



SOS-TORTURE/BURUNDI

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

BURUNDI

Report on the human rights situation
Third quarter 2023

**A JUSTICE SYSTEM THAT IS BOTH BLAMED AND
MANIPULATED BY THE EXECUTIVE TO THE DETRIMENT OF
THOSE SUBJECT TO TRIAL**

"There is no crueller tyranny than that which is exercised in the shadow of the law and with the colours of justice" Montesquieu



Judges accused of many shortcomings by the Head of State at the start of the judicial year on 1st September 2023 in Gitega

JULY - SEPTEMBER 2023

Table of contents

SOCIO-POLITICAL CONTEXT	3
1. VIOLATIONS OF THE RIGHT TO LIFE.....	7
1.1 RECURRING PHENOMENON OF UNIDENTIFIED MURDERS.....	8
<i>A. Unidentified bodies discovered in a grave or abandoned in the wild.</i>	9
<i>B. Victims of targeted killings identified in the neighbourhood</i>	10
1.2 VIOLATIONS OF THE RIGHT TO LIFE WHOSE PERPETRATORS ARE IDENTIFIED	14
2. KIDNAPPING OR ENFORCED DISAPPEARANCE.....	19
3. VIOLATIONS OF THE RIGHT TO PHYSICAL INTEGRITY	22
4. VIOLATION OF THE RIGHT TO FREEDOM OF MOVEMENT: ARBITRARY ARREST AND DETENTION	26
CONCLUSION	31
RECOMMENDATIONS	32
<i>TO THE GOVERNMENT OF BURUNDI :</i>	32
<i>TO THE COUNTRIES OF THE EAST AFRICAN COMMUNITY:</i>	32
<i>TO THE INTERNATIONAL COMMUNITY</i>	33

SOCIO-POLITICAL CONTEXT

During the third quarter of 2023, covering the months of July, August and September, the protection of human rights remained at the centre of Burundians' concerns, as in previous periods.

New incidents observed during this quarter further illustrate the authorities' lack of political will to respect the rights and freedoms guaranteed by international texts and mechanisms for the protection of human rights.

By way of example, an unprecedented event occurred on 3 and 4 July 2023 in Geneva, when the government delegation decided to boycott the session of the Human Rights Committee that was to assess the implementation of civil and political rights in Burundi. The pretext put forward was the presence of human rights defenders whom it described as "*criminals convicted in Burundi*", including Maître Armel Niyongere, president of the organisation *Action des Chrétiens pour l'Abolition de la Torture au Burundi*¹ (ACAT-Burundi).

Strangely enough, the Burundian executive supported the government delegation for its "*patriotic behaviour*" through the Head of Burundian Diplomacy, Albert Shingiro, and the Secretary General and Government Spokesman, Prosper Ntahorwamiye.²

It should be remembered that the defenders charged³ are twelve, representatives of human rights organisations and the media in exile, who were sentenced in absentia in June 2020, to life imprisonment, at the end of a travesty of justice for having challenged the illegal third term⁴ of the late President Pierre Nkurunziza in 2015.

On the political scene, the CNDD-FDD (National Council for the Defence of Democracy-Forces for the Defence of Democracy) party's desire to break up the opposition, embodied mainly by the CNL (National Congress for Freedom) party, is still evident as the 2025 and 2027 electoral periods approach. Indeed, the measure abusively taken by the Minister of the Interior on 2 June 2023 to suspend the activities of this party on the national territory, following an internal crisis, remained in place in the third quarter.

¹ Action by Christians for the Abolition of Torture in Burundi.

² Sos-Torture Burundi, 31 July 2023, The Government of Burundi must put an end to its disregard for human rights, Link https://sostortureburundi.org/wp-content/uploads/2023/07/Bulletin_Justice_N060_31-07-2023.pdf

³ FIDH, 12 February 2021, Burundi : Sentencing in absentia to life imprisonment of twelve human rights defenders <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-condamnation-in-absentia-a-une-peine-de-prison-a-perpetuite>

⁴ ***On 25 November 2021, the Court of Justice of the member countries of the East African Community (EAC) ruled that the third term of office of the late Pierre Nkurunziza violated the 2005 Constitution, the Arusha Agreement and the articles establishing the EAC.*** Read more at this link: <https://www.eacj.org/wp-content/uploads/2022/01/Appeal-No.-1-of-2020.pdf>

The National Communication Council (CNC), which is subordinate to the CNDD-FDD party, has attacked around twenty private media outlets (newspapers, written press, websites), including the French radio station RFI, accusing them of having committed "*many professional offences*".

These threats were made the day after the CNC's Ordinary General Assembly, held on 19 and 20 September 2023. In these harsh criticisms, in which no public medium was targeted, the CNC chairwoman, Ambassador Vestine Nahimana, used imprecise and unillustrated descriptions such as "1° *Offences against public decency committed* ; 2° *Unbalanced, misleading statements whose sources are not rigorously verified*; 3° *Defamatory statements, inciting hatred*; 4° *Defamatory statements and attacks on honour*; 5° *Insulting statements and attacks on privacy and confraternity*; 6° *Unbalanced and poor treatment of information*.⁵

Meanwhile, journalist Floriane Irangabiye, a presenter on the online radio station "Igicaniro"⁶ who had the courage to return to Burundi from Rwanda in 2022, is arbitrarily serving a 10-year prison sentence handed down to her in May 2023, while around a hundred journalists have remained in exile since the 2015 crisis.

It is also to be deplored that the judiciary, which is empowered to put an end to this vicious circle of violations of fundamental rights and freedoms, has a notorious lack of independence vis-à-vis the executive and the CNDD-FDD presidential party, despite the fact that the highest authorities, starting with President Evariste Ndayishimiye, are constantly publicly blaming the magistrates for all the country's ills.

For example, at the start of the judicial year on 1st September 2023, the president, Evariste Ndayishimiye, accused the magistrates for the umpteenth time of many shortcomings, such as corruption, slowness in handling cases, lack of patriotic spirit, etc., in front of the population at the Ingoma stadium in Gitega. In their turn, the magistrates denounced the interference of the executive in the affairs of the judiciary, given that the officials appointed to the country's various jurisdictions are zealous militants of the ruling CNDD-FDD party.⁷

Of course, there is no shortage of grievances within the administrative system of Burundi's justice system, but the central problem, unacknowledged but obvious, lies in its instrumentalisation by the CNDD-FDD government, to the great detriment of litigants. As Montesquieu said, "*There is no crueller tyranny than that which is exercised in the shadow of laws and with the colours of justice*".⁸

5 CNC-Burundi, Plenary Assembly, Link <https://cnc-burundi.bi/cnc-burundi-assemblee-pleniere-ordinaire/>

6 Radio Igicaniro: Link <https://www.youtube.com/@radioigicaniro6915/featured>

7 IWACU, 27 September 2023, **Poor administration of justice: Shared responsibility** Link: <https://www.iwacu-burundi.org/mauvaise-administration-de-la-justice-des-responsabilites-partagees/>

8 Le Parisien, Celebrity quotes, Link: <https://citation-celebre.leparisien.fr/auteur/montesquieu>

These worrying developments have not escaped the attention of the international community. During the dialogue session held by the Human Rights Council on 22 September 2023, the UN Special Rapporteur indicated that the human rights situation in Burundi had not improved, while acknowledging some progress such as the country's opening up to the international and regional scene and the release of human rights defenders.

