



SOS - TORTURE / BURUNDI

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

Quarterly report on the human rights situation in Burundi from 1 October to 31 December 2018



Bodies found and never identified: one of the signs of impunity in Burundi

February 2019

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1. Socio-political context : ethnicisation and rejection of dialogue

The report on the human rights situation, presented by the UN Commission of Inquiry on Burundi in September 2018, prompted the Burundian authorities to react not only in terms of denials and condemnation of the UN's "biased report" but also by opening another new chapter in the repression of past crimes in Burundi.

It is in this context that we must place the reopening of the file on the Assassination of president Melchior Ndadaye and his close associates, who was assassinated on 21 October 1993 by a group of soldiers in an attempted coup d'état. During the commemoration of the 25th anniversary of this event last October, it is first the Frodebu party of Ndadaye, which became close to power after its exit from the opposition platform CNARED¹ on October 19, 2018, which stepped up to demand the prosecution of those involved in this case. The ruling CNDD-FDD party echoed the same speech.

In the aftermath, the Prosecutor General's Office announced the reopening of the case and the arrest of four retired officers. In addition, a list of Seventeen (17) names on arrest warrants has been published, which includes that of the former President of the Republic, Pierre Buyoya. The latter was described by the CNDD-FDD as "the leader of the torpedo boats of democracy" who accused the African Union and the United Nations to offer him a forum "shameful² ».

However, the Public Prosecutor's Office has remained silent on the massacres of Tutsis community in various provinces of the country following the assassination of President Ndadaye, whose perpetrators are not always prosecuted. Yet, a UN Commission of inquiry had described the massacres as "acts of genocide" perpetrated by Frodebu members to "avenge" the assassinated President.

Another issue that is resurfacing is that of Prince Louis Rwagasore, hero of the independence, assassinated by his opponents on October 13, 1961. This was announced in a statement made public on October 13 during the commemoration of the death of prince Rwagasore. On that occasion, the government spokesperson described Belgium as the "real sponsor" of the Prince's assassination and accused him of not having "yet given an account" in this case. The government has also announced plans to set up a "technical commission" to investigate the assassination³.

Consequently, the truth and Reconciliation Commission (TRC) law, whose new members are close to the CNDD-FDD⁴, was revised with a view to extending its temporal jurisdiction (ratione

¹ National Council for the Restoration of the Arusha Agreement for Peace and Reconciliation in Burundi, the 2005 Constitution and the Rule of Law.

²http://www.arib.info/index.php?option=com_content&task=view&id=18747

³ <http://www.rfi.fr/afrique/20181015-burundi-accuse-belgique-assassinat-rwagasore-figure-independance>

⁴ *The new Commissioners were sworn in on December 3, 2018*

temporis) from 1 July 1962, the day of the independence of the country, to 26 February 1885, the date of the holding of the Berlin Conference.⁵

These belated and selective initiatives to reopen "colonial" files and others handled by the TRC within the framework of the Arusha Agreement, contribute to the strategy of the power to "divide and rule" through the manipulation of past crimes and incitement to ethnic hatred.

Regarding the inter-Burundian dialogue, the fourth quarter of 2018 was marked by the confirmation of the government's refusal to participate in the fifth round of the Arusha talks, convened by the facilitator Benjamin Mkapa for the end of October 2018, and announced as the last. After requesting and obtaining the postponement of the date initially scheduled, the government of Burundi withdrew, after a waltz of contradictory remarks. The final position of the government is that these negotiations were without object once the internal dialogue had been concluded and its conclusions drawn in the new constitution. According to the government, the only valid agenda was therefore to be the preparation of the 2020.

While the government refuses to engage in dialogue, claiming that peace is full, in September and October respectively, armed attacks, albeit of limited scope, were carried out at the Gatumba border crossing and at Nyamitanga in Cibitoke province⁶. These attacks show that without dialogue, violence is likely to emerge as the only option for political change. Following these attacks, Burundi, has unofficially sent elements of the Burundian army to track the rebels based in DR Congo, and according to several sources, the clashes between the two groups have caused dozens of victims⁷.

In addition, tension between Burundi and Rwanda continues to grow since armed assailants, supposedly backed by Burundi, carried out attacks in the south of Rwanda, the latest of which date back to December 2018⁸. This situation has caused a war of words between the two countries and its impacts even affect the functioning of the East African Community.

At the domestic level, the government of Burundi has taken a highly controversial decision to suspend international NGOs for three months, making their new approval conditional on the submission of four documents. It is a cooperation agreement with the Ministry of Foreign Affairs, a protocol for the implementation of each NGO's operational plan and the National Development plan, and an act of commitment to the Ministry of Finance on compliance with financial regulations. And finally, a plan for the gradual correction of ethnic imbalances among the staff of

⁵ *The Berlin Conference, held from November 1884 to February 1885, was organized by Chancellor Bismarck to establish the rules that should govern the colonization of Africa.*

⁶ The attack on Gatumba occurred on 15 September 2018, while the attack on Nyamitanga, in the Buganda commune, took place on 20 October 2018.

⁷ <https://theburundian.com/2018/11/04/beaucoup-de-morts-dans-des-combats-a-uvira-en-rdc/>

⁸ http://www.arib.info/index.php?option=com_content&task=view&id=18919

these organizations, which runs for three years to respect ethnic balances in the recruitment of national staff⁹.

