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CONFORM OR FLEE

REPRESSION AND INSECURITY PUSHING
BURUNDIANS INTO EXILE

AMNESTY
INTERNATIONAL



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Cover photo: A CNDD-FDD (National Council for the Defense of Democracy - Forces for the Defense of Democracy) party supporter speaks to Burundian police before the arrival of the Burundian president at a ruling CNDD-FDD rally in Cibitoke Province on July 17, 2015.

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1. EXECUTIVE SUMMARY

More than two years into the crisis sparked by President Pierre Nkurunziza's decision in April 2015 to stand for a third term in office, repression has become increasingly entrenched in Burundi. Security forces used excessive, and sometimes lethal, force to silence the protests that ensued. Since then Burundi has seen an upsurge of extrajudicial executions, arbitrary arrests and detention, torture and cruel, inhuman and degrading treatment, often targeting real or perceived opponents of the ruling party. The Burundian government has clamped down comprehensively on any form of dissent or independent oversight – the leading human rights organizations and independent media have been closed down and political opposition parties have faced restrictions on their activities. In addition to the highly visible crackdown on civil and political space at the national level, Amnesty International's recent research points to a much deeper repression at the local level throughout the country. The testimonies in this report demonstrate that belonging to an opposition political party even at a very local level, associating with other opposition members or simply not belonging to the ruling party is enough to create suspicion and provoke serious, at times deadly, repercussions.

Preparations for elections in 2020 are already underway, with the creation of a commission to review the Constitution with a view to removing term limits and the government is calling on all Burundians to contribute to a special fund to finance the polls. Meanwhile, external efforts to resolve the crisis have stalled, including the Burundi Dialogue convened under the auspices of the East African Community (EAC). Although the Government of Burundi agreed in February 2016 to the deployment of 200 African Union (AU) human rights monitors and military experts, they are yet to sign a memorandum of understanding and the full contingent is not yet on the ground. The Government of Burundi has also refused to cooperate with the UN Commission of Inquiry on Burundi, established in September 2016 to investigate human rights violations and abuses since April 2015. In its report published on 4 September 2017, the Commission found that there were reasonable grounds to believe that crimes against humanity had been committed.

Amnesty International carried out research with a total of 129 Burundian refugees and asylum seekers, interviewing 39 refugees and asylum seekers in Uganda in July 2017 and 90 refugees in Tanzania in June 2016. In both cases researchers sought to interview those who had most recently left Burundi to understand the experiences that pushed them to flee the country. Many of the patterns of violations and abuses recorded in 2016 continued into 2017. Researchers also met with representatives of the Ugandan Office of the Prime Minister's Refugee Affairs Department, the UN Refugees Agency (UNHCR) and organizations providing assistance to Burundians in the refugee camps and settlements. Amnesty International sought the response of the Government of Burundi and the ruling party, the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD), but is yet to receive a reply.

PERVASIVE REPRESSION THROUGHOUT THE COUNTRY

At least 115 of the Burundian refugees and asylum seekers Amnesty International spoke to in 2016 and 2017 complained of insecurity caused by the Imbonerakure, the increasingly militarised youth wing of the CNDD-FDD. They described numerous serious human rights violations and abuses committed by members of the Imbonerakure, police, National Intelligence Service (SNR) and the army throughout the country, including in Bujumbura Mairie, Kirundo, Makamba, Muyinga, Cibitoke, Cankuzo and Ngozi provinces. While officially simply the youth wing of the ruling party, in a number of cases documented by Amnesty International, members of the Imbonerakure were reported to have carried out joint operations with the police and National Intelligence Service (SNR), to have apprehended people on behalf of the SNR and to have played a leading role in local and border security. In several cases, it is not clear under whose instructions members of the Imbonerakure have committed abuses, but in others, especially where

members of the police or SNR were said to be present, it is reasonable to assume “effective control” or at least an acknowledgment of their actions by state agents.

Witness testimonies point to a pattern of killings and beatings, sexual violence, excessive use of force during arrest, torture and other ill-treatment in detention, and the payment of ransoms to be released from detention. Thirty-two people told Amnesty International that their family members had been killed and seven reported acts of sexual violence against themselves or family members, primarily by members of the Imbonerakure. Sixteen people described to Amnesty International being subjected to acts of torture and other ill-treatment while they were in detention, primarily by the SNR, but also the police and army. Ten young men in 2016 and 2017 told Amnesty International members of the SNR, the police and the Imbonerakure forced them or their family members to pay vast sums of money to secure their release from detention.

Refugees and asylum seekers also described the frequent use of harassment and intimidation by the Imbonerakure to put pressure on people to join the CNDD-FDD and to make forced contributions to the CNDD-FDD.

Thirty-two of those Amnesty International spoke to were either local-level members of opposition political parties themselves or their close family members. They were primarily from the Movement for Solidarity and Democracy (MSD) and National Liberation Forces (FNL), but also the Front for Democracy in Burundi-Sahwanya (FRODEBU-Sahwanya) and Union for National Progress (UPRONA). At least seven of the people Amnesty International spoke to in 2017 had taken part in the 2015 protests, living in fear of being arrested even two years after the events. In many cases, interviewees described being targeted simply for refusing to join the ruling party. In this way, the Government of Burundi and the ruling party, the CNDD-FDD, appear to be extending their control throughout the country and removing any space for dissent, even at the most local level.