It considers that the weakness of the institutions remains glaring, in particular the absence of strict control of the National Intelligence Service (SNR) to guarantee the rule of law and human rights. It also points to major challenges at the root of the poor performance of the judicial system, including insufficient human resources and interference by the executive, with the CNIDH failing to report on the exact human rights situation.⁹

Economically, the population continues to face poverty, exacerbated by an average inflation rate that reached 26% in July 2023, driven by food and fuel prices. The price of basic foodstuffs rose year-on-year, taking food inflation to 35.8% in July 2023, compared with 24.5% in July 2022, and fuel shortages worsened.¹⁰

To overcome this poverty, the Presidency of Burundi has drawn up a Vision Document, "*Burundi, an Emerging Country in 2040 and Developed in 2060*", which was analysed by the Council of Ministers on 30 August 2023. According to this vision, "*By 2040, Burundi will be a peaceful country, where everyone lives in decent conditions, where no one dies of an avoidable cause, with a competitive economy driven by the high value-added agri-food and industrial sectors and by mining for the benefit of society, all in a preserved natural environment and taking gender and equity into account*".¹¹

9 United Nations, 22 September 2023, **The Council is informed that the human rights situation has not improved in either Burundi or Belarus**, Link: <https://www.ohchr.org/fr/news/2023/09/human-rights-council-hears-challenges-human-rights-burundi-remain-enormous-and-human>

10 World Bank, 25 Sept. 2023, Burundi - Overview, <https://www.banquemondiale.org/fr/country/burundi/overview#1>

11 Presidency of the Republic, 31 August 2023, **The Minutes of the Council of Ministers of 30 August 2023**, Link: <https://www.presidence.gov.bi/2023/08/31/le-compte-rendu-du-conseil-des-ministres-du-30-aout-2023/>

The Burundian government is also considering the development of the rabbit industry (rabbit husbandry), to eradicate extreme poverty, where each household must raise at least 3 rabbits, "*a quick and safe way to increase income and reduce to zero the monetary poverty that is rife in the country*".¹²

As regards developments in the human rights situation, 37 cases of violations of the right to life constituted the highest proportion, i.e. 62%, compared with the other violations recorded, i.e. 8 cases of violations of the right to physical integrity, 7 cases of abductions or enforced disappearances and 8 cases of violations of the right to freedom of movement.

Compared with previous quarters, there has been a slight decrease in the number of cases of violations of the right to life, but the phenomenon of administrative authorities discovering lifeless bodies and burying them hastily and without investigation remains a cause for concern.

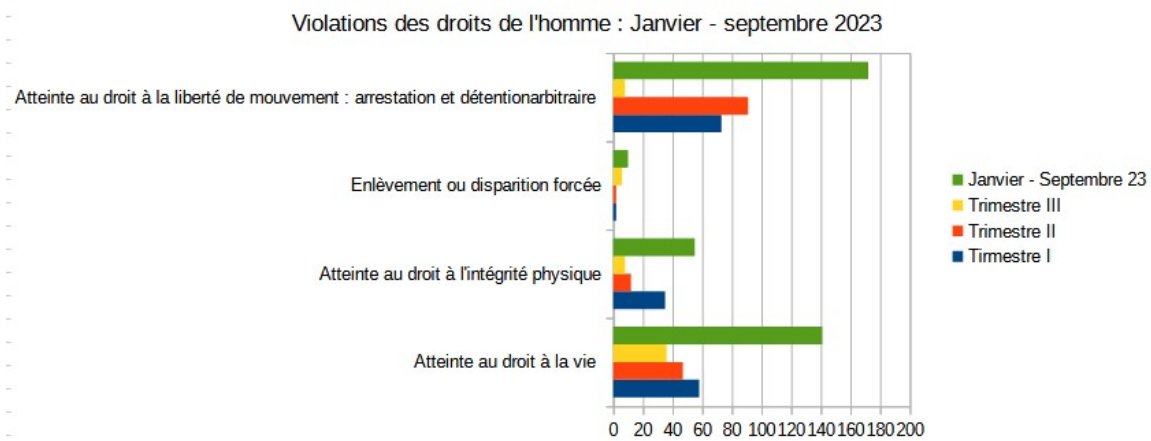
Table I

Number of cases of human rights violations since the beginning of the year

<i>Violations</i>	Quarter I	Quarter II	Quarter III	Total January - September 23
<i>Violations of the right to life</i>	58	47	37	142
<i>Violations of the right to physical integrity</i>	35	12	6	53
<i>Kidnappings and enforced disappearances</i>	2	2	7	10
Violations of the right to freedom of movement: arbitrary arrests and detentions	73	91	8	172

12 Burundi Eco, 1^{er} Septembre 2023: **En finir avec la pauvreté extrême**, Link: <https://burundi-eco.com/en-finir-avec-la-pauvrete-extreme/>

Graph 1



1. VIOLATIONS OF THE RIGHT TO LIFE

During the quarter under review, SOS-TORTURE BURUNDI recorded 37 cases of violations of the right to life, including 17 bodies found lifeless and unidentified in the vicinity, 11 victims identified but whose torturers are not known, and 9 victims whose torturers have been identified, namely police officers (2 cases), young Imbonerakure members of the CNDD-FDD (3 cases), thieves (1 case) and (3 cases) prisoners who died as a result of poor conditions of detention.

As usual, the administrative and police authorities proceeded to bury the victims without carrying out investigations to identify the criminals, in violation of article 109 of the Code of Criminal Procedure.

As regards the geographical distribution of these cases of violations of the right to life, the province of Cibitoke was the most affected, with 22 people killed, followed by the province of Gitega (5 victims) and the province of Bururi (4 victims). The other provinces recorded either one or two cases.

Graph 2



1.1 A RECURRING PHENOMENON OF MURDERS WHOSE PERPETRATORS ARE NOT IDENTIFIED

Of the 28 lifeless bodies found, 17 have not been identified, while the other 11 victims have been identified in the neighbourhood. The perpetrators, who have also not been identified, remain immune from prosecution, hence the persistent criminality.

Concerning the bodies of unidentified victims

- *Thirteen (13) bodies were discovered in a pit in Mutimbuzi commune, Bujumbura province. Local sources say they were brought by a National Intelligence Service vehicle from the province of Cibitoke, where the victims were allegedly killed, to be buried further on in Mutimbuzi.*
- *Three (3) bodies, including that of a woman, were found decapitated in the same province of Cibitoke. Local Imbonerakure youths are suspected of having committed the crime.*
- *One (1) other body of a girl was found near a river in the commune of Rutovu of the Bururi province*

As for the bodies of the victims identified in the vicinity

- One (1) body was discovered in Bubanza province, one (1) in Bururi province, four (4) in Gitega province, one (1) in Bujumbura city and four (4) in Cibitoke province.