The socio-economic situation has been marked by the shortage of fuel, with consequences for all other products, and has significantly affected the purchasing power of citizens, who have also suffered from forced, untimely contributions for the 2020 elections and imposed on all social strata, including students.

It is in this context that trends in human rights violations have remained the same as in previous quarters, with killings, enforced disappearances, rapes and arbitrary arrests, 59 killings, 75 arbitrary arrests, 12 cases of torture, 5 enforced disappearances and 3 cases of rape were recorded. In the majority of cases, members of the police, the intelligence service and elements of the imbonerakure militia commit these various crimes. To a lesser extent, agents of the local administration and the ruling party have had their share of responsibility for human rights violations, in particular arbitrary arrests.

2. Violations of the right to life and physical integrity

Violations of the right to life follow the same trends, which vary very little in time, since the onset of the crisis in Burundi in 2015, and the massive human rights violations that followed. The main feature is impunity, which is perpetrated because very often the alleged perpetrators of these crimes remain generally unknown, because the police do not open investigations or lack the competence to carry them out, or because the protection of these criminals is necessary. It is in this context of impunity that bodies are found in rivers, forests or in open areas, without anyone being able to recognize them and various administrative officials give the order to bury them in haste before any identification procedure. A new phenomenon in the fourth quarter is that people killed are found hanging, highlighting the perpetrators' willingness to fake a suicide. A few cases of popular justice have been noted. The victims are accused of theft or, more often, witchcraft, which can be used as a pretext for other political or other motives, or for personal settling of accounts, especially related to land disputes.

A fact that is confirmed in the long run is that elements of the imbonerakure militia are killing and torturing with impunity, and the number of crimes committed is increasing. These crimes often go unpunished. Grenade attacks are another recurring trend. As well as acts of people's justice, rape and enforced disappearances. A serious fact that marked this period, soldiers on patrol in the Kibira massacred fourteen people on a site of the forest of the Kibira. The circumstances of this incident remain unclear.

⁹ <https://reliefweb.int/report/burundi/burundi-la-suspension-des-ong-va-d-organiser-le-fonctionnement-de-services>

These various categories of violations of the right to life are summarized and illustrated in a few cases.

2.1. Numerous violations of the right to life by unidentified perpetrators: one of the strongest signs of impunity

One of the hallmarks of impunity for crimes is the fact that the perpetrators of these crimes remain unknown, for various reasons, whether or not the authorities are authorized to do so. As in previous quarters, these cases remain numerous. In addition, in many cases, they may have political motivations.

On October 7, 2018, on Camakombe Hill, in the Mugina commune of Cibitoke province, three (3) people were killed in an attack on their household. According to eyewitness accounts, the attack took the lives of one mother and two children aged 13 and one and a half years respectively. The father was seriously injured.

Mugina police have not identified or apprehended any suspects to date. Local authorities claimed that an armed group from Rwanda was responsible for the attack. However, members of the imbonerakure militia control the area at night. It should be noted that these assassinations took place the day after the discovery of leaflets threatening the lives of some inhabitants of the Mugina commune.

On 30 November 2018, on Gitanga Hill, in the commune and Bubanza province, unidentified individuals shot dead Nahayo. The victim was believed to be an active member of the opposition coalition Amizero y'abarundi. To date, the Bubanza police have not identified any suspects.

On 10 December 2018, on Muramba Hill, in the municipality and province of Kirundo, unidentified individuals murdered Simon Nkezamihigo (nicknamed Rubera). According to his relatives, the victim was returning home with his sister-in-law when a group of men armed with machetes and truncheons surrounded them. Mr. Nkezamihigo (48) received many fatal machetes while his sister-in-law was able to bury herself.

According to the testimonies received, Mr. Nkezamihigo was a member of the Frodebu-Nyakuri opposition party and had just been released from prison, following a political detention. He had repeatedly been threatened with reprisals if he did not join the ruling CNDD - FDD party. His assassination could therefore be linked to political motives.

On 16 November 2018, on The Hill Buhoro of Mabayi commune in Cibitoke province, Mr Symphorien Ngendakumana (62) was killed and his body was found in his home. According to witnesses, the victim's body was heavily injured. The murder of the victim is said to be linked to

suspensions of Witchcraft and these cases are increasing in particular in this part of the country. The alleged perpetrator (s) remains unknown.

2.2. Unknown victims and perpetrators: Always unidentified bodies found

The phenomenon of victims' bodies' discovery thrown by their unidentified executioners away from the areas where they are known, has become a disturbing trend of crime in Burundi. Approximately 10 cases have been identified. The new situation compared to previous periods is that in addition to bodies discovered in rivers, forests or in open fields, the executioners, to simulate suicide, found people apparently.

On October 16, 2018, a body of a man was found floating in the Mubarazi River between Bugesera Hill in Mbuye commune and Murambi Hill in Kiganda commune in Muramvya province. Witnesses reported that the victim had traces of blood on his face. The police have not identified the victim or suspects to date.

On October 26, 2018, in a forest located on the Hill Mirudi, of the commune Bukinanyana, in Cibitoke province, two (2) bodies of men were discovered bound and decapitated.

The inhabitants of the areas around the place where they were found could not recognize these two victims. There is reason to fear that these people were extra judicially executed and their bodies moved and thrown into the forest to cover up the crime. As in the majority of these cases, the administration ordered their burial, making any subsequent identification difficult.

