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The authorities failed to respond appropriately to the Covid-19 pandemic and to protect the right to health. Some measures against human rights defenders, activists and journalists were lifted – including the release of prisoner of conscience Germain Rukuki – but threats, intimidation and politically motivated prosecutions continued. Some returning refugees faced intimidation. The authorities failed to respect and protect women’s rights and violated the right to privacy. Enforced disappearances, unlawful killings, torture, arbitrary arrests and detentions continued. The Truth and Reconciliation Committee (TRC) faced accusations of bias and the judiciary’s independence was undermined.

Background

There was a major shift in Burundi’s relationships with international partners. Political dialogue with the EU resumed and relations with Rwanda improved.

In May, the AU Peace and Security Council ended the mandate of its human rights observer mission in Burundi, and the UN closed the Office of the Special Envoy of the Secretary-General for Burundi. In October, the UN Human Rights Council terminated the Commission of Inquiry on Burundi’s mandate, which was replaced by a special rapporteur. Burundi’s National Independent Human Rights Commission regained its “A” status in June, despite civil society concerns.

Security incidents increased, including attacks on civilians in Bujumbura and the capital, Gitega, in May and September, and on road travellers in Muramvya province in May and June.

Humanitarian assistance was required by 2.3 million people. Burundi remained one of the 20 countries most vulnerable to climate change. More than 52,000 people were affected when Lake Tanganyika flooded, destroying or damaging their homes.

Right to health

The government resumed cooperation with the WHO, whose new representative arrived in the country in April, but the Covid-19 pandemic response remained insufficient. In July, the government authorized the World Bank to provide vaccines, but refused to sign any commitments to manage potential side effects or offer compensation for them. The first shipment of vaccines arrived in October. Covid-19 cases resurged in the second half of the year, with doctors reporting that official figures were far below the actual numbers. In September, weekday parties and ceremonies of a social nature were banned. The authorities introduced a health pass in November for travellers from the commercial capital, Bujumbura, to other provinces, to prove that they had tested negative.

Freedom of expression

In January, the president promised that his government would promote a “free and responsible press”, calling on the National Communication Council to engage with suspended media houses to enable them to restart their work. Following his speech, restrictions were lifted on several media houses, including Bonesha FM, Isanganiro TV and the BBC.

These moves were undermined in August, however, when the president launched a personal attack against journalist Esdras Ndikumana for his reporting on the impact of Covid-19, accusing him of “hating the country in which he was raised”.

The conviction of former parliamentarians Fabien Banciryanino in May and Pierre-Celestin Ndikumana (in his absence) in August also called into question the government’s stated commitment to the right to freedom of expression and media freedom. They had openly criticized the government’s human rights record in the 2015-2020 legislature, which was rare among parliamentarians. Fabien Banciryanino was released in October after serving a one-year prison sentence.

Human rights defenders

The conviction in their absence of five human rights defenders and seven journalists who had been involved in the 2015 protests was announced in February, although the Supreme Court ruled on the case in June 2020. They had been sentenced to life imprisonment on charges of undermining state authority, murder and damage to property in connection to the 2015 attempted coup. They had no legal representation during the trial.¹

Nestor Nibitanga, former regional observer with the Association for the Protection of Human Rights and Detained Persons (APRODH), was released from prison in April, after receiving a presidential pardon having served four years of a five-year sentence. He had been arrested in 2017 and convicted in 2018 on spurious charges of “threatening internal state security”.

In June, the Ntahangwa Appeal Court overturned human rights defender Germain Rukuki’s conviction on charges of “participation in an insurrectional movement”, “threatening internal state security”, and “attack on the authority of the state”, but the court upheld his conviction for “rebellion”. His 32-year prison sentence was reduced to one year plus a fine of BIF50,000 (US\$25). He was released on 30 June, after almost four years in detention.²

Also in June, lawyer Tony Germain Nkina was convicted by the High Court in Kayanza of “collaboration with rebels who attacked Burundi” and sentenced to five years in prison and a fine of BIF1 million (approximately US\$500). He had been arrested in October 2020 while working in Kabarore commune, an area that had been affected by armed attacks. Several elements in the case strongly suggested that it was motivated by his former work with civil society, dating back more than six years. The Ngozi Appeal Court upheld his conviction and sentence in September.³

Civil society organization Words and Actions for the Awakening of Consciences and the Evolution of Mentalities (PARCEM) was permitted to reopen in April, after being suspended for nearly two years.

