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Burundi: Treatment of family members of people who opposed the third term of President Pierre Nkurunziza, especially of those who had ties to the government (2015-February 2019) [BDI106252.FE]

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1. Political Context

According to the BBC,

[i]n 2015, Burundi was plunged into its worst crisis since the end of [the] civil war in 2005, when Mr. Nkurunziza’s ultimately successful bid for re-election to a third term sparked protests by opposition supporters who said the move was unconstitutional. (BBC 3 Dec. 2018a)

The International Federation of Human Rights (Fédération internationale des ligues des droits de l’homme, FIDH) and the Iteka Burundian League for Human Rights (Ligue burundaise des droits de l’homme Iteka, Ligue Iteka) [1] report that “[o]n April 26th 2015, the popular demonstrations started, as the country entered a cycle of violent repression, which developed into a low-intensity conflict that over the past two years deeply affected the country” (FIDH and Ligue Iteka June 2017, 1).

According to sources, in July 2015, Pierre Nkurunziza was re-elected for a third term as president of Burundi (BBC 3 Dec. 2018b; *Jeune Afrique* with AFP 24 July 2015). According to FIDH and Ligue Iteka, after a controversial re-election, President Nkurunziza launched “a violent campaign of repression against all the alleged opponents to his regime, by mobilizing the loyal security forces” (FIDH and Ligue Iteka June 2017, 1). For further information on the election period, see Response to Information Request BDI105276 of September 2015.

In 2018, Human Rights Watch reported that Burundian security forces, intelligence services, and members of the ruling party’s youth league, the *Imbonerakure*, had been carrying out [Human Rights Watch English version] “brutal” attacks on opponents or suspected opponents since 2015 (Human Rights Watch 18 May 2018, 1). The Commission of Inquiry on Burundi, created by the UN Human Rights Council in September 2016 (UN 29 Sept. 2017, para. 1), also notes that the following human rights violations, generally committed against opponents by intelligence services, the police and the Imbonerakure, [UN English version] “persisted” in 2017 and 2018:

summary execution, enforced disappearance, arbitrary arrest and detention, torture and other cruel, inhuman or degrading treatment, sexual violence, and violations of civil liberties such as the freedoms of expression, association, assembly and movement. (UN 8 Aug. 2018, 1)

Sources report that in a May 2018 referendum, Burundi's population voted in a favour of constitutional reform that would allow the president to remain in power until 2034 (Human Rights Watch 17 Jan. 2019; BBC 3 Dec. 2018a). Other sources note that in June 2018, the president proclaimed into force the new constitution (RFI 8 June 2018; Iwacu 7 June 2018) and announced that he would not be running in the 2020 presidential election (RFI 8 June 2018). However, in a report on the May 2018 referendum, the Commission of Inquiry on Burundi reiterates the view of some observers that “Mr. Nkurunziza's comments were ‘by no means a clear and firm commitment not to run’ in future elections himself” (UN 27 June 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Treatment of Family Members of Political Opponents

2.1 Treatment of Family Members of People with Ties to the Government but Who Oppose the Third Term of Pierre Nkurunziza

Sources report that in 2015, Pierre Nkurunziza and his party, the National Council for the Defence of Democracy - Forces for the Defence of Democracy (Conseil national pour la défense de la démocratie-Forces de défense de la démocratie, CNDD-FDD), went after [translation] “dissidents” [*frondeurs*] [senior officials (AFP 25 Apr. 2015) or members from [translation] “all party leadership levels” (UN 29 Sept. 2017, para. 535)] who opposed Nkurunziza's third term (UN 29 Sept. 2017, para. 535; AFP 25 Apr. 2015). International Crisis Group reports that [International Crisis Group English version] “the dissidents depart[ed] into exile and eventually join[ed] the opposition” (International Crisis Group 20 May 2016, 2). Agence France-Presse (AFP) reports that some 130 senior officials opposed to the third term were ousted, some were put in prison, and others [translation] “chose to go into hiding” (AFP 25 Apr. 2015). According to the Commission of Inquiry on Burundi, [translation] “[a]mong the ‘dissidents’, those who continued to toe their line were dismissed from their duties and persecuted. Some of the ‘dissidents’ who spoke with the Commission had escaped targeted killings or arrests and were forced to flee the country” (UN 29 Sept. 2017, para. 535). According to the same source, [translation] “[s]ome family members of these people, who remained in the country, were also targets of persecution” (UN 29 Sept. 2017, para. 535). Information on the treatment of “dissidents” [*frondeurs*] after 2015 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. For further information on the treatment of party members who opposed the third term in 2015 and of their families, see Response to Information Request BDI105276 of September 2015.