On 30 October 2018, on the hill of Kirama, in the commune of Buyengero in the province of Rumonge, a body of a man was discovered hanging on an oil palm. The victim had bruises on his body and had been undressed by his executioners.

The administration ordered the burial of the victim even though the inhabitants of the locality where the body was found had not been able to identify it. However, the municipal officials took pictures of the victim, and appealed to the families who were looking for their own to come and see them. Police have not identified any suspects to date.

On 13 December 2018, a body of a young man was found tied up and floating in Ndurumu river between Buhiga and Bugenyuzi towns in Karusi province. The inhabitants of the surrounding communities could not recognize the victim.

Following this discovery, no investigation was initiated to identify the victim. Moreover, Buhiga communal administrator immediately ordered the burial of the body immediately after its discovery.

2.3. Kidnappings followed by assassinations: a persistent SNR *modus operandi*

Kidnappings followed by executions or disappearances have become a common practice in the security services in Burundi, particularly in the SNR. Some of the abductees are found dead while others disappear without a trace.

On 29 September 2018, the body of Nepomuscene Nduwayo 31 years was discovered in Gatunguru quarter of Ntakangwa commune, north of Bujumbura. According to his relatives, the young man gave last sign of life on 27 September 2018 around 9 p.m. to warn them of his delay, announcing that he was on his way to the family roof. The young man had in fact participated in the rehearsal of his Pentecost Church choir at Ngagara camp and in a meeting of the followers of the same church.

According to information received by SOS-Torture, Mr. Nduwayo was abducted and executed between the road leading to Iwabo W'abantu bar¹⁰, where a friend of his choir, and his family's home in Gatunguru had just dropped him off. She conducted investigations from the evening of the disappearance until the following day when she received a call announcing the discovery of the victim's body. The police have not investigated the perpetrators of this murder and so far no suspects have been arrested.

On 2 October 2018, Pascal Ntahombaye's body was discovered in a sewage gutter in Muyinga commune and province. According to sources close to the victim, he had been missing since 28 September 2018, after temporarily leaving his post as a guard to draw water. It is believed that Mr. Pascal Ntahombaye was kidnapped and murdered. To date, the police have not arrested any suspect.

2.4. Abductions associated with risks of enforced disappearance

Abductions followed by disappearances have become commonplace in Burundi. Some categories of the population are more targeted than others. The common denominator among these people is that they are perceived as opponents of political power. These are usually members of the political opposition but also members of the former Burundian armed forces (ex-FAB), retired or in active employment.

¹⁰ Owned by former SNR general manager Adolphe Nshimirimana, who was assassinated in August 2015, some SNR agents and Imbonerakure militia have used this bar located in the far northeast of the Town Hall of Bujumbura since the 2015 crisis. There have been repeated cases of illegal arrest, torture and even extrajudicial executions

On 7 October 2018, at Buganda communal centre, Cibitoke province, unidentified individuals abducted Mireille Cishahayo. The victim reportedly answered a call for an appointment with his brother-in-law, nicknamed family, and has not been home since. The man who called her is the brother of a police officer named Vianney Nshimirimana (Mutwa), several members of whose family had been massacred in a deadly attack on Ruhagarika Hill, Buganda commune on 11 May 2018 (**Sos report-torture Burundi n. 126** : <http://sostortureburundi.over-blog.com/2018/05/rapport-n-126-de-sos-torture/burundi-publie-le-12-mai-2018.html>). According to family members, police officer Nshimirimana accused Ms. Cishahayo's younger brother of having participated in the attack.

Buganda police did not conduct any investigation to find Ms. Cishahayo. The caller had also not been questioned, according to the victim's relatives, and in those circumstances, the risk of enforced disappearance was high.

On 7 October 2018, in District III of Ngagara zone, Ntahangwa commune north of Bujumbura, unidentified persons abducted Sergeant major Lucien Ntakarutimana (nicknamed Mututere). The victim was a serving member of the Army Staff. According to his relatives, he answered an appointment after the call of Pascal Hakizimana (nicknamed Nyangoma), a military police officer, and did not return.

No investigation has been initiated into the detention of the soldier, which gives rise to strong suspicions that a member of the security services, thereby increasing the likelihood of enforced disappearance, committed the act. Sergeant major Ntakarutimana is a former FNL combatant who joined the Army after the ceasefire agreements.

On 20 October 2018, in the commune of Gisagara, Cankuzo province, militia members from imbonerakure kidnapped Jonas Mugara, who has remained unaccounted for since his disappearance. The victim was a representative of the opposition party FNL in commune Gisagara. He was abducted and handed over to the head of Cankuzo National Intelligence service, Bonaventure Niyonkuru (aka Sakabaka).

Despite numerous searches carried out by his relatives in several places of detention, Jonas Mugara remained untraceable, giving rise to fears of an enforced disappearance especially that the police did not take any steps to find him.

2.5. Grenade attacks become recurrent

The recurrence of grenade attacks is a sign of the proliferation of small arms among the population. Grenades are used both in politically motivated crimes and in crimes related to ordinary crimes. Three attacks were carried out during the period under review and one was narrowly prevented.

On 3 October 2018, in Musaga zone, Muha commune, south of Bujumbura, a grenade attack was thrown against a police station. Witnesses report that the device injured two police agents. The next day, police agents surrounded several households in the vicinity of the attacked position. At least fifty (50) people were arrested by the police for a few hours. Police agents have not identified any suspects to date.