At least 18 interviewees also described the violations and abuses they experienced or witnessed as they fled Burundi. Common complaints were theft and extortion by members of the Imbonerakure as well as police and people in military uniforms at the border. Others told Amnesty International how they had seen their family members killed by the Imbonerakure as they tried to cross the border, or had been beaten themselves. One woman said the Imbonerakure asked her: “Between killing you and raping you, what do you choose?” She told them she didn’t want to be killed.

LIVELIHOODS UNDER STRAIN

As the Burundian economy continues to deteriorate, three million people are currently in need of humanitarian assistance.¹ In such circumstances, people are less able to withstand the pressure on their livelihoods, when, for example, members of the Imbonerakure steal their livestock. Inside the country, more than 200,000 people (or roughly 2% of the population) are internally displaced, with 68% citing natural disasters as the reason for their displacement and others citing socio-political causes.² Although economic hardship may be a contributing factor in the decision to leave the country, in the testimonies gathered by Amnesty International it was rarely cited as the primary reason. In this regard, it is also important to note that the testimonies gathered by Amnesty International point to the impact that harassment, intimidation and extortion on undermining people’s livelihoods.

TOUGH CHOICES FOR REFUGEES

While Burundians continue to flee the country, the Burundian and neighbouring governments are encouraging those in exile to go home. On 20 July 2017, President Nkurunziza left Burundi for the first time since the attempted coup in a mission to convince the more than 240,000 Burundian refugees in Tanzania that it was safe to return. His comments were echoed by President John Pombe Magufuli of Tanzania. In January 2017, the Government of Tanzania ended prima facie recognition of refugees from Burundi, as did the Ugandan government on 1 June. Despite these attempts by governments to suggest that the situation in Burundi is normalising and safe enough for Burundians to return home, Amnesty International’s findings show that the serious human rights violations are still pervasive in the country.

Over the course of 2017, increasing numbers of refugees have organized their own returns home, known as spontaneous returns, and others have expressed their willingness to return.³ On 31 August 2017, Tanzania hosted a ministerial-level tripartite meeting with Burundi and UNHCR to discuss voluntary repatriations to

¹ OCHA, Burundi: Bulletin Humanitaire, June 2017, <http://reliefweb.int/report/burundi/burundi-bulletin-humanitaire-issue-05-juin-2017>.

² IOM, Displacement Tracking Matrix, June 2017, <http://reliefweb.int/report/burundi/burundi-displacement-tracking-matrix-dtm-dashboard-8-june-2017>.

³ UNHCR, Burundi Situation Regional Update, June 2017, <http://reliefweb.int/sites/reliefweb.int/files/resources/58683.pdf>.

Burundi.⁴ Organized voluntary returns began in early September.⁵ However, many refugees cite harsh conditions in their countries of asylum as their reason for return. The response to the Burundi refugee crisis remains chronically underfunded; as of 11 September, only 6% of the funding required for 2017 had been received. On 27 August, the World Food Programme (WFP) warned that the already insufficient food rations to refugees in Tanzania would have to be further reduced without urgent funding from donors. Meanwhile, people continue to flee Burundi at a steady rate, with over 50,000 new refugees and asylum seekers arriving in the neighbouring countries in the first five months of 2017.⁶

RECOMMENDATIONS

Amnesty International's research highlights the pervasive repression and continuing human rights violations throughout Burundi, more than two years after the start of the crisis in 2015. The lack of accountability for crimes committed by members of the police, SNR, army and the Imbonerakure contributes to a climate of impunity which allows such violations to continue unchecked. The Government of Burundi must ensure accountability, including by suspending members of the security forces suspected of serious human rights violations and any officials who ordered or condoned such crimes, pending prompt, impartial and independent investigations, and where there is sufficient evidence prosecute those suspected of criminal responsibility in fair trials without recourse to the death penalty.

In light of the severe restrictions on domestic civil society and the scale of continuing violations, Amnesty International calls on the UN Human Rights Council to renew the mandate of the Commission of Inquiry on Burundi. The Government must also allow UN, African Union and other independent monitors access to carry out investigations, including full, unimpeded and unannounced access to all places of detention.

There must be redoubled efforts on the part of Burundian and regional actors to resolve the crisis through an inclusive and effective Burundi Dialogue. While the crisis continues, however, and as long as Burundian refugees and asylum seekers are afraid to return home, Amnesty International calls on refugee hosting countries to continue to offer protection and ensure access to the territory and urges members of the international community to substantially increase and provide predictable and consistent funding to the refugee response.

1.1 METHODOLOGY

Given the current climate for human rights work in Burundi and the risk of reprisals to victims and witnesses,⁷ Amnesty International carried out face-to-face interviews with Burundians who had left the country. The report is based primarily on information gathered by Amnesty International during research visits to Southwest Uganda in July 2017 and the Kigoma region of Tanzania in June 2016.

In Uganda, 39 Burundian refugees and asylum seekers were interviewed by Amnesty International staff, with the assistance of Kirundi-to-French interpretation. The delegation sought to speak to those who had arrived most recently in Uganda. Twenty five of those interviewed had arrived in Uganda in June and July 2017 whilst 13 had arrived since March and one person arrived in late 2016. Most people travelled directly to Uganda, spending only a few days or sometimes weeks on route through Rwanda or Tanzania. Before arriving in Uganda, four of those interviewed spent significant periods of time in Tanzania (one year and 10 months; seven months) and Rwanda (one month; one year and three months). In at least eight cases interviewees had to wait a month to leave Burundi after the incident that spurred them to flee; five interviewees waited several months.⁸ While the delegation sought to ensure a gender balance, the majority of those interviewed were young men.⁹

The report also draws upon research conducted by Amnesty International in Mtendeli and Nduta refugee camps in Tanzania in June 2016, including interviews with 90 Burundian refugees. Many of the types of violations and abuses recorded in 2016 continued into 2017. Likewise, in 2017 as in 2016, refugees continued to report violations from the interior of the country as much as the capital Bujumbura.

