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Human Rights in Africa: Review of 2019 - Burundi [AFR 01/1352/2020]

Serious human rights violations and abuses persisted, with politically motivated attacks on opponents in the run-up to the 2020 elections. There were severe restrictions on the rights to freedom of expression and association. Media workers, political opponents and human rights defenders were among those particularly targeted. Members of the Imbonerakure (the ruling party's youth wing) were suspected to be the main perpetrators of violations and abuses, as well as the National Intelligence Service (SNR) and police. Discriminatory measures were imposed on women and girls, who were also subjected to sexual violence mainly by state actors. The humanitarian situation remained dire and millions who faced food insecurity were in need of humanitarian assistance.

Background

In the 2018 referendum, Burundians voted to adopt a new Constitution which included the creation of a prime ministerial role and changed the rules on presidential term limits. Under the new Constitution, presidential terms increased from five to seven years, and presidents were limited to two consecutive terms in office, rather than two terms in total, allowing individuals to rerun at a later date. The President said he would not run for another term in the 2020 elections.

There were isolated armed attacks in border areas during 2018 and 2019. In May 2018, at least 26 people, including children, were killed in an attack, believed to be carried out by rebels based in the neighbouring Democratic Republic of the Congo (DRC), on Ruhagarika village in Cibitoke. In October 2019, an armed opposition group clashed with security forces in Bubanza province.

Human rights defenders

The authorities continued to crack down on the work of human rights defenders and civil society organizations including by subjecting them to prosecution and lengthy prison terms.

Nestor Nibitanga, a former regional observer for the Association for the Protection of Human Rights and Detained Persons (APRODH) remained in Murembwe prison in Rumonge serving a five-year prison sentence passed to him by the Mukaza tribunal in Bujumbura in August 2018 for “threatening state security”. The court found him guilty of compiling reports for APRODH after the government closed the organization. However, Nestor Nibitanga stated that a report found on a USB disk at the time of his arrest was not prepared for APRODH, but for a human rights network he was working with and which the government recognized.

Emmanuel Nshimirimana, Aimé Constant Gatore and Marius Nizigiyimana, members of PARCEM, a civil society organization, were finally released from Mpimba prison in Bujumbura in March after the Ntahangwa Court of Appeal overturned their convictions on appeal in December 2018. They had been arrested in 2017 while organizing a human rights workshop and, in March 2018, were sentenced to 10 years’ imprisonment for “threatening state security”. In June 2019, the government suspended the organization accusing it of having deviated from its objectives and “tarnishing the image of Burundi” and its leaders with the aim of disturbing “peace and public order”.

In July, the Ntahangwa Court of Appeal upheld the conviction against Germain Rukuki, a former employee of the banned human rights organization ACAT-Burundi (Action by Christians for the Abolition of Torture). He was found guilty of “threatening state security” and sentenced to 32 years in prison in 2018, in connection with his human rights work. Evidence presented against him included his email correspondence with ACAT-Burundi staff, sent before the organization was suspended.

In September, the UN Commission of Inquiry on Burundi (mandated to investigate human rights violations and abuses committed since April 2015) published new information about human rights defender Marie Claudette Kwizera who was forcibly disappeared in 2015. The information suggested she had been taken to the SNR offices soon after her disappearance before being moved to another location several days later where she was extrajudicially executed.

Freedom of expression

Severe restrictions on the rights to freedom of expression and access to information continued. Media workers were targeted and frequently prevented from carrying out their work. Many journalists remained in exile while those working inside the country faced serious restrictions which impeded their ability to report on human rights violations and abuses and security-related issues.

Seven secondary school children were arrested on the order of the local prosecutor in March in Kirundo province, accused of defacing a photo of the President in their textbooks. Three of them were charged with “insulting the head of state”. They were all released after a few days in detention and five of them were expelled from school.

In March, the National Communication Council (CNC) withdrew the BBC's licence to operate. It also extended an existing suspension against Voice of America (VOA) “until further notice”. VOA and the BBC's permission to broadcast was initially suspended in 2018, a few days before the referendum. Under the suspension, journalists inside the country were forbidden from sharing information with the BBC or VOA that they could broadcast.