On 19 December 2018, on kavomo Hill, in the municipality and province of Kirundo, grenades were thrown into a house, killing four (4) people. The victims are a mother and three (3) children. The father of the family, Mr Jean Claude Ruberintwari, had not yet returned at the time of the attack. Three (3) other children of the couple were injured but were able to survive the attack.

Subsequently, the police announced the arrest of two (2) persons among the neighbours of the attacked family, without indicating whether they were suspects or witnesses.

On December 15, 2018, Bubanza commune and province, the deputy head of the elected of Nyarwonga Hill, tried to eliminate his wife with the help of two grenades in his possession. According to witnesses present, police agents who had to shoot him and prevent him from using these grenades controlled this man named Nkenguburundi, in time. He was taken to custody. It is important to note that this official is among many who are in possession of weapons, as well as members of the ruling party's imbonerakure militiamen, who are regularly accused by the population of possessing firearms and using them to threaten people or retaliate.

2.6. Violations of the right to life and physical integrity attributed to law enforcement officials

Elements of the army and police agents have been implicated in five deadly incidents, the most serious of which is the massacre of 14 people, believed to be gold diggers, in the province of Cibitoke. In addition to the high number of victims, this crime remained unpunished, completely covered by silence to the point of hiding the names of victims. The lack of investigation was also observed in one case where police agents shot a night watchman who had him called for help. In two other cases, justice has done its work by trying and convicting the perpetrators of the crimes.

On 25 November 2018, on Kibaya and Ruhembe Hills, in Bukinanyana Commune, Cibitoke Province, soldiers shot dead fourteen (14) people who are said to be gold miners. The latter were killed while they were searching for minerals in defiance of a ban by provincial authorities. According to witnesses, members of the imbonerakure militiamen, patrolling all the hills at night, accompanied these soldiers.

This is clearly a summary execution of these fourteen (14) persons, without any attempt to bring them to justice for their possible offence. It should be noted that there were no survivors of the massacre, and the police or the army did not provide the names of the victims.

On 4 December 2018, in Kajiji quarter, Kanyosha zone, Muha commune, south of Bujumbura, a police Officer shot dead Louise Hagabimana (36 years), his wife, at their home. This officer, called Prime Nduwimana, was of the rank of Major. He reportedly became violent following an argument with his wife, whom he had begun by slapping. Later, he took his service weapon and shot his wife at direct range. Their eight (8) month baby that the wife was carrying in the back was seriously injured.

The alleged killer was arrested and detained, and was brought before a judge in flagrante delicto on 7 December 2018. The court sentenced Major Nduwimana to life imprisonment and to pay a sum of Fifty (50) million Burundian francs as damages to the father of the victim who had custody of the children. The shot victim had six (6) children with this murderer.

On 25 December 2018, police officer Simon Ndayikengurukiye (number APN 1386) shot dead Elias Ntakirutimana on Nyagihotora Hill, in the municipality of Matana, Bururi province. According to the information received, this police officer was trying to defend himself against young imbonerakure who wanted to disarm him and strip him of his service weapon, believing him to be drunk. The person killed was the leader of imbonerakure militiamen of nyagihotora Hill who commanded these young people with the mission to take the service weapon of the police officer.

Following this incident, police officer Ndayikengurukiye was arrested and detained pending a flagrante delicto trial. He was chief of the position on Nyagihotora Hill. The judges of the Bururi High Court then sentenced him to ten (10) years in prison for murder on 27 December 2018.

2.7. Killings attributed to members of imbonerakure militiamen and members of the ruling party

On 24 October 2018, on Senga Hill, in Butezi commune, Ruyigi province, members of imbonerakure militiamen arrested and murdered Ndikumana. According to testimony, the victim was accused of stealing three goats. These militiamen cut him up with machetes, separating the limbs from his body.

These militiamen, who are well known to the local police, have not been prosecuted and no suspect has so far been apprehended.

On 28 October 2018, on Murinda Hill, Vugizo commune, Makamba province, the body of Sébastien Minani was discovered lying not far from his home. Vugizo police announced the arrest of three (3) suspects, all members of the ruling party CNDD-FDD. While the police referred to the crime of land disputes as a motive, relatives of the victim referred to a political motive, the disappeared being an active member of the opposition FNL party.

On 13 November 2018, the body of Boniface Nizigiyimana was found with numerous wounds and floating in Maragarazi River in Kayogoro commune, Makamba province. The victim was a member of imbonerakure militiamen, and was last seen on November 11, 2018 with Eric Ndayizeye, himself a member of the imbonerakure League. The latter had returned alone.

Initially, Mr. Nizigiyimana's family sought the assistance of the head of Gatabo zone, but was unable to do so. The relatives complained about the inaction of the local police and administrative authorities in conducting the investigations, and denounced the attempts of the zone chief named Gervais Habonimana to protect the alleged abductor and Assassin. Finally, Eric Ndayizeye the alleged perpetrator of the murder of his friend was arrested.

2.8. Rape and violence: all perpetrators prosecuted

During the reporting period, three cases of rape were reported. The perpetrators of these rapes were all arrested. Is this a turning point in the fight against impunity for this crime? Or were they cases where no one among the alleged perpetrators had the protection of the militia or well-placed officials?

On 7 November 2018, on Mugerama Hill, Nyanza lac commune in Makamba province, I. N. a 12-year-old girl named was raped. Despite calls for help from the victim, no one was able to arrive in

time to prevent the irreparable from being committed. The main suspect is a 22 years' man who was arrested by police in Nyanza Lac.