*The local administrative and police authorities hastened to bury them without first carrying out investigations, in violation of article 109 of the Code of Criminal Procedure, which states that **"in the event of the discovery of a corpse, whether or not it is a violent death, but if the cause is unknown or suspect, the Judicial Police Officer who is notified shall, if possible, inform the Public Prosecutor before going to the scene and making initial observations. The Judicial Police Officer must go to the scene and make the findings if he/she is unable to contact the Public Prosecutor. The report must be sent to the Public Prosecutor without delay.***

A. Unidentified bodies discovered in a pit or abandoned in the wild.

- ***Thirteen (13) decapitated bodies were discovered in a pit and immediately afterwards buried in the commune of Mutimbuzi, Bujumbura province.***

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 Mutimbuzi commune, in the Bujumbura province (western Burundi).

According to local sources, the decomposed and decapitated bodies were found by stray dogs. They had been dropped off the night before, at around 10pm, by two white Toyota Hilux vehicles believed to belong to the National Intelligence Service (SNR), on their way from the province of Cibitoke, where the victims were reportedly killed.

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 police officers present at the site of the macabre discovery to keep an eye on the mass grave.

The bodies were buried on Friday 1st September 2023 under the orders of the local authority.

- **Three (3) decapitated bodies, including that of a woman, discovered in the commune of Rugombo of the Cibitoke province**

On the afternoon of Sunday 20 August 2023, at around 5pm, shepherds discovered three lifeless bodies, including that of a woman, on the Rugomero sub-hill on the Rukana II hill, in the commune of Rugombo of the Cibitoke province (north-west Burundi).

According to witnesses to the grisly discovery, all three bodies, still fresh, had been decapitated with machetes.

The Rugombo communal administrator, Gilbert Manirakiza, ordered the Imbonerakure to bury the bodies immediately at the place where they were found, without however deigning to wait for an investigation, which would have been the priority in such circumstances.

Local security sources estimated that the victims were from the Democratic Republic of Congo (DRC) and that they vainly defended themselves against their assailants, who were identifiable as Imbonerakure patrolling the Rusizi river separating Burundi from the DRC at night.

The Imbonerakure ambush people entering Burundi via the Rusizi river from the Democratic Republic of Congo, murdering them after stripping them of their possessions.

It is deplorable that the crimes committed by these Imbonerakure, members of the youth league affiliated to the ruling CNDD-FDD party, often go unpunished, hence the urgent need for credible investigations in order to prosecute the perpetrators and try them in accordance with the law.

- ***The lifeless body of a young girl found on the banks of a river in the commune of Rutovu of the Bururi province***

On the morning of Tuesday 18 July 2023, the lifeless body of an unidentified young girl was found on the banks of the Ruvyironza river near the Institut des Sciences Agronomiques du Burundi¹³ (ISABU) in Mahwa in the commune of Ryansoro in the province of Gitega (central Burundi).

According to local sources, the victim's body was still bleeding at the time of discovery.

Residents near the site of the macabre discovery believe that the young girl was killed elsewhere before her body was thrown into the river. The body has been taken to the Rutovu hospital morgue pending identification of the victim.

B. Victims of targeted and identified killings in the vicinity

- ***Jacqueline Nahishakiye, aged 75, brutally murdered at her home in the commune of Gihanga in the province of Bubanza***

On the night of Tuesday to Wednesday 13 September 2023, an elderly woman known as Jacqueline Nahishakiye, aged 75, was brutally murdered by unidentified individuals who found her at her home on the Rugunga hill in the commune of Gihanga, in the province of Bubanza (north-west Burundi).

According to witnesses to the macabre discovery, the body of the victim, decapitated with a machete, lay in a pool of still-fresh blood.

- ***Church warden beheaded in Matana commune, Bururi province***

On the night of Sunday 10 September 2023, a watchman from the Anglican Church in the diocese of Matana in the province of Bururi (southern Burundi) was murdered and decapitated with machetes by unidentified assailants.

According to local sources, the criminals broke into the parish offices and stole five computers after committing this heinous crime. The same sources added that two other computers were stolen from a household near the diocese on the same night, and local residents suspect that the same criminals were responsible.

¹³ Burundi Institute of Agronomic Sciences.

- ***Sylvain Niyonzima and Longin Ntibanyiha found dead in Bugendana commune in Gitega province***

In the commune of Bugendana of the Gitega province (central Burundi), two lifeless bodies were found on the hills of Mutoyi and Runyeri respectively.

The first body was that of Sylvain Niyonzima, aged 36, who was found on Tuesday 15 August 2023, suspended on a rope inside his home. The motive and circumstances of his death remain unclear, although the local authorities are suggesting that the victim committed suicide.

The second macabre discovery was made in a field of cassava and banana trees, where the body of Longin Ntibanyiha, aged 55, was found lying in a pool of blood. According to local sources, the victim fell into a group of Imbonerakure on night patrol, who killed him with machetes and clubs after suspecting him of being a thief. The victim's body was hastily buried on the same day on the orders of the Runyeri hill chief, Roger Ngendakumana, without waiting for an investigation to be launched to identify the perpetrators of the murder and bring them to justice.

- ***Isidore Niyongabo, a leader of the Imbonerakure youth League, murdered at his home in Mabayi commune, Cibitoke province***

On the night of Wednesday 9 August 2023, at around 8pm, Isidore Niyongabo alias Maisha, leader of the Imbonerakure youth league (youth affiliated to the ruling CNDD-FDD party) in the commune of Mabayi in the province of Cibitoke (north-west Burundi), was murdered by unidentified assailants at his home on the Gasebeyi hill in the Ruhororo zone of the same commune.

According to local sources, Isidore Niyongabo was shot in the head while at home with his family by individuals who immediately retreated towards the Kibira National Park.

Local residents suspected Rwandan rebels from the FLN (National Liberation Front), who had been living in this immense forest for almost a decade, of being responsible for the murder.

The victim was one of the people who alerted the military when the rebels wanted to force their way into people's homes.

The intervention of the military on 4 August 2023 led to an armed confrontation in which the FLN rebels suffered six fatalities and three injuries.¹⁴

14 <https://sostortureburundi.org/wp-content/uploads/2023/08/Rapport-hebdomadaire-no-399-FR-2.pdf>

- ***Esperate Irakoze (33), cashier at a guest house in the town of Gitega, murdered by unknown assailants at her place of work.***

On the night of Tuesday 18 July 2023, Esperate Irakoze (33), a cashier at Hana's Halfway House in the Nyabiharage district of the political capital of Gitega, was murdered at her place of work by an as yet unidentified assailant. According to witnesses to the gruesome discovery, the body of the deceased was found on Wednesday morning under a bed in one of the rooms of this halfway house, after her colleagues noticed her absence from reception and her family's home. Her body was bound and covered in blood. According to the same sources, the victim's killer also stole some telephones and all the money at the cash desk, including the customer identification register.

- ***Melchiade Hakizimana, lorry driver, found dead at Gitega airfield***

On 16 July 2023, the lifeless body of a lorry driver known as Melchiade Hakizimana, aged 35, was found at the Gitega airfield in the Magarama district of the capital of this province in central Burundi.