⁴ Opening Statement by Hon. Mwigulu Lameck Nchemba (MP), Minister for Home Affairs of the United Republic of Tanzania on the 19th Meeting of the Tripartite Commission for the Voluntary Repatriation of Burundian Refugees in Tanzania held on 31st August 2017, <https://www.moha.go.tz/sw/blog/2017-08-31/opening-statement-hon-mwigulu-lameck-nchemba-mp-minister-home-affairs-united>.

⁵ Iwacu, 'Plus de 300 réfugiés burundais de Tanzanie rentrent', 8 September 2017, <http://www.iwacu-burundi.org/plus-de-300-refugies-burundais-de-tanzanie-rentrent/>.

⁶ UNHCR, Burundi Situation Regional Update, June 2017, <http://reliefweb.int/sites/reliefweb.int/files/resources/58683.pdf>.

⁷ Amnesty International, 'Burundi: Further Crackdown on Civil Society Unacceptable,' 13 February 2017, <https://www.amnesty.org/en/documents/afr16/5678/2017/en/>.

⁸ This delay is generally explained by seeking to secure travel documents and/or money to fund the journey.

⁹ The delegation interviewed 29 men and 9 women.

Researchers also met with representatives of the Ugandan Office of the Prime Minister's Refugee Affairs Department, UNHCR and organizations providing assistance to Burundians in the refugee camps and resettlements.

The delegation recorded detailed information on the locations at which the incidents described in this report are alleged to have taken place, as well as detailed personal information of interviewees. For security reasons, Amnesty International is withholding identifiable details.

Amnesty International wrote to the Government of Burundi and the National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD) on 8 September 2017 to request their response to the findings and details of any investigations and prosecutions of those suspected to be responsible for violations and abuses. No response had been received by the time of publication.

2. VIOLATIONS AND ABUSES IN BURUNDI

“When you are not a member of the CNDD-FDD you have no rights – they don’t really consider you to be a citizen.”

Former protester from a so-called opposition neighbourhood of Bujumbura, July 2017

When Amnesty International asked why they had left the country, most people complained of insecurity caused by the Imbonerakure. In some cases interviewees identified members of the Imbonerakure, known in their communities, by name; other times they were recognized by the clothes they wore (often rain jackets, or t-shirts with the CNDD-FDD insignia), how they spoke and their general behaviour.

While 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, others complained of more generalised insecurity, persistent harassment and extortion. Either way, life in Burundi had become unbearable for them. Amnesty International documented patterns of allegations including a constant threat of detention and violence, violations during arrest and detention, torture and other ill-treatment in detention, demands for ransoms, killings and sexual violence, as well as intense pressure to join the Imbonerakure, taxation, extortion and robbery, and other human rights violations while trying to flee the country.

2.1 ROLE OF THE IMBONERAKURE

The Imbonerakure is not a homogenous group, and the nature of its activities is contested. As the youth wing of the ruling party, the Imbonerakure is made up of all CNDD-FDD members between the ages of 15 and 35 years. Many of its members are only involved in the party’s propaganda and public works activities. However, in recent years elements within the Imbonerakure have started to play increasingly important security and policing roles as well as intimidating opposition members.¹⁰ This role has become more pronounced as the crisis continues. While the government has insisted that the Imbonerakure does not carry out “militia-style activities and has never been mandated to do so by the ruling party,”¹¹ the CNDD-FDD has acknowledged their participation in security-related activities, namely in the mixed security committees.

In 2014, the former President of the Imbonerakure, Denis Karera, and the then Interior Minister, Edouard Nduwimana informed Amnesty International that the Imbonerakure were part of the mixed security committees, whose purpose is to oversee and report on security at the local level.¹² In a written response to their questions, the CNDD-FDD’s National Secretary for Information and Communication Nancy-Ninette Mutoni also told Human Rights Watch more recently that Imbonerakure participate in the mixed committees,

¹⁰ Tomas Van Acker, ‘Understanding Burundi’s Predicament,’ Africa Policy Brief No 11, June 2015, https://www.researchgate.net/publication/311716381_Understanding_Burundi's_Predicament_Egmont_Institute_Africa_Policy_Brief.

¹¹ Paragraph 111, Concluding observations of the Committee on the special report of Burundi requested under article 19 (1) in fine of the Convention, Addendum: Information received from Burundi on follow-up to the concluding observations, 12 October 2016.