FIDH and Ligue Iteka report indicates that members of the party in power and the Imbonerakure “are increasingly being targeted [by the authorities] because they are suspected of not abiding by the authoritarian party line of the party” (FIDH and Ligue Iteka June 2017, 6). A report by the Belgian Office of the Commissioner General for Refugees and Stateless Persons (Commissariat général aux réfugiés et aux apatrides de la Belgique) notes that [translation] “[s]ince late May 2015, there have been several murders or

attempted murders of political figures and military officers” (Belgium 3 July 2018, 36). Without specifying who killed him, sources name General Athanase Kararuzza [a former member of the Burundi Armed Forces (Forces armées burundaises, FAB) (Belgium 3 July 2018, 36)], who was murdered on 25 April 2016 along with his spouse and daughter (Belgium 3 July 2018, 36; *Jeune Afrique* with AFP 25 Apr. 2016). FIDH and Ligue Iteka also report on the case of a former FAB member, Captain Epitace Nimbona, who allegedly claimed asylum in the Central African Republic because “[h]e was afraid of being assassinated when he came back to Burundi,” and who had told them that when he was in the Central African Republic, people spied on his family in Bujumbura and took photographs of them, and that his wife had been summoned and accused of being a rebel, which forced her into hiding until she could leave the country (FIDH and Ligue Iteka June 2017, 13-14).

2.2 Treatment of Family Members of Political Opponents in General

According to the Commission of Inquiry on Burundi, whose mandate began in September 2016 but investigates events in Burundi dating back to April 2015 (UN 29 Sept. 2017, para. 1-2), most victims of right-to-life violations and abuses in Burundi are

[translation]

members of opposition parties, people suspected of being sympathizers of those parties or members of armed opposition groups, citizens opposed to President Nkurunziza’s new term and who took part in protests in 2015, and former FAB members. (UN 29 Sept. 2017, para. 237)

The same source also reports the following: [translation] “In many cases, right-to-life violations also affected family members of the people targeted” (UN 29 Sept. 2017, para. 237). In 2017, after interviewing 129 Burundian refugees in Uganda and Tanzania, Amnesty International reported that “some were targeted by members of the Imbonerakure and the security services because of their own real or perceived political affiliations or those of their family members” (Amnesty International 29 Sept. 2017, 4, 8). The Commission of Inquiry on Burundi reports that the UN Human Rights Council received information that [translation] “most violations and abuses are committed by the Burundian security forces and the Imbonerakure” in a “climate of impunity” (UN 29 Sept. 2017, para. 11). The same source indicates that [translation] “[n]umerous people, arrested for apparently political reasons or because the authorities suspected them of having ties to opposition parties or groups, were detained” (UN 29 Sept. 2017, para. 381). It notes that it [translation] “also received testimony that family members of wanted individuals had been detained in their stead” (UN 29 Sept. 2017 para. 383).

In a report on abuses committed by the Burundian government against political opponents in the run-up to the May 2018 constitutional referendum, Human Rights Watch states that people who fled Burundi after family members had vanished said that they themselves had been [Human Rights Watch English version] “openly threatened” (Human Rights Watch 18 May 2018, 31). In August 2018, after reporting that most of the victims of human rights violations were [UN English version] “opponents of the [g]overnment and/or of the ruling party ... or persons who are perceived as such,” the Commission of Inquiry on Burundi indicates that “wives often face harassment, threats or violence on the part of the alleged perpetrators” (UN 8 Aug. 2018, para. 10, 11). Speaking of cases of torture or mistreatment perpetrated by the Imbonerakure against [UN English version] “young men who were, or

were perceived to be, sympathizers or members of opposition political parties,” the same source reports that “women have been subjected to ill-treatment by the Imbonerakure who were looking for a member of their family” (UN 8 Aug. 2018, para. 42).

