

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

<https://www.hrw.org/world-report/2011/country-chapters/burundi>

### Annual reports

Events of 2010

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The Misuse of Dialogue and Cooperation with Rights Abusers

Protecting Students, Teachers, and Schools from Attack

The Changing Media Landscape and NGOs

Burundi held local and national elections between May and September 2010. Following communal elections on May 24, the electoral commission announced an overwhelming majority for the ruling party, the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD). Opposition parties cried fraud and boycotted subsequent elections. Government officials banned opposition meetings and tortured political opponents. Both CNDD-FDD and opposition supporters carried out acts of political violence. International observers, relieved that Burundi had not descended into mass violence, described the elections as "calm."

The government facilitated the illegal takeover of the main opposition party, the National Liberation Forces (FNL), by a dissident wing friendly to the ruling party. Some FNL and other opposition members retreated to the bush and took up arms. Police apprehended and killed several FNL members who were attempting to join the armed groups.

The government cracked down on journalists, civil society organizations, and international organizations that denounced abuses.

CNDD-FDD's election campaign relied in part on bribery and use of state resources, along with intimidation. Police shut down the meetings of some opposition parties and arrested some activists.

The May communal election results gave 64 percent of the vote to CNDD-FDD. Opposition parties claimed that there had been massive fraud and formed a coalition, ADC-Ikibiri, which called for a boycott of subsequent elections. They did not present concrete evidence of massive fraud, but the failure of the National Independent Electoral Commission (CENI) to publicize written vote tallies from each voting station-in violation of the electoral law-raised doubts about the integrity of the process.

All six opposition candidates dropped out of the presidential elections in June, leaving incumbent President Pierre Nkurunziza as the sole candidate. One opposition party, UPRONA, participated in legislative elections in July. Still, CNDD-FDD won over 80 percent of parliament seats.

Before and throughout the elections most major parties used intimidation tactics, including violence. These parties included the FNL and, to a lesser degree, the Front for Democracy in Burundi (FRODEBU), the Movement for Solidarity and Democracy (MSD), the Union for Peace and Development (UPD), and the Union for National Progress (UPRONA), but the majority of incidents were attributed to CNDD-FDD. Partisan youth groups, including the CNDD-FDD's Imbonerakure, played a significant role in the violence. The Imbonerakure were also involved in carrying out illegal arrests before, during, and after the elections.

In the two weeks before communal elections at least five politically-motivated killings took place. During the presidential and legislative

elections at least 128 grenade attacks - many of them targeting political activists on all sides - took place throughout Burundi, killing 11 and injuring at least 69. At least 33 CNDD-FDD meeting places were set on fire during this period.

Throughout July and August FNL members fled their homes to avoid arrest, many returning to the forests where they had fought during Burundi's 16-year civil war. FNL leader Agathon Rwaswa went into hiding, as did ADC-Ikibiri spokesperson Leonard Nyangoma. A new armed movement was formed. In September seven workers employed by a prominent CNDD-FDD member were killed; evidence suggested that the perpetrators were FNL members in the Rukoko forest. At least 18 bodies, many mutilated, washed up in the Rusizi River; some were recognized as FNL members. The United Nations mission in Burundi (BINUB) and a Burundian human rights group presented the authorities with evidence that police carried out some of the killings.

Over 250 opposition members were arrested in June and July. Charges included "inciting the population not to vote," which is not a crime in Burundi. Others were suspected of serious crimes, including throwing grenades.

At least 12 opposition activists were tortured or ill-treated in June and July by the National Intelligence Service (SNR). Dozens were ill-treated by the police. SNR agents cut off part of the ear of one UPD member and forced him to eat it. Other activists were kicked in the genitals or imprisoned in toilets.

Three opposition leaders were illegally prevented from leaving the country in June. On June 8 Interior Minister Edouard Nduwimana banned all opposition activities. He rescinded the ban in late July, but police still shut down some opposition activities, including a September 17 ADC-Ikibiri press conference.

On August 4 Interior Minister Nduwimana recognized the results of an "extraordinary congress," organized by former FNL members with support of the ruling party, in which FNL president Rwaswa was voted out and replaced by more compliant leaders. After years of effort by government officials and the international community to bring Rwaswa and the FNL into the political process, the congress violated FNL internal rules and left Rwaswa and his supporters with no political voice.