On 5 December 2018, on gahoma Hill, Butahana zone of Mabayi commune in Cibitoke province, a soldier raped a six-year s girl. The perpetrator was caught red-handed. He was arrested and taken into custody. The victim was hospitalized following this violent attack.

On 10 December 2018, on Rubuye Hill, Rugombo Commune in Cibitoke province, two (2) individuals kidnapped and raped a woman whom they had intercepted while she was returning from the fields around 6 p.m. The young woman was pregnant, and aborted following this violent attack. The victim was evacuated by passers-by in a critical situation.

On 11 December, the Rugombo police arrested the two (2) alleged rapists. Angry local residents were about to lynch them.

2.9. Torture attributed to members of imbonerakure militiamen

The power granted to imbonerakure militiamen allows them, alone or in complicity with administrative or police authorities, to commit abuses throughout the country, especially to arrest and subject persons, especially those presumed to be opponents, to inhuman and degrading treatment. As was the case in the incidents recorded during the period under review, such treatment is accompanied by insults or speech of intolerance and hatred. In one case, the victim was threatened with being thrown into a pit "as was done for Hutus in 1972", and in another case, it was the threat of revenge for the Hutu victims of 1972 that was brandished. Here are some examples drawn from a dozen others.

On 4 November 2018, in the Mparambo I Sector of the commune of Rugombo, Cibitoke province, an administrative officer at the base in complicity with members of the imbonerakure militia tortured two men. The latter were all members of the opposition coalition Amizero y'abarundi, accused by the militias of the ruling party of returning late.

According to witnesses, the two men were subjected to violent torture, but nothing was done to prosecute the perpetrators of these crimes even though they had been properly identified.

On November 4, 2018, on Th Murungurira Hill, Ntega commune, Kirundi province, the leader of the ruling party CNDD-FDD of Ntega commune, Kirundo province struck prosper Hitimana. The victim, a teacher from Murungurira Municipal High School, was assaulted when he entered a local bistro where the CNDD-FDD party leader was with the headmaster of his high school, an active member of Ntega imbonerakure militiamen. These two accused him of being a traitor, because

of his membership in the opposition political party UPRONA, Mr. Charles Nditije, who has been living in exile since the beginning of the crisis in 2015.

In addition to the physical violence of the attack, his two attackers threatened to drive him out of the country to join his brothers in Mahama refugee camp in Rwanda, if he did not join the ruling CNDD FDD party. They also threatened to throw him into a grave, referring to the victims of the killings against the Hutus in Burundi in 1972. The perpetrators of this attack have not been prosecuted.

On November 5, 2018, members of imbonerakure militiamen tortured Elvis Ndayirukiye on Rusagara Hill, Mugina commune, Cibitoke province. Her attackers arrested the victim while she was talking to other people. She was immediately beaten with violent blows, accused of being in an unauthorized meeting. The person attacked is a local, influential member of the opposition coalition Amizero y'abarundi. He was put in critical condition by the blows she received. The crimes committed by these members of the militiamen benefited from the complicity of the local police, the judicial police officer refused to receive the complaint of Mr. Ndayirukiye who had identified his attackers, in addition to the presence of several witnesses of the scene.

On 9 December 2018, on Bigera Hill, Mutaho commune, Gitega province, members of imbonerakure militiamen attacked Leonard Bakurakubusa, beating him in the face, arms and legs. His only fault was that he claimed his money back from the local representative of the ruling CNDD-FDD party. The latter ordered two imbonerakure militiamen who were with him to "correct" him.

Despite the complaint lodged by the victim, the police did not prosecute the perpetrators of the attack. The victim is a known member of the FNL branch headed by Agathon Rwasa

3. 4. *Violations of the right to liberty and physical security*

Burundi continues to be the scene of numerous arbitrary arrests. During the period under review, 75 arrests were made, more than half of them by police agents. To a lesser extent, the other arrests were made concurrently by agents of the national intelligence service and imbonerakure militiamen. As this is becoming more and more frequent, the elements of these three entities sometimes lend a helping hand.

The most targeted categories are identical over time. The vast majority of those arrested are people considered to be members of the political opposition, including first the FNL, then those of UPRONA, the MSD and even one of the FROLINA. The other targeted categories are members of the former army, known as the ex-FAB and people who have stayed outside the country, especially in Rwanda since 2015.

The administration has also played a role in arbitrary arrests, especially in Makamba, which generally sets the record for arrests, and where the provincial governor, Gad Niyukuri, excels in hunting alleged opponents, and raising forced contributions for the 2020 elections

3.1. *Arbitrary arrests attributed to PNB agents: obvious political motives*

During the period under review, police agents were very active in making arbitrary arrests throughout the country, but especially in Makamba province. In view of the profiles of those arrested, the political motive is predominant. Members of FNL led by Agathon Rwasa were the most targeted, followed in two cases by members of the opposition UPRONA, then by militants, including one from FROLINA, MSD and FRODEBU Nyakuri, returning from exile, like another person, returning from exile in Rwanda. Also, as is done on a recurrent basis, a former member of the Burundian Armed Forces. The reasons for arrest are almost never specified, as can be seen from these few emblematic cases

On 3 October 2018, in Kiyange Zone, in Kibago commune, Makamba province, police agents arrested Adronis Nizigiyimana at his home. His arrest came after the death of his 4 years son. He was accused by the zone chief of being responsible for this death.