Women’s rights

Burundian authorities continued to fail to respect and protect women’s human rights. A woman who was missing for three months after leaving her husband was accused of “family abandonment”, an offence punishable by up to two months in prison. Before going to the police, she had been in hiding at a safe house run by a women’s rights organization, which was in turn accused of threatening state security.

Right to privacy

An evening curfew was imposed in Gishubi commune in Gitega province to prevent social mixing between men and women, continuing a trend observed in other parts of the country in recent years. New rules were introduced whereby a woman found in a bar after 7pm with a married man, not her husband, would be fined BIF10,000 (US\$5), as would a girl found outside her family home at that time. Men caught with women who were not their wives would be fined BIF20,000 (US\$10) and the same fine would be imposed on boys found with girls after 7pm.

In September, the minister of interior ordered the suspension of all administrative officials who were practising “concubinage” (defined by law as a married man living with one or more women as though they were “wives” outside or within the marital home) or were part of “illegal unions”. The bans on cohabitation outside marriage and on polygamy continued.

Arbitrary arrests and detentions

Arbitrary arrests and detention continued, notably of members of the opposition party, the National Congress for Freedom (CNL). In September, the Commission of Inquiry on Burundi published a report which found that in addition to police and intelligence service officers, judicial and sometimes prison staff were also responsible for cases of arbitrary detention.

Enforced disappearances

New cases of enforced disappearances were reported, including that of Elie Ngomirakiza, a CNL representative from Bujumbura Rural province, who was detained in July. Cases from previous years remained unresolved and there were more than 250 open cases before the UN Working Group on Enforced and Involuntary Disappearances. Despite this, the national authorities sought to minimize the issue. In July, the president told media that there had been no disappearances and referred instead to criminals who fled to Rwanda. Later that month, the Prosecutor General of the Republic underplayed reports of enforced disappearances, referring instead to people who left to join armed groups without informing their families, and criminal groups that carried out abductions disguised as security forces.

Right to life

Dead bodies, often bearing signs of violence, were regularly found near roads, lakes, ditches and other public places. The human rights organization Ligue Iteka reported that 269 bodies were discovered between January and December; however, investigations were rarely conducted before burials.

The police, National Intelligence Service and members of the ruling party’s youth wing, the Imbonerakure, were

accused of killing suspected opponents, including through torture.

Right to truth, justice and reparation

The TRC continued to conduct exhumations of mass graves of victims of the 1972 massacres, which primarily targeted Hutu. Focusing on the 1972 massacres without investigating other atrocities, the TRC faced accusations of bias and of working on behalf of the ruling party. Separately, between April and June, the senate organized a series of conferences to remember the 1972 massacres, risking pre-empting the TRC's conclusions.

In July, the President of the National Assembly made threatening public remarks about magistrates and undermined the independence of the judiciary. The same month, the Governor of Bujumbura province proposed regular meetings between the judiciary and his office to deliberate on justice-related complaints brought by residents. In August, President Ndayishimiye spoke out about allegations of corruption among judges but took no action to prevent political interference in the justice system.

The ICC continued its investigation into the Burundi situation (despite Burundi's withdrawal from the Rome Statute), with a focus on “[a]lleged crimes against humanity committed in Burundi or by nationals of Burundi outside Burundi since 26 April 2015 until 26 October 2017”.

Refugees' and migrants' rights

Between January and September, around 36 Burundians were reported to have arrived in neighbouring countries as asylum seekers. The numbers leaving Burundi had reduced dramatically from March 2020 because of Covid-19 restrictions on movement and some border restrictions remained in place in 2021.

UNHCR, the UN refugee agency, supported more than 60,000 people in their return to Burundi up to the end of October. In June, Burundi's Conference of Catholic Bishops raised concerns about returnees not being well received in certain areas and being intimidated by those who were supposed to support them to reintegrate into society.

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1. [Burundi: Genuine Reopening of Civic Space Requires Accountability](#) (Index: AFR 16/3806/2021), 11 March
 2. “[Burundi: Release of Germain Rukuki a victory for human rights](#)”, 1 July; “[Burundi: Germain Rukuki's prison sentence cut from 32 years to one](#)”, 22 June
 3. [Burundi: Lawyer Gets 5-Year Prison Sentence: Tony Germain Nkina](#) (Index: AFR 16/4636/2021), 20 August

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