On September 27 MSD spokesperson Francois Nyamoya was arrested on defamation charges after stating in a radio interview that President Nkurunziza should dismiss SNR chief Adolphe Nshimirimana and Deputy Police Director Gervais Ndirakobuca due to abuses committed by both services. He was released on bail on October 14. In addition to his political activity, Nyamoya is a prominent lawyer who has defended government critics in court. His client Jackson Ndikuriyo, a former police officer who had filed a complaint for unlawful dismissal, was killed on August 26 in what Burundian rights organizations denounced as an extrajudicial execution by police. Ndikuriyo had been fired for denouncing police corruption and had told Nyamoya before his death that he was being threatened by Deputy Police Director Ndirakobuca.

The year 2010 represented a low point for the rights of human rights defenders and journalists, with repression reaching a level not seen since 2006.

On May 18 Foreign Minister Augustin Nsanze revoked the work permit of Human Rights Watch's Burundi researcher, claiming that the organization's May report on political violence in Burundi was "biased" and that the researcher demonstrated "attitudes that are harmful to government institutions." The government did not contest any specific information in the report and as of November Nsanze had not responded to a series of requests from Human Rights Watch for dialogue.

Four journalists were arrested in 2010. Jean Claude Kavumbagu, editor of the online service Net Press, was detained in July on treason charges-by law only applicable "in times of war"-after questioning the army's ability to respond to an attack by al-Shabaab. Prosecutors insinuated that threats from al-Shabaab against Burundi constituted "war." As of October Kavumbagu had been held illegally in pretrial detention for three months. Thierry Ndayishimiye, editor of the newspaper *Arc-en-Ciel*, was detained in August for denouncing corruption at the state energy company. He was released on bail. Two journalists from the private newspaper *Iwacu* were detained for two days in November, with no explanation and no charges.

On July 29 Gabriel Rufyiri, president of the anti-corruption organization OLUCOME, was questioned by a magistrate subsequent to a defamation complaint. Bujumbura prosecutor Renovat Tabu ordered Rufyiri's arrest. The magistrate refused, for lack of evidence, and was transferred the next day to a post in a jurisdiction in rural Burundi.

Eric Manirakiza and Bob Rugurika, the director and editor-in-chief of the private radio station RPA, received death threats. Pacifique Nininahazwe, delegate general of the Forum for the Strengthening of Civil Society (FORSC), was subjected to surveillance by vehicles associated with the SNR.

Hearings were held in the trial of suspects in the April 2009 murder of Ernest Manirumva, OLUCOME vice president. Civil society groups expressed concern that prosecutors have neglected to arrest or question several high-ranking police and SNR officials who have been cited by witnesses. They have also presented evidence suggesting that some witnesses have disappeared or have been killed. Prosecutors lost the witnesses' confidence by sharing information on witnesses with the SNR.

A committee representing the government, the UN, and civil society completed a series of "national consultations" on establishing a Truth and Reconciliation Commission and a Special Tribunal to address past war crimes. The committee presented President Nkurunziza with a report in April, but it still is not public at this writing, preventing progress on establishing the proposed mechanisms.

The Burundian justice system was plagued by backlogs in 2010. Sixty-five percent of prisoners were in pretrial detention. A September court decision upholding the pretrial detention of journalist Kavumbagu held that pretrial detention is always the best means to maintain a suspect "at the disposition of the justice system," in violation of international human rights principles.

International diplomats in Bujumbura closely followed proceedings in cases affecting human rights defenders and journalists, many personally attended hearings. Belgium's foreign minister condemned the arrests of Kavumbagu and Nyamoya and called for investigations into the allegations of torture of political opponents. The United States, which offered technical assistance from its FBI in investigations into Manirumva's death, pressed the government to pursue high-ranking officials suspected of involvement in the killing.

Many foreign governments failed to denounce restrictions on the rights of the political opposition during the election period. They downplayed the lack of an equal playing field and exerted heavy pressure on the opposition to end its boycott, which resulted in alienating opposition parties.

The UN mission in Burundi systematically documented cases of torture, arbitrary arrests, and extrajudicial executions, and pressed the government to end these practices.

The UN-appointed Independent Expert on the Situation of Human Rights in Burundi has not been able to present any report on the situation in Burundi since September 2008, in a deviation from standard practice at the UN Human Rights Council. Burundi lobbied the Council to postpone the presentation of the independent expert's report during the council's September 2010 session.

Rwandan pressure on Burundi resulted in the illegal repatriation of 103 Rwandan asylum seekers in November 2009. Tanzania took the positive step of naturalizing 162,000 Burundian refugees who had been in Tanzania since 1972.

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