This accusation, of such great seriousness, was made even though no investigation or autopsy had been carried out to establish Mr. Nizigiyimana's responsibility for the death of his child. The interpretation of the relatives is that this arrest was politically motivated, Mr. Nizigiyimana being a member of UPRONA party, wing opposed to the government and led by Charles Nditije.

On 19 October 2018, in Ngagara zone, Ntakangwa commune in Bujumbura, police agents arrested T rence Bwarikindi, an employee of the Ministry of Public Health and Fight against AIDS. According to witnesses, these police agents were accompanied by agents of the national intelligence service. Mr. Bwarikindi was searched at his home before being taken on board and placed in the detention cell of the National Intelligence Service in Bujumbura. According to his relatives, Bwarikindi's private documents were seized, as well as his computer and car. According to the information received, the police did not give any explanation during the arrest without a warrant.

On 15 November 2018, in Busoro quarter, Kanyosha zone of Muha commune, in Bujumbura town hall, police agents arrested Th og ne Nsengiyumva, Berchmans and a third young man. According to witnesses, these agents were accompanied by local imbonerakure militiamen. The people arrested are active activists of the opposition coalition Amizero y'Abarundi.

After this arrest, searches by relatives failed to locate these three persons arrested in any known place of detention in the city of Bujumbura, raising fears of enforced disappearance and extrajudicial execution.

On 1st December 2018, in the capital of Bubanza province, police officers arrested Saleh Gitabu, accusing him of rebellion, on a warrant from the Bubanza prosecutor. The day before his arrest, he was quoted by participants in a meeting of the Governor of Bubanza as financing rebel groups. There is strong evidence that Mr. Gitabu's wrongdoing is that he has not contributed to the ruling CNDD-FDD party of which he is a member since the beginning of the 2015 crisis.

In addition, Mr. Gitabu had fled to Rwanda at the beginning of the crisis before returning in 2018. It is known that several people who stayed in Rwanda were victims of arbitrary arrests, sometimes enforced disappearances, on their return to Burundi, accused of being elements of the rebellion.

On 18 December 2018, in Gisovu Quarter Bubanza commune and province, police agents arrested two men, including Daniel Bashemeze, all known to be active militants of the opposition party FNL, of the wing led by Agathon Rwaswa. At the time of this arrest, the police did not provide any explanation for the reasons, suggesting that they were politically motivated.

Police agents in complicity with members of the Imbonerakure militiamen arrested nineteen (19) people on Kabingo Hill, Giharo commune, Rutana province on 25 November 2018. All those arrested are members of the opposition party FNL of the followers of MP Agathon Rwaswa

3.2. Arbitrary arrests by SNR agents

Apart from cases where SNR agents acted in complicity with elements of the police or imbonerakure militiamen, five arbitrary arrests are attributed to SNR agents. The motives for arrest are usually of a political nature.

On 20 November 2018, the head National intelligence Service of Mabanda commune, Makamba province, arrested Charles Ndikumana without any warrant. Mr. Ndikumana is a retired soldier from the former armed forces (ex-FAB). The police and SNR did not indicate the reasons for Mr. Ndikumana's arrest, hence the fear that this man may be a victim of his former membership of the Burundian Armed Forces, a fate suffered by many other ex-FABs, on this ground alone.

On 29 November 2018, in Vyuya Zone, Mugamba commune, Bururi province, agents of the national intelligence service arrested Fidel Niyomwungere at his home. This man is known to be an active militant of the opposition party FNL, the wing led by Agathon Rwasa. He was accused of participating in armed gangs and making several trips to the Democratic Republic of Congo. These agents had just conducted a search that had not resulted in any seizures, raising concerns that the arrest was linked to Mr. Niyomwungere's political affiliation.

On 28 December 2018, on Nyagwondi Hill, Mabayi commune, Cibitoke province, the provincial head of national intelligence service, accompanied by the head of the imbonerakure militiamen. According to witnesses present, the victim was tied up before being loaded into the vehicle registered D3981A of this SNR official, OPP1 Venant Miburo, and driven to an unknown destination.

According to Mr. Ntahomvukiye's relatives, he is accused of refusing to join the CNDD-FDD party in order to remain an active militant of the Amizero y'Abarundi opposition coalition. Mr. Ntahomvukiye's arrest could therefore be linked to his political affiliation.

3.3. Arbitrary arrests by imbonerakure militiamen

About ten arbitrary arrests were attributed to elements of imbonerakure militiamen during the period under review. Some arrests were made in collaboration with SNR or PNB officials. In others,

these militiamen acted alone, their power being almost limitless, becoming an omnipresent cog of repression. Here are some examples of them.

On 29 September 2018, Nyanza-lac Commune, Makamba province, a member of imbonerakur militiamen known as Vivant arrested Callixte Hategekimana, a Rwandan citizen. The latter was arrested while visiting a friend. Mr. Hategekimana had all his travel documents in order. The police who detained him have not given any reason for his incarceration to date. Mr. Hategekimana appears to be a victim of tensions between Burundi and Rwanda, which are at the root of mistrust towards Rwandan nationals travelling to Burundi. The increasingly extraordinary power recognized to the imbonerakure is evident in this case, where a member of this militia allows himself to violate the rights of a foreigner in order, with the complicity of police agents.

