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Restrictions on the rights to freedom of expression and assembly continued. The security forces, among others, carried out unlawful killings, enforced disappearances, torture and other-ill-treatment, arbitrary arrests and detention.

Background

In October, the Council of Ministers approved revisions of the Constitution. The proposed constitutional amendments would allow President Nkurunziza to stand for at least two more seven-year terms, and reduce the size of the majority required to pass legislation in Parliament. In December, the President of the National Independent Electoral Commission announced that a referendum on the constitutional amendments was planned for May 2018.

Efforts by the East African Community (EAC) to find a mediated solution to the political crisis sparked by the President's decision in 2015 to stand for a third term continued to stall. Michel Kafando, former President of Burkina Faso, was appointed as UN Secretary-General Special Envoy to Burundi in May. His role included providing assistance to the EAC's political dialogue efforts.

The government declared a malaria epidemic in March. Between January and mid-November, 6.89 million cases and 3,017 deaths were recorded.

Unlawful killings

Unlawful killings continued. Bodies were regularly discovered in the streets of the capital, Bujumbura, and throughout the country. Several Burundians who were living as refugees in neighbouring countries said that they left Burundi after their relatives were killed, primarily by the Imbonerakure – the increasingly militarized youth wing of the ruling National Council for the Defence of Democracy-Forces for the Defence of Democracy. Others witnessed the killings of their family members by the Imbonerakure as they tried to flee the country.

Enforced disappearances

Reports of enforced disappearances continued, and cases from 2015 and 2016 remained unresolved. The UN Commission of Inquiry on Burundi highlighted several cases where there were reasonable grounds to believe or to fear that people had been forcibly disappeared. Pacifique Birikumana, driver for the Ngozi diocese, was believed to have been forcibly disappeared on 8 April after he returned from driving a group of soldiers to Gitega province. The Commission received information that he may have been arrested by the National Intelligence Services (SNR); his whereabouts remained unknown. Former senator and businessman Oscar Ntasano went missing with two of his employees on 20 April after meeting a man said to work for the SNR. Witnesses told the Commission that Oscar Ntasano received threats from state officials in connection with a contract he was negotiating with the UN to rent office space. One state official was said to have threatened him with death if he refused to split the proceeds.

Torture and other ill-treatment

Reports of torture and other ill-treatment by, among others, the SNR, police and the army, of detainees suspected of opposing the government continued. Torture methods included beating men with cables, iron reinforcing bars (rebar) and batons, as well as hanging heavy weights from genitals. Imbonerakure members were frequently accused of beating detainees during arrest.

Impunity for such violations continued. Burundi had not yet established a National Preventive Mechanism against torture as set out in the Optional Protocol to the UN Convention against Torture.

Sexual and gender-based violence

The Commission of Inquiry interviewed 49 survivors of sexual violence that took place between 2015 and 2017. Most of the cases involved rape of women and girls by police, often while arresting a male family member. The Commission also documented sexual violence against men in detention. It concluded that sexual violence appeared to be used as a way to assert dominance over people linked to opposition parties or movements.

Arbitrary arrests and detentions

Arbitrary arrests and detentions continued, including during police searches in the so-called opposition neighbourhoods of Bujumbura. People were often arrested without warrants and only later informed of the accusations against them. Police and Imbonerakure sometimes used excessive force during arrests and attempted arrests. Former detainees said that they or their family had to pay vast sums of money to members of the SNR, police or Imbonerakure in exchange for their release.

Freedoms of expression and assembly

Restrictions on freedom of expression and peaceful assembly continued at all levels. University students in Bujumbura went on strike in March to protest against a new student loan and grant system; several of them were arrested and six student leaders were charged with rebellion.

On 4 April, Joseph Nsabiyaandi, editor-in-chief of Radio Isanganiro, was summoned for questioning by the SNR, and accused of collaborating with two radio stations set up by Burundian journalists in exile.

On 9 June, the Mayor of Bujumbura refused to allow Amizero y'Abarundi, the parliamentary opposition coalition, composed of representatives from the National Liberation Forces and Union for National Progress, to hold a press conference on the grounds that the coalition did not have “legal personality”.

Human rights defenders

In January, the Bujumbura Court of Appeal overturned a decision by the Bar Association's president not to disbar four lawyers following a request to do so by a prosecutor in 2016. Three of the lawyers were, therefore, disbarred while another was suspended for one year. The prosecutor had called for them to be struck off after they contributed to a report to the UN Committee against Torture.