Iwacu Press Group journalists, Agnès Ndirubusa, Christine Kamikazi, Egide Harerimana and Térence Mpozenzi, and their driver Adolphe Masabarakiza, were arrested by police when they travelled to Bubanza province on 22 October to investigate reports of an armed attack. On 31 October they were charged with “complicity in threatening state security”. Adolphe Masabarakiza was provisionally released on 20 November, but the others remained in Bubanza prison. A private joke sent by one of them over WhatsApp to another journalist – that they were “going to support the rebels” – was presented by the prosecution as evidence during their trial in December. In response, the defence presented another satirical message sent by the same journalist, saying that they were going “to deal with these people who want to disturb the peace and the elections.” The prosecution requested a 15-year prison sentence.

Also, in October, the CNC issued a new media code of conduct for the election period. The code forbade the use of survey data as a source of information and prevented journalists and broadcasters from publishing election results other than those published by the Independent National Electoral Commission or its subsidiaries.

Freedom of association

Opposition members and perceived government opponents continued to face attacks by the authorities and ruling party members. Members of the National Congress for Freedom (CNL) were particularly targeted. Members of the Imbonerakure, the ruling party's youth wing, killed, arbitrarily arrested and attacked dozens of CNL members, and destroyed local party offices throughout the country.

Following the temporary suspension of almost all international NGOs in September 2018, several organizations closed their operations rather than provide data on the ethnic identities of their national staff. In October 2018, the Interior Minister told NGO representatives that only NGOs running hospitals and schools would be exempt from the suspension initially announced by the National Security Council, and that organizations would need to demonstrate that they conformed with the 2017 Law on Foreign NGOs.

Refugees and asylum-seekers

Burundian refugees and asylum-seekers faced increasing pressure to return to Burundi, particularly in Tanzania which, along with Rwanda, the DRC and Uganda, hosted half of the more than 300,000 people displaced from Burundi. In August, the Burundian and Tanzanian governments signed a bilateral agreement, without the participation of

UNHCR, the UN refugee agency, to increase returns of refugees from Tanzania to Burundi “whether voluntarily or not”. While UNHCR continued to provide financial and logistical support for returns to Burundi, the agency maintained that conditions in Burundi were not yet conducive to promoting returns.

Impunity

Four Imbonerakure members were convicted in October for killing an opposition member in Muyinga province and were given life sentences. However, most politically motivated crimes, committed by the Imbonerakure, continued to go unpunished.

International scrutiny

The UN Office of the High Commissioner for Human Rights closed its office in Burundi in February after operating for over 20 years. The government suspended co-operation with the office in 2016 and in December 2018 ordered its closure.

The government continued to refuse access to the country for members of the UN Commission of Inquiry on Burundi. It threatened them with prosecution in 2018 after the Commission published a report, in September of that year, which criticized the government.

The African Union continued to deploy human rights monitors in Burundi but did not publish any findings.

Sexual and gender-based violence

The UN Commission of Inquiry on Burundi documented numerous cases of sexual violence. They found that the majority of sexual violence cases reported to them between 2018 and 2019 were committed in rural areas, marking a change from 2015/2016 trends. The Commission found that most of the attacks were committed by state actors, or with their direct or tacit consent, and that the Imbonerakure used rape, and in particular gang rape, to intimidate or punish victims for their perceived political views.

Women's rights

Discriminatory restrictions were imposed on women and girls' right to freedom of movement. In May, the local administrator of Musongati commune, Rutana province, imposed a 7PM curfew, after which women were not allowed to enter markets or bars unless accompanied by their husbands.

Rights to health and food

The humanitarian situation remained dire. The World Health Organization reported that there were more than 8.5 million cases of malaria from which 3,170 people died during the year. Over 1.7 million people faced food insecurity out of a population of approximately 11 million. Despite these economic challenges, which pre-date the current crisis, the government collected ‘voluntary’ contributions towards the 2020 elections and put heavy restrictions on international organizations, including those providing humanitarian assistance.

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