On 21 October 2018, on Gasura Hill, in the municipality of Vumbi, Kirundo province, members of the imbonerakure militiamen arrested eleven (11) people while they were in a meeting of their association, along with about twenty others. The militiamen members targeted Zacharie Mihigirwa, a member of the Vumbi communal council and a militant of the opposition party FNL, the wing led by Agathon Rwasa and ten (10) other individuals present at the meeting.

The militiamen who carried out these illegal arrests were well identified and came from three different municipalities (Kirundo, Vumbi and Ntega) with militia responsibilities. It should be noted that, as has become commonplace, the active complicity of police agents, who detained all these persons arrested in violation of the law and procedure.

On 25 October 2018, in the provincial centre of Bubanza, a militiaman nicknamed Kaposho in complicity with a Bubanza police agent arrested Richard Nkurunziza (30 years), a former member of the opposition party of the Movement for Solidarity and Democracy (MSD).

To date, the Bubanza police who are holding him in detention have not informed his relatives of the reasons for his detention and the charges against him, suggesting that he is being persecuted because of his political affiliation.

On 16 November 2018, in the town of Rango commune, Kayanza province, members of the imbonerakure militiamen arrested Theogen and Mayange, both known to be militants of FNL opposition party, a wing led by Agathon Rwasa.

This illegal arrest was carried out by militiamen of the ruling CNDD-FDD party, including the communal leader of this party named Aimable Yamuremye, with the complicity of Rango police officers, who detained these two men in police cells. This is despite the torture inflicted on the

victims since the first day of their imprisonment, without their right to receive care following the abuse suffered

4. 4. Forced contributions to the 2020 elections: imposed even on schoolchildren

In all provinces of the country, forced contributions to the 2020 elections are collected with great zeal by the administration, making access to the various public services conditional on the payment of 2000 Fbu, as illustrated in the circular of the administrator of Bukirasazi, in Gitega province. A recent phenomenon is that these contributions are extended even to students, making the receipt of ballots conditional on payment of the amount requested

In Bururi province, Provincial officials demanded new forced contributions from teachers and students in the province's various schools for the 2020 elections. A decision taken during preparatory meetings for the end-of-term exams was to consider schools as households, forced to contribute since early 2018.

These new forced collections amounted to 2000 francs per teacher and 1000 francs per student, in addition to the same amount already collected from these groups in recent months. These collections are a sign of an increasing politicization of education, and threats of repression against anyone who does not pay these contributions.

In Kirundo province, several sources reported that students at Kirundo Public Works School were forced by the school principal to contribute 2000 francs, each for the 2020 elections. This director is an active member of the imbonerakure militiamen of the ruling party CNDD-FDD. He threatened reprisals against students who did not hand over their contributions, regardless of whether the students' parents had already contributed.

In Makamba province, Governor Gad Niyukuri used threats of dismissal against local elected officials and school principals who were not efficient in collections. The illustrative case is the dismissal of Sagirije, a chief of Kanzenge Hill, in Makamba commune, who was punished for not collecting sufficient contributions for the 2020 elections. Other people have been warned and the main victims are students who are now being deprived of their assessments due to a lack of financial resources for lack of contributions to the elections.

In Rumonge province, transporters were targeted. The governor of Rumonge province, Juvénal Bigirimana, has blocked public transport to require a contribution of 12,000 francs from each bus and taxi driver working in the province. These collections are mandatory to have the right to embark customers. The Governor himself distributed the receipt books for these contributions in the parking lots of the transport vehicles.

The same governor ordered the collection of a bag of cement and construction equipment from every public service employee working in the province. These collections are in addition to those for the 2020 elections

5. Administration of justice: dysfunctions and breaches of the law

5.1. Judges sanctioned for doing justice to three other judges

The General Prosecutor's Office of Bururi Court of Appeal has decided to illegally detain Spinat Nsabiwaremye, Emmanuel Niyongabo and Silas Nibasumba in Bururi prison. These three (3) judges of Nyanza-lac Residence Court, Makamba province, had been acquitted by Bururi Court of Appeal on 9 October 2018, on charges of forgery in public writing for which they had been prosecuted since July 2018.

By refusing to implement this decision of the Court of Appeal, the public prosecutor of this court has placed himself in an illegal situation, which makes it illegal and abusive to keep the three judges in prison.

On 24 October 2018, disciplinary displacement were imposed on the three judges of Bururi Court of Appeal who had rendered the judgment. These judges had collectively decided to dismiss the charges against their colleagues in the lower court.

This is a serious fact that illustrates both the lack of independence of the Burundian judiciary and the contempt for the law by those who are supposed to ensure its application. Because, in addition to the fact that the detainees were victims of arbitrary and abusive detention, there was an immediate attack on the magistrates who tried the case. These targeted transfers have had the effect of strengthening the prosecutor at the Bururi Court of Appeal, which knowingly violates the law, contrary to the provisions of the Code of Criminal Procedure and shows the level of interference by the authority of the Ministry of Justice in the decisions of judges, clearly in flagrant violation of the principle of the irremovability of the judge.

5.2. Illegal detention of allegations of corruption in detention

Le parquet de Rutana a maintenu illégalement en détention Victor Ndayikeza et deux autres co-accusés dans la prison de Rutana. Il s'agit de l'ancien administrateur communal de Rutana et ses camarades, tous membres du parti au pouvoir CNDD-FDD. Selon les proches des détenus, le procureur de Rutana aurait exigé un pot-de-vin à la famille pour exécuter la décision du tribunal, rendue le 16 octobre 2018.