According to witnesses to the macabre discovery, the body of Melchiade Hakizimana, married with two children, was covered in blood and had several wounds on the head, back and chest.

It is believed that he was fatally beaten by 2 unidentified criminals who violently abducted him on the evening of Friday 14 July. Local sources have confirmed that no suspects have been arrested as part of an investigation to identify the perpetrators, circumstances and motives behind the crime.

- ***Ms Rosine, shot dead as she returned from a prayer in the Mirango neighbourhood of the Kamenge zone***

On the evening of Saturday 15 July 2023, at around 10pm, a woman named Rosine was shot dead by as yet unidentified criminals in the Mirango district of the Kamenge zone, in the Ntakangwa commune of Bujumbura city (western Burundi).

According to local sources, the victim was hit in the head by two bullets fired by individuals following her from a local church where she had just said prayers with other worshippers whom she was dropping off in her car.

- ***Three lifeless bodies discovered on the banks of the Rusizi river in Cibitoke province***

On the afternoon of Sunday 2 July 2023, three lifeless bodies were discovered by fishermen on the banks of the Rusizi river, on the border with the Democratic Republic of Congo (DRC), on the hill of Mparambo I, in the commune of Rugombo in the province of Cibitoke (north-west Burundi).

According to local sources, the three bodies were among the victims of intense fighting between two groups of Imbonerakure on the Burundian side of the Rusizi river on the night of 30 June to 1st July 2023 at around 1am.

The two groups, including the one from the DRC in possession of cans filled with fuel and loincloths, clashed fiercely with machetes during their night patrol. As a result, 6 people were seriously injured and are receiving treatment at a health facility in Rugombo.

1.2 VIOLATIONS OF THE RIGHT TO LIFE WHOSE PERPETRATORS ARE IDENTIFIED

The executioners of the victims were identified in 9 cases of violations of the right to life out of a total of 37, a rate of only 24%. The perpetrators were police officers (2 cases), young Imbonerakure members of the CNDD-FDD (3 cases), thieves (1 case) and (3 cases) prisoners who died as a result of poor conditions of detention.

These perpetrators generally go unpunished, but in the event of a public outcry, such as that of a policeman who fired live ammunition into a crowd in an attempt to disperse it, killing one person in the province of Kirundo, judicial investigations are launched.

Article 213 of the Burundian Penal Code provides for life imprisonment for the crime of murder: Any act by which a person deliberately causes the death of another person is qualified as murder. Murder whose purpose is either to prepare or facilitate a misdemeanour or felony, or to facilitate the escape or ensure the impunity of the perpetrator or accomplice of a felony or misdemeanour, is punishable by life imprisonment. (Penal Code Law n°1/27 of 29 December 2017.

- **Pierre Mpawanayo and Marcel Nduwimana, two detainees who died in custody at the police station in Cibitoke province as a result of poor prison conditions**

In the space of just two days, two detainees, Pierre Mpawanayo (aged 37) and Marcel Nduwimana (aged 34), died on 5 and 7 September 2023 respectively in the dungeon of the police station in the province of Cibitoke (north-west Burundi) as a result of lack of food and poor prison conditions.

According to local sources, Pierre Mpawanayo, from the Ngoma hill and zone in the Murwi commune, and Marcel Nduwimana, from the Shimwe hill in the Rusenda zone in the Bukinanyana commune, were accused of household theft.

They succumbed to hunger because they were far from family members who should have brought them food.

These deaths occurred in a general context of violation of the basic rights of detainees in police cells, where there are no catering facilities for detainees.

This general problem was exacerbated by unprecedented prison overcrowding, with 130 inmates crammed into a cell designed to hold just 20 people.

- **Mevin Shurweryimana, an acquitted prisoner, dies of a complication following the refusal to transfer him to a specialised health facility**

In the early hours of Friday 25 August 2023, at around 3am, Mevin Shurweryimana, a detainee who had been acquitted on 21 August 2023 along with other co-accused in a case of arbitrary detention known as "homosexuality and incitement to debauchery at the Tribunal de Grande Instance de Gitega" since February 2023, died in Gitega hospital after a complication of his hepatitis B illness following his refusal to be transferred to a specialised health facility.

According to local sources, on 9 August 2023 Mevin Shurweryimana received a medical order from his GP at Gitega hospital to be transferred to a specialist gastro-enterologist in Bujumbura, but he was categorically refused by Félicité Nishemezwe, the public prosecutor at the Gitega Court of Appeal, despite the deterioration in his state of health.

Even when Mevin Shurweryimana's acquittal was being enforced, and he should have been released immediately, the Attorney General refused to sign the release warrant, an important document required by the prison service to release a prisoner.

However, in a singular irony of fate, or rather a cynicism unheard of in the annals of Burundian justice, Félicité Nishemezwe finally signed the warrant for his release, backdated the previous day, only after learning of the death of the 33-year-old man from Higiro hill in the commune and province of Gitega.

Nevertheless, she flatly refused to apply the law to release the other young acquitted prisoners, 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, even though she had received correspondence from the Director of Gitega Central Prison, Josiane Nishimwe, asking her to sign the release warrants for the acquitted prisoners.

It is highly regrettable that repeated violations of legal provisions relating to the detention of persons deprived of their liberty are regularly committed and regularly go unpunished, particularly with regard to access to the right to health.

The judiciary was to take legal action against the Prosecutor General of the Gitega Court of Appeal, Félicité Nishemezwe, to discourage these serious violations, which are tarnishing the already tarnished image of the Burundian justice system.

- **Victor Niyomwungere dies after being beaten and wounded by police officer Olivier Nkurunziza, in complicity with Désiré Nsabiyumva, an Imbonerakure leader**

On the night of Thursday 24 August 2023 at around 8pm, a young man known as Victor Niyomwungere, aged 18, succumbed to the blows and wounds inflicted on him by a policeman called Olivier Nkurunziza alias Cuma on the Musimbwe hill in the commune of Gisozi, in the province of Mwaro (central Burundi), in complicity with an Imbonerakure, Désiré Nsabiyumva, from the same hill.

According to witnesses, Olivier Nkurunziza and Désiré Nsabiyumva found Victor Niyomwungere sitting on his motorbike taxi in the Kurubaho car park and demanded that he pay the sum of ten thousand Burundi francs (10,000 Fbu) as a bribe to the local police commissioner in Gisozi. When the young motorcyclist refused to give them the money, the two men pounced on him, throwing him to the ground and violently beating him until he lost consciousness.

Local residents tried to intervene, but in vain, as police officer Olivier Nkurunziza immediately opened fire to disperse the crowd. The victim was evacuated to the Ubuntu Clinic of Tora hospital in the commune of Mugamba in Bururi province.

The same sources stated that the two perpetrators of the crime, Olivier Nkurunziza and Désiré Nsabiyumva, remain free despite the seriousness of the crime committed in the presence of the public, as no judicial investigation has been opened to arrest the alleged perpetrators and punish them in accordance with the law.