¹² Meetings with Denis Karera, 17 April 2014, and with Edouard Nduwimana, 21 April 2014. For more details see Amnesty International, *Locked Down: A Shrinking of Political Space*, 29 July 2014, <https://www.amnesty.org/en/documents/AFR16/002/2014/en/>.

and “not only have the right but also the obligation to do surveillance and to signal all movements and suspect acts to the security forces.”¹³

On the other hand, the Government of Burundi stressed in information sent to the UN Committee against Torture in October 2016 that the Imbonerakure does not take part in security operations and questioned why “a country like Burundi, with its well-structured defence and security forces, which are recognized internationally for their staffing levels and professional competence, need to ask a youth group to carry out its operations?”¹⁴

In a number of cases documented by Amnesty International, members of the Imbonerakure were reported to have carried out joint operations with the police and National Intelligence Service (SNR), to have apprehended people on behalf of the SNR and to have played a leading role in local and border security. As the UN Commission of Inquiry has highlighted, the State may be held responsible for the wrongful conduct of non-State individuals “in cases in which non-State individuals or groups act on its instructions or under its direction or its “effective control” and also when its own agents acknowledge and adopt the conduct of non-State groups.”¹⁵ In several cases, it is not clear under whose instructions members of the Imbonerakure have committed abuses, but in others, especially where members of the police or SNR were said to be present, it is reasonable to assume “effective control” or at least an acknowledgment of their actions by state agents.¹⁶

2.2 CONSTANT THREAT OF DETENTION AND OTHER HUMAN RIGHTS VIOLATIONS

More than 40 people described to Amnesty International how they left because they believed the security services were looking to arrest or kill them, often because they had come to their homes to find them or were asking questions in the vicinity, and generally for reasons linked to their real or supposed opposition activities or affiliations. Eight people Amnesty International spoke to in July 2017 described moving once or more to new locations inside Burundi for security reasons before they eventually chose to leave the country.¹⁷ Others stayed at home, but lived on high alert, aware that opposition members who are arrested or detained may risk being tortured, killed or disappeared. For example, a woman whose husband was in police custody told Amnesty International that a policeman approached her to say that she needed to look for someone with connections to the police post where he was being held to talk to the person in charge of his detention otherwise her husband “would risk being kidnapped overnight”.¹⁸

A man from one of the so-called opposition neighbourhoods of Bujumbura, who participated in the 2015 protests and helped feed those who came from outside the city to join the protests, told Amnesty International how the SNR started looking for him after the protests:

“On my avenue they took three boys who disappeared. After a few months it calmed down. The documentation [SNR] started looking for me again in April 2017 until the day I left in June 2017.”

Having lived in the neighbourhood for many years, he recognized some of the Imbonerakure operating there and was able to identify them by name. He described how the Imbonerakure worked in collaboration with the SNR in his neighbourhood:

¹³ Human Rights Watch, “Burundi: Attacks by Ruling Party Youth League Members,” 19 January 2017, <https://www.hrw.org/news/2017/01/19/burundi-attacks-ruling-party-youth-league-members>.

¹⁴ Concluding observations of the Committee on the special report of Burundi requested under article 19 (1) in fine of the Convention - Addendum: Information received from Burundi on follow-up to the concluding observations, 12 October 2016, UN Doc CAT/C/BDI/CO/2/Add.2, para 113.

¹⁵ Report of the UN Commission of Inquiry on Burundi, UN Doc. A/HRC/36/54, 4 September 2017, <http://www.ohchr.org/EN/HRBodies/HRC/ColBurundi/Pages/ColBurundiReportHRC36.aspx>, para 23.

¹⁶ See also the findings of the Commission of Inquiry on Burundi: “In some cases, the Commission was also able to establish the exercise of “effective control” by agents of the State over some Imbonerakure. Numerous witnesses testified that Imbonerakure were present alongside police and intelligence officers, including in detention centres, when violations were committed and that Imbonerakure were seen wearing the same uniforms and carrying the same weapons as the police or the army in the presence and in full view of members of those forces. Moreover, as far as the Commission is aware, very few Imbonerakure have been prosecuted or convicted, and this, in itself, is indicative of a certain degree of indulgence on the part of the Burundian authorities which suggests the existence of a form of control. The Commission also received reports to the effect that some Imbonerakure arrested individuals and handed them over to the National Intelligence Service or the police. This indicates that their conduct was acknowledged and adopted by the authorities.” Report of the UN Commission of Inquiry on Burundi, UN Doc. A/HRC/36/54, 4 September 2017, <http://www.ohchr.org/EN/HRBodies/HRC/ColBurundi/Pages/ColBurundiReportHRC36.aspx>, paras 26 and 27.

¹⁷ Interviews with victims, Uganda, July 2017.

¹⁸ Interview with witness, Uganda, July 2017.

“There are branches of the Imbonerakure who circulate in the neighbourhood. These Imbonerakure intimidate people. When they do a patrol in the neighbourhood and see someone to arrest, they inform the SNR.”

He told Amnesty International he would get up in the early hours of the morning to do a “small patrol of the house”. If he saw members of the Imbonerakure approaching, he would leave and only return to the house at around 8 or 9pm.¹⁹

2.3 UNLAWFUL ARREST AND DETENTION AND UNNECESSARY USE OF FORCE

Amnesty International spoke to at least 14 people in 2016 and 2017 who reported that they had been arrested without due process. Arrests and arrest attempts were sometimes accompanied by the use of excessive force by the police and Imbonerakure.

None of the people Amnesty International interviewed in 2016 or 2017 spoke about an arrest warrant being presented at the time of the arrest and often detainees were only later told of the accusations against them. Accusations included being part of the armed opposition or intending to join the armed opposition. Amnesty International is not in a position to assess the validity of these accusations. In many cases, the reasons for the arrest seemed to be of questionable legality. For example, the wife of a man arrested in November 2016, who went to the police post the following day to visit him, told Amnesty International:

“A local official spoke to the police to know the reason for his arrest. The police said that he had lived in Bujumbura, was new to the area and that they had to do investigations on him.” Later the police told her that there were suspicions that he had participated in the rebellion.