Germain Rukuki was arrested on 13 July; he was president of the community organization Njabutsa Tujane, an employee of the Burundian Catholic Lawyers Association and a former member of ACAT-Burundi (Action by Christians for the Abolition of Torture, ACAT). The SNR held and interrogated him without a lawyer present, before transferring him to prison in Ngozi city on 26 July. On 1 August, he was charged with “undermining state security” and “rebellion”, for collaborating with ACAT-Burundi, which was banned in October 2016. The Public Prosecutor presented as evidence against him an email exchange from a period when ACAT-Burundi was legally registered in Burundi. Germain Rukuki was denied bail and remained in detention at the end of the year.

Nestor Nibitanga, former member of the deregistered Association for the Protection of Human Rights and Detained Persons (APRODH), was arrested in Gitega on 21 November. He was charged with undermining state security and rebellion. This appeared to be in retaliation for his human rights activities. Following a hearing on 28 December, the Mukaza court in session at Rumonge decided to keep Nestor Nibitanga in provisional detention. He remained in detention at the Murembwe central prison in Rumonge at the end of the year.

Refugees and asylum-seekers

People trying to flee the country reported abuses including rape, killings, beatings and extortion by members of the Imbonerakure. Many tried to leave by informal routes, as they did not have official travel documents; they were afraid of being accused of joining the rebellion, being refused permission to leave or being arrested at the border for trying to leave.

The number of Burundian refugees in relation to the current crisis reached over 418,000 in September but fell to 391,111 by the end of 2017. Most of them were hosted by Tanzania, Rwanda, Democratic Republic of the Congo (see Democratic Republic of the Congo entry) and Uganda. In an operation led by the Tanzanian government and supported by UNHCR, the UN refugee agency, organized returns began in September with 8,836 refugees assisted to return to Burundi by 20 November. Many refugees cited harsh conditions in their countries of asylum as their main reason for return. In August, the World Food Programme warned that without urgent funding from donors, insufficient food rations to refugees in Tanzania would be further reduced. The UNHCR-led Burundi Regional Refugee Response received only 20% of the funding required for 2017.

In January, Tanzania stopped automatically recognizing Burundian asylum-seekers as refugees. Uganda followed suit in June. On 20 July 2017, President Nkurunziza visited Tanzania in an attempt to convince Burundian refugees that it was safe to return.

Internally displaced people

The International Organization for Migration said that 187,626 people were internally displaced as of November; 19% were displaced in 2017. Two thirds of the total were displaced by natural disasters and one third as a result of the socio-political situation.

Right to privacy

Couples cohabiting without being married risked prosecution under a 2016 law which banned “free unions” or cohabitation and carried a prison sentence of one to three months, and a fine of up to 200,000 francs (USD114). In May, following President Nkurunziza’s call for a nationwide “moralization” campaign, the Interior ministry spokesperson gave cohabiting couples until 31 December to “regularize” their situation.

Economic, social and cultural rights

In October, the Minister of Justice presented proposed amendments to the Penal Code which were unanimously adopted by the National Assembly and the Senate. The amendments would criminalize begging and “vagrancy”. Able-bodied people found

guilty of begging would face a prison sentence of between two weeks and two months, and/or a fine of up to 10,000 francs (USD6). The same sentence was proposed for “vagrancy”.

Burundian refugees living outside the country claimed that increased local taxation was affecting their livelihoods. The extent to which fees were formally imposed or were simply acts of extortion was not always clear especially where they were collected by members of the Imbonerakure.

International scrutiny

On 4 September, the Commission of Inquiry report concluded that there were reasonable grounds to believe that crimes against humanity had been committed since April 2015. On 28 September, the UN Human Rights Council adopted a resolution mandating a team of three experts “to collect and preserve information [...] in cooperation with the Government of Burundi”, and “to make recommendations for technical assistance and capacity building”. On 29 September, the Council also renewed the Commission of Inquiry’s mandate for another year. Discussions between the UN and the government on the reopening of the UN Office of the High Commissioner for Human Rights in Burundi had not reached a conclusion by the end of the year.

Burundi’s withdrawal from the ICC came into effect on 27 October. Two days earlier, the Pre-Trial Chamber authorized an investigation into the situation in Burundi, a decision made public in November.

The AU Peace and Security Council did not meet to discuss Burundi in 2017, despite the continued presence of AU human rights observers and military experts in the country at the Council’s request.

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

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