- **Eric Niyonkuru, aged 23, dies of injuries sustained at the hands of watchmen in Kayanza province**

On the night of Tuesday 22 August 2023, a young man known as Eric Niyonkuru, aged 23, succumbed to blows and wounds inflicted on him by watchmen at the farm of former Burundian minister Déo Guide Rurema, located on the hill of Myugariro, in the commune of Muruta of the Kayanza province (northern Burundi).

According to local sources, the watchmen found Eric Niyonkuru near the farm and violently beat him to death on the orders of the farm manager, Gérard Niyonzima, after suspecting him of being a thief. In the end, the torturers tried to evacuate Eric Niyonkuru to Kayanza hospital, but he died on the way.

However, on arrival at the hospital, they left the body in the vehicle and drove off.

- **Herménégilde Manariyo, killed by Jean Ndayiragije, a policeman in the commune of Busoni in the province of Kirundo**

In the twilight of Sunday 20 August 2023, a man known as Herménégilde Manariyo, aged 46, was killed by a policeman called Jean Ndayiragije on the Cimbogo sub-hill on the Gatete hill, in the Gatere zone, in the Busoni commune of Kirundo province (northern Burundi).

According to witnesses, police officer Jean Ndayiragije tried to arrest four Rwandan nationals who had entered Burundi illegally, but encountered resistance from the local population as he was handcuffing the Rwandans.

In the ensuing altercation, Jean Ndayiragije fired into the crowd and a bullet hit Herménégilde Manariyo, who died immediately, while the four Rwandans took the opportunity to return to their country in handcuffs.

The same sources said that the perpetrator of the murder was arrested and taken to the Busoni commune custody, before being transferred the next morning to the Kirundo judicial police detention centre, where he was held in police custody pending trial in flagrante delicto.

- **Ezéchiél Ntahinduka, a 14-year-old boy who died after being beaten and wounded by an Imbonerakure militiaman**

On the morning of 24 July 2023, Ezéchiél Ntahinduka, a young schoolboy aged 14, died in Kirundo hospital as a result of blows and wounds inflicted on him by a certain Jean Marie Nkurunziza, a member of the Imbonerakure youth league affiliated to the presidential party, the CNDD-FDD, on the Nyakibingo hill in the commune of Ntega, in the province of Kirundo (northern Burundi).

According to witnesses to the incident, who were afraid to come to the victim's aid, the child was severely beaten on 15 July 2023 by his torturer after he was seen perched on the back of a lorry on the road.

The same sources revealed that after the death of the young teenager, Jean Marie Nkurunziza went on the run and benefited from the complicity of an administrative officer at the base on Nyakibingo hill, who hid him in his home to help him escape possible prosecution.

- **Michel Ntunzwenimana found dead in a valley in Kayanza province**

On the morning of Tuesday 18 July 2023, the lifeless body of Michel Ntunzwenimana, a resident of the commune of Muhanga in province Kayanza, was discovered in the Makarira valley in the neighbouring commune of Ruhororo in the province of Ngozi (northern Burundi).

According to sources in Muhanga, Michel Ntunzwenimana was last seen on the evening of Sunday 16 July 2023 having a glass of beer with some Imbonerakure in a bistro on Rushenza hill in the same commune.

Local residents have accused the Imbonerakure of having murdered this citizen because of the traces of blood that were seen from this bistro to the Makarira valley (where the macabre discovery was made), which separates the communes of Ruhororo and Muhanga.

The same sources regretted that Michel Ntunzwenimana's body was buried on the same day in his home town without an investigation being launched to identify those responsible for his murder, despite the existence of conclusive evidence.

- **Salvator Ntihakose dies after being beaten and wounded by Imbonerakure soldiers**

On the night of Sunday 2 July 2023, a man known as Salvator Ntihakose succumbed to the blows and wounds inflicted on him on 29 June 2023 by Imbonerakure on the hill of Gatete, in the commune and province of Rumonge (south-west Burundi).

According to police sources, Salvator Ntihakose was severely beaten by Imbonerakure on charges of stealing palm fruit before being taken to a police cell in the Gatete zone.

The same sources said that a judicial police officer (JPO) named Pierre Nkongoro was arrested on 3 July 2023 and is being held at the provincial police station in Rumonge for failing to inform his superiors of the detention of this man, who eventually succumbed to his injuries in the police cell.

2. KIDNAPPING OR ENFORCED DISAPPEARANCE

Seven (7) cases of abduction or enforced disappearance were recorded during the third quarter. The town of Bujumbura was the worst affected, with four (4) cases of abduction, while two (2) other cases took place in the province of Bubanza in the west of the country, close to the town of Bujumbura. Another (1) case occurred in Rumonge in the south of the country.

This phenomenon of kidnapping by unidentified people is a recurring one, with the law enforcement agencies or the courts failing to catch the criminals.

Then, on occasion, police officers from the National Intelligence Service make arbitrary arrests using the same abduction modus operandi, which suggests that the criminals may have colluded with the police or intelligence services.

*It is important to note that article 257 of the Criminal Code, paragraph 4, states that **If the abduction or kidnapping was carried out by a member of the defence and security forces, the guilty party shall be punished by imprisonment for a term of twenty to thirty years.***

- **Bosco Bitangaro and Bosco Muhimbare kidnapped by SNR agents in a bistro in Bujumbura city**

On the night of Monday 18 September 2023, Bosco Bitangaro and Bosco Muhimbare were abducted from a bistro in the Kamenge zone by SNR agents in police uniform, led by the man nicknamed Rama, and taken away in a vehicle with the registration number HA 1602 to an unknown destination. Bosco Bitangaro and Bosco Muhimbare have not been found since that day, despite unsuccessful searches by their families in all the dungeons in Bujumbura city.

- **Jean Marie Kazoviyo, abducted in the Muha commune of Bujumbura city**

On the evening of Thursday 14 September 2023, a man known as Jean Marie Kazoviyo, living in the Musama district, Kanyosha zone, Muha commune, Bujumbura city (western Burundi), went missing.

According to family sources, at around 8.30pm, Jean Marie Kazoviyo took a phone call from someone he was going to meet at the Ethiopian Bar in Bujumbura city centre. Since then, Jean Marie Kazoviyo's family has had no news of his fate.

- **Pastor Samuel Mukeshimana, legal representative of the Elayon Church, abducted in the commune of Mpanda in Bubanza province**

On the afternoon of Friday 8 September 2023 at around 2pm, Pastor Samuel Mukeshimana, legal representative of the Elayon Church in the commune of Gihanga in the province of Bubanza, was abducted from his brick-making workplace in village 5 in the commune of Mpanda by unidentified individuals in a Toyota Hilux double-cabin van with tinted windows but no number plates, and driven to an unknown destination.

According to local sources, Pastor Samuel Mukeshimana, who is originally from Rwanda but has lived in Burundi for several years, runs a church considered to be close to former prime minister Alain-Guillaume Bunyoni, who is currently being held in Gitega prison and liked to visit the congregation's followers. The members of his family were concerned about the fate of Pastor Samuel Mukeshimana as they did not know who had kidnapped him or where he was being held.

