

## **SOS-TORTURE BURUNDI REPORT NO. 403 PUBLISHED ON 3 SEPTEMBER 2023**

This report by SOS-Torture Burundi covers the period from 26 August to 2 September 2023 concerning cases of human rights violations in Burundi.

During this period, at least fourteen (14) people were killed, including thirteen bodies discovered in a mass grave in the Maramvya zone in the commune of Mutimbuzi of the Bujumbura province, and a young man who was acquitted but kept in detention, who died in the regional hospital of Gitega following the refusal of his transfer to a specialised medical facility by the Attorney General of the Republic at the Court of Appeal of Gitega.

The report also deplores the case of one (1) human rights activist who was arrested and imprisoned at the order of the chief of staff of the governor of Bururi province, and that of one (1) activist of the ruling party CNDD-FDD (National Council for the Defence of Democracy-Forces for the Defence of Democracy), who was abducted by elements of the National Intelligence Service (SNR) in Bujumbura city.

### **1. Violations of the right to life**

- In the early hours of Friday 25 August 2023, at around 3 a.m., Mevin Shurweryimana, a detainee who had been acquitted on 21 August 2023 along with 17 other co-accused in a case of arbitrary detention known as "homosexuality and incitement to debauchery at the Gitega High Court" since February 2023, died in Gitega hospital after a complication of his hepatitis B illness following his refusal to be transferred to a specialist health facility. According to local sources, on 9 August 2023 Mevin Shurweryimana received a medical order from his General Practitioner at Gitega hospital to be transferred to a specialist gastroenterologist in Bujumbura, but he was categorically refused by Félicité Nishemezwe, the public prosecutor at the Gitega Court of Appeal, despite his deteriorating state of health.

Even when Mevin Shurweryimana's acquittal was to be implemented immediately<sup>1</sup>, the Attorney General refused to sign the release warrant, an important document required by the prison service to allow a prisoner to leave prison.

However, in a singular irony of fate, or rather in a cynicism unheard of in the annals of Burundian justice, Félicité Nishemezwe did not finally sign the warrant for release, although it had been backdated the previous day, until after she had learned of the death of the 33-year-old man from Higiroyi hill in the commune and province of Gitega. Nevertheless, she flatly refused to apply the law to release the other acquitted young people, arguing that they were not the only people acquitted, but that they were still in prison and that she would release them at the appropriate time<sup>2</sup>.

SOS-Torture Burundi deplores the repeated but unpunished violations of legal provisions relating to the detention of persons deprived of their liberty, particularly with regard to detainees' right to health, and calls on the competent authority in the Ministry of Justice to take legal action against the public prosecutor at the Gitega Court of Appeal, Félicité Nishemezwe, to discourage these serious violations, which tarnish the already tarnished image of the Burundian justice system.

It recommends that the judicial and prison authorities ensure that all persons deprived of their liberty can exercise and enjoy their rights, including the right to health, in a fair manner.

- On the morning of Thursday 31 August 2023, at least thirteen (13) lifeless bodies were found buried in a mass grave on the Kumugirigiri hill in the Maramvya zone of the Mutimbuze commune, in the province of Bujumbura (western Burundi).

<sup>1</sup> Under article 262 of the Code of Criminal Procedure in force in Burundi, "An accused person who, at the time of trial, is in pre-trial detention and who is acquitted or sentenced to a simple fine shall be released immediately, notwithstanding any appeal, unless he or she is being detained for another reason".

<sup>2</sup> See the article in the Journal Iwacu, "Un cadavre autorisé à recouvrer la liberté" of 02/09/2023, available on the website: <https://www.iwacu-burundi.org/un-cadavre-autorise-a-recouvrer-sa-liberte/>

According to local sources, the decomposing and decapitated bodies were found by stray dogs and were brought from the province of Cibitoke at around 10 p.m. the previous evening by two white Toyota Hilux vehicles believed to belong to the National Intelligence Service (SNR).

The same sources said that the local authorities, including Albert Nshimirimana (Maramvya zone chief), Prosper Kazungu (Mutimbuzi communal police commissioner) and Siméon Butoyi (Mutimbuzi commune administrator), arrived at the scene and instructed the policemen present at the site of the macabre discovery to keep an eye on the mass grave. The bodies were buried on Friday 1 September 2023 under the orders of the local administration.

SOS-Torture Burundi deplores the continuing targeted killings of people by state agents, mainly from the SNR and the Burundi National Police (PNB), in collaboration with members of the Imbonerakure youth league affiliated to the presidential party, the CNDD-FDD. These crimes have been committed with complete impunity since the party came to power in 2005, often with the complicity of senior members of the regime and certain local officials who provide them with cover, support and impunity.

It calls for a thorough, independent and impartial investigation to identify the victims of this human barbarity and discover the perpetrators with a view to bringing them to justice.

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

- On the night of Sunday 27 August 2023, Fidèle Nkurunziza was arrested in a bistro in the capital of Bururi province by the head of the National Intelligence Service (SNR) in this southern province on the orders of the governor's chief of staff, Juvent Ndayikeza.

According to witnesses, the two men were visibly drunk when they exchanged vexatious remarks. Subsequently, the chief of staff of the Bururi provincial governor, Juvent Ndayikeza, feeling his pride had been bruised, called the head of the SNR in the province and accused Fidèle Nkurunziza, known in the community as a human rights activist, of having insulted him. He was immediately arrested and taken to the Bururi police station.

According to the same sources, Fidèle Nkurunziza was transferred on Wednesday 30 August to Bururi prison after being unfairly accused of using ethnic slurs against the Bururi governor's chief of staff.

### 3. Kidnapping or enforced disappearance

- According to information received by SOS-Torture Burundi, on the morning of Tuesday 22 August 2023 at around 10 a.m., Joseph Hakizimana, alias Mwarimu<sup>3</sup>, was abducted from Bujumbura town (western Burundi) by SNR agents in civilian clothes in a pick-up truck with tinted windows and driven to SNR headquarters. Since that day, members of his family have been searching for him in all the dungeons in Bujumbura town, and do not know where he is being held or whether he is still alive.

According to family sources, Joseph Hakizimana, a former head of the Gisyo quarter in the Kanyosha zone of the Muha urban district in the south of Bujumbura town and father of 8, left his home in the Gisyo quarter to go to Regideso (Water and Electricity Production and Distribution Company) in search of the documents he needed.

SOS-Torture Burundi is calling on the SNR to disclose the whereabouts of Joseph Hakizimana, alias Mwarimu, and to put an end to the abductions that are often used as a method of arrest.

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<sup>3</sup> Teacher in Kirundi.



## 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.