

SOS-TORTURE BURUNDI REPORT NO. 401 PUBLISHED ON 20 AUGUST 2023

This report by SOS-Torture Burundi covers the period from 12 to 19 August 2023 concerning cases of human rights violations in Burundi.

During this period, six (6) people were seriously injured, mainly by Imbonerakure in various parts of the country.

The report also deplores the case of three (3) judges from the Bururi High Court who were arbitrarily arrested and detained for having delivered their judicial decision, as well as the director of the Murembwe prison and his two colleagues who were arbitrarily arrested and detained as part of the provisional release granted to the alleged perpetrators of the machete attacks in Bururi province.

1. Violations of the right to physical integrity

- SOS-TORTURE*
- A report received by SOS-Torture Burundi reveals that Violette Nishimwe, a 23-year-old mother of three, was violently beaten in the early hours of 29 July 2023 at around 3 a.m. by a group of six Imbonerakure¹, including those nicknamed *Prof* and *Kiyondi-Gasongo*, on the Gihwanya sub-hill in the zone, commune and province of Rumonge (south-west Burundi).

According to local sources, Violette Nishimwe was on her way to the commune of Buyengero to attend to a sick relative when she came across a group of Imbonerakure youths armed with large sticks at the Mugerangabo ravine separating the Gihwanya and Mugomere quarters in the town of Rumonge. They rushed at the victim, hitting her several times with their sticks and tearing off all her clothes. As well as seriously injuring her face, the Imbonerakure robbed her of her Android phone, worth 420,000 Burundian francs, and a sum of 100,000 Burundian francs, before forcing her to return home.

¹ Youth League affiliated to the CNDD-FDD party (National Council for the Defence of Democracy-Forces for the Defence of Democracy).

The same sources regretted that the victim had gone to the Rumonge police station to lodge a complaint against the two Imbonerakure who had already been identified, but the police officer who received her was afraid of reprisals and instead recommended that she should contact the notables on her hill.

The next morning, the victim went to the Gihwanya hill chief to demand that justice be done and that the perpetrators be punished in accordance with the law, but to no avail. The perpetrators of this attack continue to walk around freely without being bothered.

- According to information received by SOS-Torture Burundi, on the night of Thursday 10 August 2023, Protais Havyarimana was severely beaten by an Imbonerakure member known as Gérard Ndagijimana on the Mwarusi hill in the Muhweza zone of the Rutovu commune, in Bururi province (southern Burundi).

According to local sources, Protais Havyarimana was found at his home by his torturer, who tragically beat him to the point of giving up the ghost. He was evacuated the next day to the Muhweza health centre, where he is in a critical condition and on an intravenous drip.

The same sources stated that Gérard Ndagijimana, who is also a part-time teacher at the Mwarusi Communal High School, remains free despite the seriousness of the offence committed in the presence of eyewitnesses. He is supported in his repeated abuses by certain administrative officials, including Lambert Butoyi, an elected representative of Mwarusi, who is also a member of the ruling CNDD-FDD party.

- On the night of Monday to Tuesday 15 August 2023, three men known as Fabien Ngendakumana, Joseph Nsabimana and Calixte Manirakiza were violently beaten

by a group of five Imbonerakure, Jean Miburo alias Gikoko, Kubwimana and Jacques Rufumba, Claude Ndikubwabo and Kansuraheba alias "*Ndakwica*² " as they returned from a bistro located on the Buhinyuza sub-hill in the Cibitoke zone and hill of the Rugombo commune, in the same province of Cibitoke (north-west Burundi).

According to local sources, these five Imbonerakure are spreading terror and desolation and abusing, with impunity, citizens who return home late at night. Anyone caught in the street is severely tortured by these Imbonerakure, who act with the apparent complicity of the local administration and police.

The same sources pointed out that the members of this criminal group remain free despite the complaints and lamentations of the distressed population, who continue to denounce the bad behaviour of these young people, but to no avail.

SOS-Torture Burundi once again deplores the human rights violations regularly committed by the Imbonerakure with the benefit of total impunity and the support of the administration and the police. It calls for independent and thorough investigations to be carried out rapidly against all the alleged perpetrators of these serious crimes, with a view to bringing them to justice and punishing them in accordance with the law.

- On the afternoon of Saturday 19 August 2023, a woman in her sixties known as Isidora Niyonizigiye was severely beaten by police Lieutenant-Colonel Moïse Arakaza, alias Nyeganyega, who found her at her home on the Muyange hill in the commune of Nyanza-lac, in Makamba province (southern Burundi).

According to witnesses, Moïse Arakaza, accompanied by his two bodyguards, began throwing stones at a crowd gathered to watch a musical competition organised at the football stadium in the Muyange zone as part of a concert by local

² Literally translated as "I kill you".

musicians. Panic-stricken, the crowd ran in all directions and Moïse Arakaza set off after them, continuing to throw stones. He found Isidora Niyonizigiye (wife of a former chief of the Muyange zone) at her home and hit her several times with his boot, fist and slap.

The same sources denounce the blunders attributed to this officer, who has long been known for his abuses, particularly in the provinces of Bururi and Bujumbura when he was posted there as head of post. He ambushes motorbike taxi drivers, extorting sums of money ranging from fifty thousand to one hundred thousand Burundian francs.

SOS-Torture Burundi is calling on the police authorities to take the necessary measures to put this undisciplined officer out of action.

2. Violation of the right to freedom of movement: arbitrary arrest and detention

- Since the CNDD-FDD party came to power in 2005, the independence of Burundi's judicial system has posed serious problems for the functioning of this power, which should normally be the guarantor of two other powers, the executive and the legislature. A recent case demonstrates the extent of its lack of independence and its instrumentalisation for political ends, and many are wondering where the Burundian justice system is heading. Indeed, it is unthinkable elsewhere that a judge could be imprisoned merely for having taken a decision within the scope of his powers, and that others could be prosecuted merely for implementing a judicial decision. Sadly! This is the sad reality that Burundians and the international community are powerless to witness, particularly in the case of the eight detainees who were granted provisional release by a panel of judges ruling on detention review. On 20 July 2023, three judges from the Bururi High Court, Léonard Nizigiyimana, Antoine Ngendakumana and Irène Mukeshimana, issued an order in chambers at Murembwe prison granting provisional release to

eight detainees accused of machete attacks committed since last April in Bururi province.

Unfortunately, these three judges were arrested on Wednesday 16 August 2023 and have since been detained in Bururi prison solely for having decided on the provisional release of these 8 detainees. They joined police Lieutenant-Colonel Patrice Nkurikiye (director of Murembwe central prison in Rumonge province), Florence Nimbona (head of the legal department at the same prison) and Pélagie Nindamutsa (secretary in the legal department) who were arrested on 9 August 2023 and immediately taken to the dungeon of the provincial police station in Rumonge simply for having carried out this order for provisional release.

Subsequently, on 14 August 2023, a deputy public prosecutor at the Bururi Court of Appeal requested that they be sentenced to 7 years and 6 months' imprisonment and fined one million Burundi francs (1,000,000 BFU) for "facilitating the escape of the 8 detainees granted provisional release and complicity in disrupting security in Burundi".



SOS – Torture/Burundi

Monitoring sur les cas de torture, les arrestations arbitraires, les disparitions forcées et les exécutions sommaires au Burundi

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

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

The affected areas are said to be contesting the third term of President Nkurunziza, namely Musaga, Mutakura, Cibitoke, Nyakabiga and Jabe, the last two being located in the centre of Bujumbura city.

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