This abduction occurred at a time when, since the arrest of Alain-Guillaume Bunyoni, Pasteur Samuel Mukeshimana had been living as under house arrest. He saw people spying on his every move.

- **Céleus Manirakiza abducted by unidentified individuals in police uniform in the Gihosha zone of Bujumbura city**

On the afternoon of Thursday 7 September 2023 at around 12.30 pm, Céleus Manirakiza was abducted by unidentified individuals in police uniform who found him at the Top One petrol station in the Gihosha zone of the Ntahangwa urban district, in the Bujumbura city (western Burundi) and took him to an unknown destination.

Since the day Céleus Manirakiza was abducted, members of his family have tried to search for him in every dungeon in the economic capital Bujumbura, but to no avail.

- **Désiré Sindayigaya abducted from the Buringa hill and zone in the Gihanga commune of Bubanza province**

On the morning of Wednesday 6 September 2023, at around 11am, a veterinary surgeon known as Désiré Sindayigaya was abducted from the hill and zone of Buringa in the commune of Gihanga in the province of Bubanza (north-west Burundi) by individuals in Burundi National Police (PNB) uniforms in a white double-cabin van with tinted windows and driven to an unknown destination.

According to witnesses, his kidnappers found him in a local veterinary pharmacy where he was buying some medicine and pretended to ask for his services before taking him away in their vehicle.

Since that day, members of his family have tried in vain to contact him by telephone and have searched for him without success in all the dungeons in the province of Bubanza and the Bujumbura city.

- **Joseph Hakizimana alias Mwarimu kidnapped by SNR agents in Bujumbura city**

On the morning of Tuesday 22 August 2023 at around 10 a.m., Joseph Hakizimana, alias Mwarimu, was abducted from Bujumbura city (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 city, and they 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 district in the Kanyosha zone of the Muha urban commune to the south of Bujumbura city and father of 8, had left his home in the Gisyo district to go to REGIDESO (Régie de production et distribution d'eau et d'électricité¹⁵) in search of the documents he needed.

- **Disappearance of a worker from an industrial complex**

Didier Bimenyimana, a worker at the Complexe Industriel de Karonda¹⁶ (CIKAR) in the commune and province of Rumonge (south-west Burundi), has been missing since Monday 3 July 2023.

According to CIKAR sources, Didier Bimenyimana was last seen fetching fodder for his cows near Lake Tanganyika in the Kanyenkoko district of Rumonge province.

¹⁵ Water and Electricity Production and Distribution Company.

¹⁶ Industrial Complex of Karonda.

3. VIOLATIONS OF THE RIGHT TO PHYSICAL INTEGRITY

Six (6) cases of violation of the right to physical integrity were recorded during the period under review.

Some acts were committed through abuse of authority by members of the military (1 case) and a police officer (1 case), whose perpetrators have not been prosecuted.

The other cases involved acts of violence by unidentified criminals against their victims in ambush (2 cases) or assault and battery in a family dispute (1 case). Another case involved acts of aggression perpetrated repeatedly in the country by young Imbonerakure members of the CNDD-FDD.

- **Médard Nkeshimana, a night watchman at the University of Burundi, beaten up by an Imbonerakure student**

At around 11pm on Sunday 17 September 2023, Médard Nkeshimana, a night watchman at the University of Burundi, was severely beaten unconscious by a student known as Ferdinand Miburo, who is also a member of the Imbonerakure youth league affiliated to the ruling CNDD-FDD party.

According to witnesses, Ferdinand Miburo, a student in the Faculty of Psychology in his 3rd year on the Kamenge campus, beat the night watchman, accusing him of leaving the door open.

The same sources said that students evacuated the victim to the Kamenge University Hospital but had to take him back to the campus after he was refused admission for lack of money.

Ferdinand Miburo was subsequently arrested the following day on the intervention of the Kamenge campus manager and taken to the Ntakangwa commune cell for a brief one-day detention. He was released on 19 September 2023 to resume classes.

- **Julienne Manirakiza, beaten by soldiers in the commune of Gihanga in the province of Bubanza**

On Monday 11 September 2023, an elderly woman known as Julienne Manirakiza was severely beaten by soldiers from the Mudubugu camp in the commune of Gihanga in the province of Bubanza (north-west Burundi) while she was in her cassava field near the military camp.

According to local sources, the victim was immediately evacuated to a private hospital close to the crime scene, called "Chez David", where he was hospitalised.

According to the same sources, there is a land dispute between the Mudubugu military camp and the surrounding population, which is rooted in the government's desire to forcibly expropriate the land of private individuals located in the vicinity of this military camp.

As a result, soldiers hunt down anyone who ventures into his field for any reason and inflict atrocious acts of torture to punish them for their audacity.

In order to put an end to this kind of abuse, the Burundian authorities should read and apply the law correctly before undertaking any action to expropriate land in the public interest. Article 36 of the Constitution authorises expropriation, subject to fair and prior compensation. The same applies to the Land Code, the laws and conventions ratified by Burundi, the African Charter on Human Rights and the Universal Declaration of Human Rights.

All these texts authorise expropriation subject to fair and prior compensation. It is therefore inconceivable that citizens who farm their land should be mistreated by State services when they have not been legally expropriated.

The military authorities were therefore to instruct the commander of the Mudubugu military camp to allow the surrounding populations to exploit their land peacefully until they had received fair and prior compensation following a fair procedure for expropriation in the public interest.

- **A 16-year-old boy seriously injured with machete by unidentified assailants in Bururi province**

On the night of Friday 11 August 2023, at around midnight, a young teenager known as Jean de Dieu Siryamungu, aged 16, was seriously wounded with a machete to the neck and arms by unidentified individuals on the Mahonda hill, in the commune and province of Bururi (southern Burundi).

According to local sources, the victim was quickly evacuated in a very critical condition to Bururi hospital, where he was admitted to intensive care.

It should be remembered that during the previous quarter, the urban centre of Bururi province and the surrounding zone had been the scene of an upsurge in crime, a situation that led the entire Government of Burundi to visit the province on 26 May 2023 to hold security meetings in the communes of Bururi, Songa and Mugamba.¹⁷

¹⁷ SOS-TORTURE, April-June 2023, Report on the human rights situation Second quarter 2023, Link: https://sostortureburundi.org/wp-content/uploads/2023/08/Rapport-trimestriel-de-Avril-a-Juin-2023_SOSTB_Fr-1.pdf

- **Jérôme Ndizeye severely tortured by a police officer with impunity in Mwaro province**

On the night of Monday 24 July 2023, a motorbike taxi driver known as Jérôme Ndizeye, nicknamed Rwembe, was violently tortured by Sylvestre Sabushimike, alias Bikovu, the local police commissioner in Rusaka of the Mwaro province (central Burundi).

According to local sources, the victim was taken to hospital unconscious. Jérôme Ndizeye had had one too many drinks and was being helped back to his home by his friends, who found it difficult to walk alone.

Along the way, they came across Sylvestre Sabushimike, who snatched him from his friends and beat him hard, trampling him until he vomited blood and lost consciousness.

The victim was then rushed, first to the Rusaka health centre, then transferred by ambulance to the Fota district hospital, where his condition remained critical.