It appeared that the only ‘evidence’ against him was that he had come from Bujumbura and was therefore under suspicion.²⁰

A member of the National Liberation Forces (FNL), an opposition political party, described being arrested at his house in Kirundo province one night in May 2017: “They started knocking on the door, saying ‘we need you’. I said, ‘who are you?’ One of them said, ‘I am the head of the Imbonerakure’. I dressed myself and they said that I needed to follow them.”

When he asked where he was being taken, he was simply told “you will see”. He described being handcuffed and taken by car with another young man to the SNR cachot. The Imbonerakure leader, who was armed and wearing military boots, a baseball cap and a CNDD-FDD t-shirt, was accompanied by police officers. The young man was held for over a week before being released.²¹

He was accused of working with rebel groups coming from Rwanda, due to his friendship with members of the Movement for Solidarity and Democracy (MSD), another opposition political party, who had left the country a few months earlier. Belonging to an opposition party, associating with other opposition members or simply not belonging to the ruling party is enough to create suspicion and the threat of arrest. As one young man from Bujumbura told Amnesty International, “When you aren’t CNDD-FDD you are considered their enemy.”²²

2.4 TORTURE AND INHUMAN, CRUEL AND DEGRADING TREATMENT IN DETENTION

Sixteen people in 2016 and 2017 described to Amnesty International in detail being subjected to acts of torture and other ill-treatment while they were in detention.

One young man told Amnesty International that he had been detained by SNR in Kirundo province in northern Burundi for one week in May 2017 with three others in a room roughly one meter by six metres in size, with no light or mattresses. He said he was given his food to eat in the adjacent toilets. He described being repeatedly beaten with police batons during the night by several SNR agents. He continued, visibly

¹⁹ Interview with victim, Uganda, July 2017.

²⁰ Interviews with witness and victim, Uganda, July 2017.

²¹ Interview with victim, Uganda, July 2017.

²² Interview with victim, Uganda, July 2017.

upset: “They tortured us to make us confess and say that we worked with the rebels. One day they tortured us in an atrocious way. They took a bottle filled with sand and hung it from our testicles.”²³

A student told Amnesty International that he was arrested in March 2017 by soldiers on patrol in one of the so-called opposition neighbourhoods of Bujumbura. He said:

“They were passing by and stopped to arrest me. They accused me of threatening state security and possessing weapons. They were around nine soldiers in total. They wore camouflage uniforms... The soldiers first took me to their position... There was no food at the position. Our food was the beating. They used cables and rebar... They were asking me to tell them about where I had hidden the weapons. I said I was not a rebel. I told them I was a student. The questions went on for about one hour.”²⁴

Amnesty International has previously documented cases of torture and other ill-treatment inflicted on actual or perceived opponents of the government since the start of the crisis in 2015, attributable to the SNR and the police.²⁵ Methods documented include beating with branches, iron bars, and police batons, stomping on victims, threatening them with death, denying medical care, and verbal abuse. In 2015, Amnesty International documented the case of a man who had a five-litre container full of sand hung from his testicles, causing enormous pain and swelling, who was then forced to sit in a shallow layer of what he believed was battery acid, burning his skin severely. Amnesty International saw his injuries which appeared extremely serious.

2.5 RANSOMS

Ten young men in 2016 and 2017 told Amnesty International they and their family members had been compelled by members of the SNR, the police and the Imbonerakure to pay vast sums of money in exchange for their release from detention. In each of the cases detailed below, the young men were compelled to leave the country after paying a ransom for their release, either due to direct threats or the fear of what might happen to them if they were arrested again.

A young FNL member described what happened in May 2017 when SNR agents in Kirundo demanded a ransom for his release. They proposed paying one million Burundian francs [approximately 575 USD] but he negotiated to 700,000 Burundian francs [400 USD]. “Given that I didn’t have a mother or father, I gave the number of my paternal uncle. They said to my uncle, we’ll release him but make sure that he leaves otherwise we’ll kill him.” He went home to try to find his wife before leaving the country, but she had already left.²⁶

A young man who took part in the April – June 2015 protests and who was employed as a truck driver described what happened when he was arrested while driving a vehicle in January 2017 in Bujumbura:

“They [the Imbonerakure] had put barbed wire across the road. They didn’t ask my name. They knew me. They said: ‘You’re a dog. You went to protest. You thought this country is your mother’s or father’s?’ They told me I went to the street to make trouble with my friends. That day I remember I had 200,000 Burundian francs [115 USD]. I gave it to them. They told me, ‘this is fine - but your dossier isn’t over. You have to add more. This money is only to leave you for now. And you are lucky because we know the owner of this vehicle. If you want us to leave you for good, you have to give us two million [1150 USD].’ I told them, ‘Ok, I am going to work for it.’ I took the vehicle to its owner, and I went back home. After one week, they started looking for me.”²⁷

After this incident, the young man left the city and left the country three months later once he was able to raise enough money to travel.

In some cases, the large ransoms demanded almost bankrupted families. For example, an FNL member in his late twenties from Ngozi province was detained in 2012 and 2016, and both times had to pay for his release. He told Amnesty International that in order to secure his release in 2012, he sold his house “to pay them to keep me alive”. He paid five million francs [2890 USD] to the SNR. In 2016, after torturing him in

²³ Interview with victim, Uganda, July 2017.