With regard to fear felt by family members of missing persons, Human Rights Watch reports on the [Human Rights Watch English version] “common” feeling of “guilt by association,” whereby the family members of a person who has gone missing fear that the disappearance will be viewed as evidence that the missing person participated in protests or that they were an opposition member, thereby making their family members the next targets (Human Rights Watch 18 May 2018, 25). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2.2.1 Sexual violence

Sources indicate that the female relatives of political opponents or persons who are considered political opponents are the victims of sexual violence in Burundi (Human Rights Watch 18 May 2018, 29-30; US 20 Apr. 2018, 5; UN 29 Sept. 2017, para. 456). In a March 2018 report on conflict-related sexual violence, the UN Secretary-General indicates the following:

The experts [conducting the independent investigation on Burundi] ... obtained credible information that many Burundian women and girls related to men perceived to be political dissidents were targeted for sexual assault by elements of the security forces. (UN 23 Mar. 2018, para. 91)

Sources report that such rapes are committed by the Imbonerakure (Human Rights Watch 18 May 2018, 29-30; US 20 Apr. 2018, 5) and members of the security forces (Human Rights Watch 18 May 2018, 29) or police officers (US 20 Apr. 2018, 5). The Commission of Inquiry on Burundi states the following:

[translation]

Some victims appear ... to have been targeted because family members had refused to join the Imbonerakure or the CNDD-FDD, were opposition party members, or had supported the protests against President Nkurunziza’s new term. Others stated that they were raped following the disappearance, kidnapping or arrest of their husband or male relative, suspected of being an opposition member. (UN 29 Sept. 2017, para. 490)

Sources report a video [posted on social media in April 2017 (Human Rights Watch 20 July 2017)] showing the Imbonerakure chanting a song encouraging the rape of female relatives of political opponents (UK 16 July 2018; Human Rights Watch 20 July 2017). According to sources, the goal was the conception of more Imbonerakure (US 20 Apr. 2018, 5; UN 23 Mar. 2018, para. 91). Human Rights Watch interviewed over 70 victims of rape or sexual violence in May 2016, including some who recognized the Imbonerakure who had raped them (Human Rights Watch 18 May 2018, 21). According to the same source, some of those women were targeted [Human Rights Watch English version] “because their husbands or male relatives were members of opposition parties” (Human Rights Watch 18 May 2018,

21). In another report, the same source states that women who were related to opponents and who had been raped by Imbonerakure or by police officers, “often” continued to receive threats after being raped (Human Rights Watch 20 July 2017).

Sources indicate that rapes are committed at the time of the arrest of a male family member of the victim (Amnesty International 22 Feb. 2018; UN 29 Sept. 2017, para. 460). Others report cases of rape that happened:

- a few days after the murder or kidnapping of an opponent (UN 29 Sept. 2017, para. 460, 491);
- over a month after the husband’s arrest by the Imbonerakure (Amnesty International 29 Sept. 2017, 12-13); or
- one year after the kidnapping of opponents (and the eventual murder of the husband) (UN 29 Sept. 2017, para. 494).

In a report it published in May 2018, Human Rights Watch states, regarding recent rapes committed by the Imbonerakure: [Human Rights Watch English version] “In six cases, the rape appears to have been a form of punishment against a family member who was perceived as an opponent to the ruling party” (Human Rights Watch 18 May 2018, 29-30). The Commission of Inquiry on Burundi similarly reports that [translation] “[t]he female victims were targeted, once they were alone and defenseless, to further dishonour their male relative and the family unit in general” (UN 29 Sept. 2017, para. 460).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The Iteka Burundian League for Human Rights (Ligue burundaise des droits de l'homme Iteka, Ligue Iteka), which promoted democracy and unity and advocated for human rights and the rule of law in Burundi, was comprised of 17 federations and 32 sections throughout the country (FIDH and Ligue Iteka June 2017, 36). On 3 January 2017, it was struck from the list of NGOs authorized to operate in Burundi by the Burundian government, effective 21 December 2016 (FIDH 4 Jan. 2017).

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Internet sites, including: Burundi – Government, Presidency; ecoi.net; Freedom House; International Refugee Rights Initiative; IRIN.

ecoi.net summary:

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