The same sources stated that Sylvestre Sabushimike has not been prosecuted for the crime committed or for other crimes regularly attributed to him by residents of the commune of Rusaka.

It is highly regrettable that this Police Commissioner has not been prosecuted, despite the fact that Article 207 of the Penal Code states that "*Anyone who subjects a person to torture or other cruel, inhuman or degrading treatment shall be punished by ten to fifteen years' imprisonment and a fine of between one hundred thousand and one million Burundian francs*".

- **Fabrice Havyarimana was ambushed by criminals who seriously injured him**

On the night of Saturday 15 July 2023, at around 9pm, on the hill of Rutegama, in the commune and province of Gitega (central Burundi), a young man known as Fabrice Havyarimana, a 24-year-old butcher and father of a child, was ambushed by criminals who beat him severely before amputating one of his testicles.

Local sources said that the victim was evacuated in a very critical condition to Gitega regional hospital, where he was admitted to intensive care.

- **A Six-year-old man seriously stabbed by his wife in the commune and province of Rumonge**

On the night of Sunday 9 July 2023, a man in his sixties known as Rémy Manirakiza (aged 63) was seriously stabbed by his wife Jeanine Inamuco (aged 35) at their home on the hill of Mugomere, in the urban centre of the commune and province of Rumonge (south-west Burundi).

According to local sources, Rémy Manirakiza was trying to punish one of their children when he was stabbed by his wife, with whom he had been in marital conflict for a long time.

The same sources said that the victim was evacuated the same night to Rumonge hospital, while his attacker was arrested the next day and taken into custody in a police cell in Rumonge.

4. VIOLATION OF THE RIGHT TO FREEDOM OF MOVEMENT: ARBITRARY ARREST AND DETENTION

Eight (8) cases of arbitrary arrest and detention were recorded during the quarter under review.

Victims are arrested in violation of the Code of Criminal Procedure regarding arrest and preventive detention. In some situations, the fate of defendants is made worse by the lack of independence of magistrates vis-à-vis certain political and administrative authorities who interfere in the handling of cases, as can be seen in the cases mentioned.

Some iniquitous decisions provoked general disapproval until the highest authorities, including the President of the Republic and the Minister of Justice, publicly attacked the magistrates concerned and even imposed administrative sanctions (1 case).

Judges themselves are not immune to this kind of abuse when they deliver a judgement that is not to the liking of influential political authorities, thereby violating the principle of the judge's personal conviction and independence (3 cases).

- **Alexandre Nindorera alias Buyoya abducted by police officers in the commune of Gihanga in the province of Bubanza in violation of the code of criminal procedure**

On the evening of Friday 15 September 2023, Alexandre Nindorera, alias Buyoya, was abducted by uniformed police officers from a bistro on the Buringa hill in the commune of Gihanga of the Bubanza province (north-west Burundi), and driven to an unknown destination in a van with tinted windows.

According to local sources, after several days of fruitless searching in several dungeons in Bubanza province and Bujumbura city, his wife finally learned that her husband was being held in the dungeon at SNR headquarters.

Although she went to the place of detention to enquire about the state of health of her husband, who suffers from a chronic illness, she was not allowed to see him.

In this regard, it is important to remember that Article 36 of Law No. 1/09 of 11 May 2018 amending the Code of Criminal Procedure states that "*Any Judicial Police Officer has the obligation to inform the family of the person in custody or any other interested person of the measure to which they are subject and the place of custody.*"

Chapter 2 of the same law states that "*the only forms of detention authorised by law are police custody, the detention provided for in paragraph 2 of article 15 and the security detention provided for in articles 41 to 43*" and specifies that "*detention outside these cases constitutes abduction and infringement of the rights guaranteed to individuals under the Criminal Code*".

- **Fidèle Nkurunziza, arrested in Bururi by the SNR on the orders of the governor's chief of staff, Juvent Ndayikeza**

On the night of Sunday 27 August 2023, Fidèle Nkurunziza was arrested in a bistro in the provincial capital of Bururi by the head of the National Intelligence Service 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 that his self-esteem 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 to Bururi prison on Wednesday 30 August, after being unfairly accused of using ethnic slurs against the Bururi governor's chief of staff.

With regard to this offence, it is important to note that the Penal Code states that "*Anyone who has publicly insulted a person shall be punished by penal servitude of between one month and one year and a fine of between ten thousand and one hundred thousand Burundian francs, or by one of these penalties only*". (Article 265)

With regard to the offence of racial aversion, article 266 of the Criminal Code states that "*Anyone who has manifested racial or ethnic aversion or hatred, or who has incited or encouraged such aversion or hatred, or who has committed an act likely to provoke such aversion or hatred, shall be punished by imprisonment for a term of six months to two years and a fine of ten thousand to one hundred thousand Burundian francs, or by only one of these penalties*".

- **Jérôme Niyonkuru, a policeman arrested in Bujumbura city for denouncing the corruption that is publicly plaguing the police force**

On Saturday 5 August 2023, Police Chief Corporal Jérôme Niyonkuru was arrested by the police and taken by force to the dungeon of the Judicial Police Headquarters in Bujumbura city (western Burundi), after having publicly denounced the previous day, but without targeting any specific person, the corruption that is corrupting the services of the Police Spéciale de Roulage et Sécurité Routière¹⁸ (PSR&SR) and Bujumbura city.

According to the spokesman for the Burundi National Police, Jérôme Niyonkuru was prosecuted for the offences of *"damaging imputation and slanderous denunciation"*, which he allegedly committed in his denunciation of corruption, in the form of a sermon, within the services of the police and the Bujumbura city, on 27 and 28 July 2023 respectively.

In a video that went viral because it was widely posted on social networks, Jérôme Niyonkuru, claiming to be the messenger of God, warned PSR and Bujumbura city officials: "[...] *You are riddled with corruption. God has sent me to tell you this. You will not see the kingdom of God with these bribes*".

SOS-Torture Burundi considers this arrest to be illegal and arbitrary, and calls for his immediate release.

In fact, apart from the fact that the policeman was merely repeating remarks regularly made by the country's high authorities, in this case the President of the Republic, who denounced corruption in several government departments, the offences of which he is accused do not meet their constituent elements. Thus, among other constitutive elements, articles 264 and 267 of the Criminal Code in force in Burundi, which provide for and punish the offences of damaging imputation and slanderous denunciation, require that the defamatory or slanderous remarks be of such a nature as to be prejudicial to the honour or consideration of a specific person. However, in the case in point, the comments made were not directed at any specific person, which is why the policeman's detention in police custody legally constitutes unlawful and arbitrary detention.

- **Three judges arrested for issuing an order that displeased the authorities in Bururi province**

Three judges of the Bururi High Court, Léonard Nizigiyimana, Antoine Ngendakumana and Irène Mukeshimana, issued an order in chambers on 20 July 2023 in Murembwe prison granting provisional release to eight detainees charged in connection with the machete attacks committed since last April in Bururi province.

¹⁸ Special Traffic and Road Safety Police.