5.3. Nearly three years of injustice and arbitrary detention for 124 Burundian youth

Sos-Torture/Burundi learned of the start of trial on 29 October 2018 of one hundred and twenty-four (124) young people who were handed over by the Congolese authorities to those of Burundi on 31 January 2017, after two (2) years' detention in the DRC. These young people, asylum seekers in the DRC, had been arrested at different times and in different places in the DRC, without any connection between them. The Congolese authorities extradited them and handed them over to the Burundian authorities, in violation of international law and especially the Geneva Convention, which protects refugees. 186 people had been extradited from the DRC on 31 January 2017 (see **Sos-Torture Burundi report N°60**: <http://sostortureburundi.org/wp-content/uploads/2016/08/SOS-Torture-Burundi-nume%CC%81ro-60-en-Fr.pdf>).

At the time of their reception, the Burundian Minister of Justice, Aimée Laurentine Kanyana, had remained vague as to their destination and the fate reserved for them. She had indicated that they would be placed in a rehabilitation centre. Subsequently, these young people were imprisoned in the national intelligence service and then in the Mpimba central prison in Bujumbura for the same reason of undermining the internal security of the State and participating in armed gangs.

5.4. Burundian authorities about to spoliage houses belonging to opponents

On 13 December 2018, Burundian Justice Minister Laurentine Kanyana unveiled the Burundian government's plan to auction houses "where weapons have been seized" since the beginning of the crisis in 2015. The announcement followed the release of a documentary film by the British Broadcasting Corporation (BBC), after an investigation made in Burundi into the existence of torture houses and executions of political opponents.

The revelations of this investigation provoked the wrath of the Burundian government, which organised a denial session with diplomats stationed in Burundi. There was then the organization of excavations and assembly of the houses of certain personalities in exile, aimed at exhibiting in

front of the media, the seizure of weapons, then plundering their property and perhaps later on their houses. During these operations, police and national intelligence officers looted the property of owners who had been absent for months or even years.

The Minister's announcement is a further step in the repression of political opponents. The government wants to attack the property of people, whether in detention or in exile, because of their political opinions and their opposition to the government in power.

6. Conclusion

Against the background of the same trends in human rights violations, it should be noted that the refusal of the inclusive dialogue to return to normality in Burundi is an undeniable and unchanging element of the Burundian government.

This position can only resolve opponents of the regime's use of violence, which can have repercussions not only in Burundi but also in the region, as shown by recent attacks in southern Rwanda and the verbal war between the authorities of these two countries, and the unofficial and repeated incursions by the Burundian army in eastern DR Congo.

The functioning of the East African Community is also affected by this situation, as illustrated by the postponement of the summit of the Heads of State of this community and the undiplomatic letter exchanges between Presidents Museveni, Chairman-in-Office of the ECA, and Pierre Nkurunziza.

Internally, the government's priority is to organize the 2020 elections, by punishing all segments of the population through forced and untimely contributions. The abuses linked to this illegal taxation are enormous and contribute to a growing deterioration in the living conditions of the population, which is likely to worsen further with the decision of some humanitarian NGOs to cease their activities in Burundi following the measures imposed by the government.

The risks of violence amplified by the unbridled ethnicization of all sectors of the country suggest bleak prospects for the country.

Recommendations

To the Government of Burundi:

1. Stop procrastinating and accept an inclusive dialogue with all the protagonists in the Burundian conflict, without preconditions.
2. Stop funding the population through forced contributions for the 2020 elections, especially for vulnerable people and students.
3. Cancel all arrest warrants issued against political opponents, civil society actors and journalists in exile
4. To abandon the selective repression of past crimes (assassination of President Melchior Ndadaye followed by the massacre of the Tutsi) until fair and reassuring judicial mechanisms are put in place for all victims.
5. Cancel the decision taken with regard to the NGOs, in particular the decision on ethnic balances, and allow the NGOs that were in order in Burundi to continue their interventions.
6. Cooperate fully with human rights mechanisms at the national, regional and international levels in the implementation of human Rights Council resolutions and collaborate with the International Criminal Court (ICC)

To the East African Community:

1. To learn from the failures of the inter-Burundian dialogue to organize itself as a sponsor of the Arusha Peace Agreement and the inter-Burundian dialogue, and to involve other multilateral partners in an effective inclusive dialogue among all Burundian actors with a view to reviving the fundamental principles of the peace and reconciliation agreement signed in Arusha in 2000 and the 2005 constitution.
2. Take appropriate measures, including the use of an embargo, to ensure that the Burundian government accepts inclusive negotiations without preconditions, as the stubbornness of Pierre Nkurunziza constitutes a threat to peace not only in Burundi but also in the region, and entails risks to the stability of the East African Community (ECA).

To the international community:

1. Take the necessary economic, political and diplomatic measures to ensure that the government of Burundi complies with its international commitments and make a concrete and verifiable commitment to the return of the rule of law and to the Arusha agreement.

2. Support the work of the International Criminal Court to complete the investigations begun on Burundi with a view to prosecuting immediately the perpetrators of serious crimes committed since the outbreak of the crisis in Burundi in 2015.
 3. Respond appropriately to urge the Burundian authorities to cooperate fully with the United Nations mechanisms and the ICC.
 4. Demand that the Burundian government remove the conditions imposed on NGOs, in particular with regard to ethnic balances.
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