

## **SOS-TORTURE BURUNDI REPORT NO. 409 PUBLISHED ON 15 OCTOBER 2023**

This report by SOS-Torture Burundi covers the period from 7 to 14 October 2023 concerning cases of human rights violations in Burundi.

During this period, at least two (2) people were murdered in the provinces of Gitega and Makamba.

The report also deplores the case of more than three hundred and sixty (360) people who are being arbitrarily detained in the dungeon of the municipal police station in Bujumbura city in particularly inhumane conditions of detention, fit for cruel, inhuman and degrading treatment.

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

- On 7 October 2023, an elderly man known as Zacharie Mbayahaga, aged 75, was murdered by residents of the Ruvumu hill in the commune of Bukirasazi of the Gitega province (central Burundi).

According to local sources, Zacharie Mbayahaga was severely beaten and then burnt alive by angry residents who suspected him of having bewitched a young boy who had died unexpectedly on the Ruvumu hill. Residents of the hill went to Zacharie Mbayahaga's home and beat him severely before taking him to the banks of the Namiko River to burn him alive.

SOS-Torture Burundi deplores the inaction of the local administration in the face of mob justice aimed at anyone suspected of witchcraft, in a context where the very proof of these accusations, which are generally based on obscurantist beliefs, is difficult, if not sometimes impossible, to produce.

It calls on the police and judicial authorities to open an investigation without delay to identify all those responsible for this human barbarity and to bring them to justice so that they can be punished in accordance with the law.

- On the night of Monday 9 October 2023, an unidentified mentally ill man in the locality of Biringanyi was severely beaten by Imbonerakure who surprised him in a cassava field on the Biringanyi hill in the commune of Nyanza-lac of in the Makamba province (southern Burundi). He succumbed to his injuries a few hours later at the Kazirabageni health centre, where he had been evacuated in a very critical condition.

According to local sources, the chief of the Biringanyi hill, Rémy Harerimana, and three Imbonerakure including one Alexis Bayubahe (secretary of this Imbonerakure militia affiliated to the ruling CNDD-FDD party<sup>1</sup>) were arrested the following afternoon on suspicion of having killed the victim. However, all four CNDD-FDD members were released on the afternoon of Wednesday 11 October without a full investigation into who killed the victim.

SOS-Torture Burundi deploras the impunity surrounding cases of human rights violations committed by the Imbonerakure since the CNDD-FDD came to power in 2005, with continued exacerbation since the 2015 crisis. It calls on the authorities in Burundi, in this case the Head of State, to guarantee respect for the human rights of all citizens and to take personal action to put an end to this situation of impunity, which does nothing but tarnish the image of the Burundian nation.

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<sup>1</sup> National Council for the Defence of Democracy-Forces for the Defence of Democracy.

### 2. Violation of the rights of persons deprived of their liberty in a context of arbitrary detention and cruel, inhuman and degrading treatment

- According to information received by SOS-Torture Burundi and confirmed by the Independent National Commission for Human Rights (CNIDH) during its recent visit on 12 October 2023 to the dungeon of the municipal police station in Bujumbura city, located on the premises of the former Special Research Bureau (BSR), more than three hundred and sixty (360) people are being detained without files in particularly inhumane conditions. They include 322 men, 38 women and children under the age of three. All these people are being held in a cell with a capacity of 46 people, i.e. an occupancy rate of over 166%, with only one full toilet and one dry tap!

On its Twitter account of 12 October 2023, the CNIDH stated that it had been accompanied on this visit by the Public Prosecutor and three public prosecutors from the Ntahangwa, Mukaza and Muha prosecutor's offices in Bujumbura city, and that they had asked in vain for the release of these people, who had been arbitrarily detained and subjected to cruel, inhuman and degrading treatment. Surprisingly and unthinkably, the CNIDH shed crocodile tears when it regretted that the Bujumbura Municipal Commissioner, Lieutenant-Colonel Jacques Nijimbere, had opposed any release, despite the fact that, under the relevant provisions of the Burundian Code of Criminal Procedure (in particular Articles 1, 2, 85 and 90), the Public Prosecutor "*directs and supervises the activities of judicial police officers*".

SOS-Torture Burundi deeply regrets the inaction of the Public Prosecutor in the face of reports of arbitrary detention and cruel, inhuman and degrading treatment of people deprived of their liberty at the municipal police station in Bujumbura city. Under the terms of paragraph 2 of article 90 of the Code of Criminal Procedure, "*when they [the Officers of the Public Prosecutor's Office] observe arbitrary or*

*illegal detention or imprisonment, they shall take all appropriate measures to put an immediate end to it. In addition, if the facts constitute a criminal offence, a disciplinary offence or both, they shall institute appropriate proceedings and, if necessary, refer the matter to the competent judicial authorities for the same purpose".*

It calls on the Attorney General of the Republic to put an immediate stop to human rights violations in general, and to the rights of people deprived of their liberty in particular, and to initiate criminal proceedings against police Lieutenant-Colonel Jacques Nijimbere so that he can be punished in accordance with the law.

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.