²⁴ Interview with victim, Uganda, July 2017.

²⁵ Amnesty International, “Just tell me what to confess to”: Torture and other ill-treatment by Burundi’s police and intelligence service since April 2015, 24 August 2015, Index: AFR 16/2298/2015, <https://www.amnesty.org/en/documents/afr16/2298/2015/en/>; Amnesty International, Submission to the United Nations Committee Against Torture, 4 July 2016, Index: AFR 16/4377/2016, <https://www.amnesty.org/en/documents/afr16/4377/2016/en/>.

²⁶ Interview with victim, Uganda, July 2017.

²⁷ Interview with victim, Uganda, July 2017.

detention, agents of the SNR demanded his brother pay seven million francs [4050 USD] for his release. When he heard in April 2017 that he was being targeted again, his father called him and said, “You see how much money has been spent on your issues. Next time, what money are you going to use? You’ve used your money and your brother’s. It’s better you leave.”²⁸

A student told Amnesty International how he was arrested by soldiers on patrol in Bujumbura in March 2017, held in detention overnight, beaten and interrogated before being transferred to the police, accused of possessing weapons. His parents came to plead for his release. The zonal police chief told them to pay 200,000 francs [115 USD]. “He told them that they have to give the money if they wanted me to be released. He said if not, I was going to be transferred and to get me out would be difficult.” Sometime after paying the ransom, his father saw that the situation was deteriorating and his son continued to attract attention, with the soldiers who had originally arrested him asking questions about why he was released. “My dad told me, ‘you’d better leave to save your life. You’re still young. Take some money and leave.’” He left the country in June 2017.²⁹

Paying ransoms for release is not a new issue. In 2016, Amnesty International spoke to six Burundian refugees in Tanzania who said they paid (or their families paid) sums of between 10,000 and one million francs [approximately 6 USD and 575 USD] to the Imbonerakure, police and SNR to be released from detention in Bujumbura Mairie, Ngozi, Makamba, Cankuzo and Muyinda provinces, between January 2015 and May 2016.³⁰

2.6 UNLAWFUL KILLINGS AND SEXUAL VIOLENCE

In 2016, 28 of the Burundian refugees who Amnesty International met in Tanzania spoke about the killings of family members, which was often the catalyst for them to decide to flee Burundi. Three described the sexual violence they had endured and three described the sexual violence experienced by family members. Amnesty International researchers also heard one allegation of rape and four killings of friends and family in 2017. Allegations of killing and sexual violence committed by members of the Imbonerakure against people trying to flee Burundi are described in detail in the next section.

In late June 2016, a man in his mid-twenties who was on his own and had arrived in the refugee camp in Tanzania three weeks earlier told Amnesty International how his entire family was targeted:

“I left Burundi out of fear of being killed. I have an older brother who’s a soldier. My brother heard that other soldiers and Imbonerakure were looking for him to kill him, because of Adolphe Nshimirimana’s killing.³¹ When he heard that, he fled the country immediately... After that, we heard that the whole family was being sought, to be killed.

In February 2016, my father went to [the neighbouring province] to do some commerce. He was captured by the Imbonerakure and killed. His body was found on the side of the road. The Red Cross brought his body to our house. I saw his body. He had been killed with a knife. His throat was slashed and his stomach was cut open... We thought it was the Imbonerakure who did it because we knew they were hunting the whole family down.

I stayed working for three months after my father was killed. Then I got a call saying the Imbonerakure were looking for me... I got a call a few days ago saying my mother was also killed. I fainted when I heard. I was brought to the hospital and stayed there for three days. [He cries.] They still give me medicine.”³²

A 25-year-old woman described how her husband had been arrested by members of the Imbonerakure in May 2016 and taken to the SNR, where he was held for six days before the family sold everything to pay for his release. He fled the country the same day. She told Amnesty International that a month later, members of the Imbonerakure came to the house where she was staying:

²⁸ Interview with victim, Uganda, July 2017.

²⁹ Interview with victim, Uganda, July 2017.

³⁰ Interviews with victims, Tanzania, June 2016: 10,000 Burundian francs paid to the Imbonerakure in Ngozi in July 2015; 500,000 francs paid to police in Makamba in September 2015 for the release of five people; one million francs paid to the SNR in Bujumbura in May 2016; 500,000 francs paid to the SNR in Bujumbura in January 2015; 50,000 francs paid to the Imbonerakure in Cankuzo in May 2016; a man arrested by members of the Imbonerakure paid 500,000 francs in May 2016 for his release from prison in Muyinga (not clear who the ransom was paid to).

³¹ General Adolphe Nshimirimana, chief security advisor to the Presidency and former director of the SNR for nine years, was shot dead on 2 August 2015 in Bujumbura.

³² Interview with victim, Tanzania, June 2016.

“I was staying with my mother-in-law and my children. They threatened us, saying they could kill us. They demanded that we tell them where my husband was. I was afraid and I fled. I went to a friend’s house and spent eight days there. The Imbonerakure looked for me night and day. They came to the house one night at 3am. They were armed with knives, rifles and batons. There were eight of them, three of whom came into the house. They asked, “where is [husband’s name]?” They told me to give them money. I had no money, so two of them raped me. I don’t know their names, but they were the same Imbonerakure who came to my mother-in-law’s house... They said, “now we do this, the next time we’ll kill you”... My two children were there, in the same room. They were scared and they cried... I didn’t call the police. I just wanted to escape the country. I knew I wasn’t safe... I used water to take care of myself. I’m still bleeding from my genitals.”³³

2.7 GENERALISED HARASSMENT AND INSECURITY

When asked why they had left Burundi, almost everyone Amnesty International spoke to both in 2016 and 2017 said that it was due to insecurity, often mentioning that it was caused by the Imbonerakure. While many people were targeted because of their opposition political affiliations, others described a situation of frequent harassment and intimidation in their daily lives, often undermining their means of livelihood.

