakizimana and Cyriaque Rwasa, were arrested on Saturday afternoon as they were returning from their services. Evariste Hakizimana, who had been repatriated from Tanzania since November last year, was arrested at his home in the Kinyota district in the capital of Muyinga province, while Cyriaque Rwasa, a teacher at the Kaze Kibondo basic school in the Rugari zone of the same

province, was arrested on his way home in Muyinga town. The third CNL activist, Dieudonné Nibaruta, the party's provincial ideology and propaganda officer, was arrested at his home in the Swahili district around 11 p.m.

The same sources said that all three CNL activists were arrested without a warrant or summons by the same SNR official in Muyinga and that they were taken away in his service vehicle with the registration number E0535A to an unknown destination.

3.2. Arbitrary arrests and detentions on charges of collaboration with armed gangs: the SNR at work

Collaboration with armed gangs is one of the most common accusations used by the SNR as a pretext to arbitrarily arrest people undesirable to the authorities, but this accusation can also justify all sorts of settling of scores. In the two cases presented, SNR agents were unable to provide evidence of the charges.

On 9 April 2022, on the Mbizi hill in Kibago commune of Makamba province, eight (8) members of the same family, including the head of the household and his wife, were arbitrarily arrested at their home by provincial police and National Intelligence Service (SNR) officials.

According to witnesses, Police Colonel Emmanuel Manariyo, Provincial Commissioner of Police in Makamba, and Michel Ndikuriyo, head of the SNR in the same province, burst into the victims' home, accompanied by several police agents, and initially searched the house from top to bottom without a warrant, without finding any incriminating objects. At the end of the search, they arrested all eight victims on unsubstantiated charges of collaboration with armed gangs, including a couple whose wife had a baby under a year old and another three-year-old child, separating her from her two young children.

The same sources revealed that all eight persons arbitrarily arrested were taken to the dungeon of the communal police station in Makamba where they were detained.

Since 1st April 2022, in the Ndava district of the urban centre of the commune and province of Cankuzo, Anatole Hakizimana has been arrested and arbitrarily detained in the National Intelligence Service (SNR) cell.

According to local sources, Anatole Hakizimana was arrested at his home by SNR agents assigned to the province of Cankuzo and spent five days in arbitrary detention in a cell in the home of the provincial intelligence officer, Venant Ndayishimiye, who accused him of collaboration with armed gangs, without any evidence.

On 5 April, Anatole Hakizimana was transferred to the SNR dungeons in Bujumbura where he was arbitrarily detained, deprived of any right to visit his relatives.

3.3. The arbitrary arrest and detention of Dr Christophe Sahabo: an emblematic case of the absence of the rule of law in Burundi

The case of Dr Christophe Sahabo, arrested on the night of 30 March 2022 at around 7 p.m., together with his colleague Jean-David Pillot, a French national, is emblematic of the arbitrariness that reigns in Burundi, which perfectly characterises the absence of the rule of law, one of the characteristics of which is the instrumentalisation of justice by the authorities. The two personalities arrested were respectively Director General and Chairman of the Board of Directors of Kira Hospital, one of the largest and most modern hospitals in Burundi. They were arrested without a warrant at their respective offices by SNR agents. The reason for their arrest was not communicated to them. According to various sources, this operation was carried out under the supervision of police colonel Alfred Innocent Museremu.

While the French national was released the next day after being forced to resign from his post, Dr Christophe Sahabo was held incommunicado in the SNR's dungeons for 45 days, and he too was forced to resign from his post as Director General. Breaking the silence on this arbitrary and unjust detention, and in the face of much pressure and questioning, the President of the Republic justified it by saying that if he had been a prosecutor, he would have done the same thing because Dr Christophe Sahabo had committed serious financial crimes. According to those close to him, Dr Christophe SAHABO was charged with a wide range of offences: forgery, disruption of the national economy, offences relating to the incorporation of the company - offences relating to the operation of the Kira Company - misuse of company assets. After spending 45 days in the dungeons of the SNR, the accused was sent to the central prison of Mpimba, whereas in view of the elements he was accused of, he could have appeared free before the courts. According to some informed people, "the objective of the Burundian authorities is to take control of the most modern clinic in the country"¹². This is also a clear attack on the right to private property.

¹² <https://www.rfi.fr/fr/afrique/20220403-burundi-le-directeur-du-kira-hospital-arrêté-par-le-service-national-de-renseignement>

Conclusion

The actions and statements of the highest authorities in Burundi contradict each other and sometimes appear difficult to interpret for many observers in terms of progress or setbacks. However, in view of the human rights violations that continue, certain major trends lead to the conclusion that the status quo is being maintained, or even that there have been setbacks. These trends are the persistence of lifeless bodies discovered especially in the province of Cibitoke, which can be associated with the phenomenon of abductions and enforced disappearances, attributed to law enforcement officials and more specifically SNR agents. Of course, the persistent impunity that surrounds all these crimes.

The FRAD project presented by the Minister of Defence and Veterans is a source of great concern. Given the previous and ongoing preparations, many observers believe that this project aims to legalise the imbonerakure while Burundi has an army and a police force that can be professionalised and whose numbers can be increased. In the context of Burundi and the Great Lakes region, the legalisation of a militia can carry serious dangers. Especially since the Burundian government has so far refused to cooperate with the United Nations human rights mechanisms, including the Special Rapporteur, to whom the Burundian Government has so far refused access to Burundian territory. Vigilance must remain the order of the day.

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;*
- *Stop further implementation of the FRAD project and enhance the professionalism the existing defence and security corps;*
- *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 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.*
-