Strangely enough, these three judges were arrested on Wednesday 16 August 2023 and have since been held in Bururi prison solely for deciding on the provisional release of these 8 detainees.

They joined police Lieutenant-Colonel Patrice Nkurikiye (director of the 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 at the Rumonge provincial police station simply for having carried out this temporary release order.

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 8 detainees granted provisional release and complicity in disrupting security in Burundi*".

- **Christella Ndayishimiye, a secondary school pupil arbitrarily arrested and detained for reporting sexual harassment**

On 12 July 2023, Christella Ndayishimiye, a pupil in the third year of secondary school in the languages section at the Mugendo Local High School in the commune of Ntega of the Kirundo province (northern Burundi), was arbitrarily and illegally detained in Ngozi prison following a preventive detention order issued by judges of the Kirundo High Court accusing the victim of "*violating professional secrecy*" when she denounced sexual harassment and an attempted rape by the former headmaster of her school, Oscar Nemeyimana.

According to reports from the locality, the pupil wrote a letter on 6 March 2023 explaining why she was dropping out of school: she had refused to have sexual relations with the headmaster of the school, Oscar Nemeyimana.

Afterwards, she asked for her safety to be guaranteed, as she was facing death threats due to an unsuccessful lawsuit against her former director, who had tried to rape her.

Subsequently, in a letter dated 27 June 2023 that she sent to the Governor of Kirundo, the young girl stated that various authorities had not listened to her when deciding her case.

SOS-Torture Burundi deplores the use of the Burundian justice system for political or individual ends. On reading the pre-trial detention order issued by three judges, Ntisumbwa Benoît, Sikubwabo Jean-Pierre and Nibizi Joël, it is absurd to accuse the young girl of "*revealing professional secrecy*" when she is not in possession of any secrecy by virtue of her status or profession, in accordance with Article 263 of the Criminal Code in force in Burundi.

The case caused a stir on social networks, with human rights activists crying judicial scandal. These echoes reached the country's highest authorities, including the President of the Republic and the Minister of Justice, with the result that Christelle Ndayishimiye was

provisionally released on 16 July by decision of the Kirundo Public Prosecutor, Jean Claude Ndemeye.

On 18 July 2023, the President of the Republic deplored the decision taken by the magistrates of the Kirundo High Court against student Christelle Ndayishimiye, accusing her of professional disclosure when she was allegedly a victim of sexual violence. The judges were asked to resign.

On 23 July, the Minister of Justice, Domine Banyankimbona, decided to suspend from their duties for two months the three judges of the Kirundo High Court who had sat on the case of pupil Christelle Ndayishimiye.¹⁹

- **Arbitrary arrest of a police sergeant who did not prevent a political opponent from travelling**

On the morning of Thursday 6 July 2023, Jean-Claude Ndayisenga, a police sergeant assigned to the Migration Police at Melchior Ndadaye International Airport in western Burundi, was arbitrarily arrested by agents of the National Intelligence Service after political opponent and member of parliament Agathon Rwasa, president of the CNL party, had passed through on his way to Zanzibar in the United Republic of Tanzania. He was taken directly to the SNR dungeon at SNR headquarters on charges of having allowed Agathon Rwasa to cross national borders.

SOS-Torture Burundi considers that this was an arbitrary arrest of policeman Jean-Claude Ndayisenga, who should have been released immediately given that the president of the CNL party enjoys his civil and political rights, including his right to freedom of movement.

¹⁹ IWACU, 03/08/2023 Justice : **Affaire Christelle Ndayishimiye : Un dossier entaché d'irrégularités et entouré de zones d'ombre**, Link : <https://www.iwacu-burundi.org/justice-affaire-christelle-ndayishimiye-un-dossier-entache-dirregularites-et-entoure-de-zones-dombre/>

CONCLUSION

The human rights situation is characterised by a slight decrease in the number of cases of violations recorded by SOS-TORTURE BURUNDI compared to previous periods.

Acts of aggression committed in circumstances of family conflict are regularly investigated to the satisfaction of the victims. On the other hand, crimes committed during night-time thefts in households or on public roads are difficult to punish because the perpetrators often escape the control of the law enforcement and security services.

What is most worrying is the recurrence of violations such as attacks on the right to life, abductions and enforced disappearances, the perpetrators of which, such as certain SNR agents and young Imbonerakure from the ruling CNDD-FDD party, go unpunished, a persistent trend that has worsened since the 2015 crisis.

The Judiciary also continues to be handicapped by repeated interference by the Executive in matters of justice, to the detriment of those subject to trial, including the magistrates themselves, who are no longer safe from arbitrary arrest and detention, particularly for judgements that do not satisfy the political authorities.

Faced with this situation, which is likely to worsen with the 2025 and 2027 electoral processes, the Government has the primary responsibility of reversing the trend by promoting the rule of law, respectful of the principles of separation of powers, human rights and fundamental freedoms.

This presupposes a frank and ongoing dialogue with the national partners of political parties and civil society in the implementation of these rights and freedoms, as well as effective cooperation with regional and international human rights protection mechanisms.

RECOMMENDATIONS

TO THE GOVERNMENT OF BURUNDI:

- Release all arbitrarily detained prisoners, including journalist Floriane Irangabiye of the online radio station Igicaniro;
- To improve the socio-political climate by removing all obstacles to the exercise and enjoyment of the rights and freedoms recognised by the country's constitution and the instruments that Burundi has ratified, guaranteeing in particular the freedoms of opinion, association, the press, peaceful assembly, etc.;
- Cancel all politically motivated arrest warrants unjustly issued against real or presumed political opponents, human rights defenders and journalists;
- Rigorously apply the relevant provisions of the Code of Criminal Procedure by initiating investigations to identify and punish the perpetrators of crimes linked to the worrying phenomenon of abandoned bodies;
- Put a definitive end to the abuses of the Imbonerakure militia by stepping up proceedings against those, timidly initiated against some of them, who are guilty of acts contrary to the law;
- Resume effective cooperation with international human rights protection bodies and allow investigations to continue into the crimes committed since 2015 and the visits to Burundi by the Special Rapporteur on the situation of human rights in Burundi.

TO THE COUNTRIES OF THE EAST AFRICAN COMMUNITY:

- Respect the rights of Burundian refugees in their own countries, in particular by refraining from turning them back or subjecting them to poor conditions in order to force them to repatriate, in violation of the relevant international conventions;
- To relaunch the inclusive dialogue initiatives on the rehabilitation of the Arusha Agreement following the EAC Court ruling of 25 November 2021 invalidating the third term of office of the late President Pierre Nkurunziza, which was at the root of the 2015 crisis, the harmful effects of which are still being felt.

TO THE INTERNATIONAL COMMUNITY

- Remain committed to the values and principles of human rights and good governance in the political dialogue with the Government of Burundi on the effective relaunch of cooperation;
- To keep Burundi's cooperation with international human rights protection mechanisms, and in particular the UN Special Rapporteur on the situation of human rights in Burundi, on the dialogue agenda;
- Maintain support for the mandate and work of the International Criminal Court (ICC) in Burundi, so that investigations can continue and prosecutions can be initiated in order to put an end to impunity in Burundi.