2.7.1 PRESSURE TO JOIN CNDD-FDD OR IMBONERAKURE

Many people interviewed by Amnesty International in 2016 and 2017 said they or their family members came under sustained pressure to join or fund the CNDD-FDD, or more often, its youth wing the Imbonerakure. This pressure included threats of violence against the family, extortion, theft or undermining of their means of livelihood. Several left the country as a direct result of this persistent intimidation.

Some of those who refused were members of opposition parties. A young woman described the harassment her father, an FNL member, faced to join the CNDD-FDD in Cibitoke province:

“The Imbonerakure came to the house and made us open the door. They said to my father that he should join the CNDD-FDD. My father said that it was impossible. They came often. They came around three times a week. They had already stolen six of our goats and eight hens. It was for around a month, starting in May [2017]. They always came with sticks. They came at midnight.”³⁴

In 2016, a local leader of the political party Front for Democracy in Burundi-Sahwanya (FRODEBU-Sahwanya) described the increasingly threatening and violent attempts to make him join the Imbonerakure:

“The Imbonerakure asked me to come and join them, and I refused to be member of the Imbonerakure and therefore the CNDD-FDD. They asked several times. They told me to go to a meeting. The first time, they asked with good heart; afterwards they were threatening; they said they knew I would go.”

One evening in May 2016, members of the Imbonerakure came to his house: “They took me and lifted me in their hands and beat me; they also put me on the ground and beat me there. They had machetes and large sticks. They were around 20 people. They poured water on me. I fled and slept in the banana plantation below my house. About 4am I went to the house, got a bag and left.” He described his injuries to Amnesty International on his knee, foot (where a cut was visible to the researcher) and one buttock.³⁵

A mother of six described the pressure exerted on her family to make contributions to the Imbonerakure in their neighbourhood of Bujumbura. “When you don’t go [to their meetings], they follow you closely. Sometimes they came to get forced contributions and we refused. They came almost every day. When I didn’t have anything, I abstained and then it became a problem as they saw that I was not on their side.” Her husband was a member of the MSD.³⁶

Others said that they did not want to get involved in politics, or were uncomfortable with the activities of the Imbonerakure. For example, a student from Bujumbura cited “all the killings and threatening people” among the reasons he refused to join, adding: “Also I am a Christian. My god doesn’t allow me to join political parties.”³⁷

³³ Interview with victim, Tanzania, June 2016.

³⁴ Interview with victim, Uganda, July 2017.

³⁵ Interview with victim, Tanzania, June 2016.

³⁶ Interview with victim, Uganda, July 2017.

³⁷ Interview with victim, Uganda, July 2017.

When asked why he decided not to join the Imbonerakure, one young man from Ngozi province, while involved in opposition politics, smiled wryly and said:

“I can’t do what the Imbonerakure do; they are aggressive towards everyone. They do sport with slogans against the opposition and civil society. If they arrive at an opposition house, they dance with intimidating words... All these bad things are why I can’t join.”³⁸

2.7.2 FINE LINE BETWEEN TAXATION AND EXTORTION

Amnesty International spoke to several people who described increased taxation at the local level. It was not always clear the extent to which the fees were formally established or where they were simply acts of extortion, especially where they were collected by members of the Imbonerakure.

In some cases, opposition members believed that they had been targeted for higher taxes because of their political affiliations. A student member of the FNL from Kirundo province described how he grew rice in the marshlands near his school. “The commune³⁹ taxed us. It was discriminatory – the others paid 10,000 Burundian francs [6 USD], but I paid 30,000 Burundian francs [17 USD]. This happened once, in December 2016.” He was also surprised that this tax was demanded before the harvest.⁴⁰

Another FNL member from Muyinga province described the difficulties he had finding a job and trying to run his own business, which he believed were linked to his activities as an opposition member: “The OBR [Burundi Revenue Office] – when they come, they ask for more money from the opposition [...] As soon as I started my project of a hairdressing salon, they asked for 50,000 francs [29 USD] tax to start the business. I think it was in November 2016.” More recently, the OBR confiscated his motorbike: “I was in the commune.⁴¹ We were celebrating Labour Day. They said that you don’t have the complete papers and took it. They asked for 800,000 francs [460 USD] for me to get it back. This was on 1 May 2017.”⁴²

In other cases, there was no suggestion of political bias, but rather a generally high level of taxation and other fees across the board. Fees charged appear to vary from commune to commune. For example, a woman who moved from one commune to another in Kirundo province when her husband fled the country described in detail how taxes had increased and her surprise:

“There is a very serious problem. When you go to work in the fields or go to the market, they [the Imbonerakure] ask you for tax. It is exorbitant compared to the normal tax. If you go to market with sweet potatoes worth 5000 Burundian francs [3 USD] they will ask for 3000 francs [2 USD] and you return home with 2000 francs [1 USD]. They say that the international community has put sanctions in place and that we have to have this tax to pay for public services. At the local level it is the Imbonerakure who are responsible for collecting it...

“When you bring goods to the market, the Imbonerakure circulate. After the sale, they demand the tax – you have to pay for teachers etc. because of the donors withdrawing...

“It happened to me one time when my father asked me to sell bananas worth 6000 francs [4 USD]. The Imbonerakure brought a receipt of 4000 francs. I said, before we paid 500 now it is 4000. They said things have changed. When I returned home, I told my father. He said, you don’t know? That’s how it happens now.”⁴³ The woman said the receipt had the stamp of the commune on it. Small-scale farmers will typically pay a daily fee of 200 to 1000 francs [less than 1 USD] to sell their produce at the communal market.⁴⁴

A pastor from Bujumbura told Amnesty International, “Taxes keep going up. These make people tired. These days they are taxing even house-helpers. People don’t have means to leave the country. They are blocked in the country. If they have opportunities, they could have done it already.” He also referred to an apparent protection racket run by the Imbonerakure: “If you work on your farm, Imbonerakure would tax you. Even where I used to stay in Kirundo, they gave a fine of 2000 francs to the Imbonerakure. There were no receipts. They justify it by saying that they would secure your farm. But they are the ones that are thieves.”⁴⁵

³⁸ Interview with victim, Uganda, July 2017.

³⁹ The commune is a unit of local government, one level below the province. The commune is further sub-divided into ‘collines’ (or hills).

⁴⁰ Interview with victim, Uganda, July 2017.

⁴¹ The ‘commune’ can also refer to the local administrative centre

⁴² Interview with victim, Uganda, July 2017.

⁴³ Interview with victim, Uganda, July 2017.

⁴⁴ Telephone interview with human rights defender, September 2017.

⁴⁵ Interview with victim, Uganda, July 2017.

2.7.3 CURFEWS AND IMBONERAKURE PATROLS

Two residents of the same commune in Ngozi province spoke about a curfew having been in place before they fled the country. One said that a curfew after 19:00 had been imposed following the failed coup d'état in May 2015 and was enforced by the Imbonerakure.⁴⁶ The other resident spoke of a curfew which meant that motorbike drivers should be off the streets by 20:00.⁴⁷ This was also enforced by the Imbonerakure. He had to bribe the group of Imbonerakure who stopped him and a colleague at a road block in May 2017 with a crate of local beer to let them go.

Others spoke of the regular night-time patrols by the Imbonerakure in both 2016 and 2017.⁴⁸ A young man from Ngozi province, who was 15 years old at the time of the incident he described taking place in July 2015, told Amnesty International about the consequences of refusing to participate in the night rounds:

“The Imbonerakure came to wake me during the night to do the patrol. It was at midnight. They came knocking, saying ‘wake up!’ I said, ‘I’m not getting up, I’m not with you.’ They left me that night, but at 6 am they came back to arrest me. They tied me up, with my arms in front of me, and took me to a ‘prison’ where I was for three days.” He said he was beaten in the prison, “a house built by the Imbonerakure to put people in,” where he was held for three days before selling his shoes to pay for his release.⁴⁹

In January 2017, Human Rights Watch reported that Burundian human rights activists and residents had told them of Imbonerakure members conducting night patrols in many provinces and imposing unofficial curfews.⁵⁰

⁴⁶ Interview with victim, Uganda, July 2017.

⁴⁷ Interview with victim, Uganda, July 2017.

⁴⁸ Interview with victims, Uganda, July 2017.

⁴⁹ Interview with victim, Tanzania, June 2016.

⁵⁰ Human Rights Watch, “Burundi: Attacks by Ruling Party Youth League Members,” 19 January 2017, <https://www.hrw.org/news/2017/01/19/burundi-attacks-ruling-party-youth-league-members>.

3. VIOLATIONS AND ABUSES AT THE BORDER

“They asked: between killing you and raping you, what do you choose? I told them I didn't want to be killed.”

Woman stopped by Imbonerakure at Tanzanian border in March 2017

Many of the asylum seekers who spoke to Amnesty International suffered further abuse whilst attempting to cross the border into Tanzania and Rwanda. This included killings, rape, robbery and extortion, primarily said to be committed by members of the Imbonerakure, although interviewees also spoke of beatings, robbery and extortion by soldiers and police. Witnesses told Human Rights Watch in 2016 that “in some cases the Imbonerakure appeared to have more power than the police” at two major border crossings between Burundi and Rwanda.⁵¹

During 2016 and 2017 many of those fleeing avoided official border crossings and left Burundi by clandestine routes for a variety of reasons. Many interviewees did not have official travel documents to cross the border, were afraid of being accused of going to join the rebellion, of being refused permission to leave or being arrested at the border for trying to leave the country, in violation of their right to freedom of movement.

3.1 ABUSES BY IMBONERAKURE AT THE BORDER

Refugees and asylum seekers reported abuses, including rape and killings, committed by members of the Imbonerakure at the border.

Amnesty International spoke to one woman, stopped by a group of Imbonerakure members at the border with Tanzania in March 2017, who said she was given an impossible ‘choice’ between being killed and raped:

“They asked me where I was going. I told them I was going to seek refuge. They raped me. They were many people who stopped me, but those who raped me were two. They asked: between killing you and raping you, what do you choose? I told them I didn't want to be killed.”⁵²

Another young woman explained how her father was killed by members of the Imbonerakure in June 2017 as the entire family tried to flee the country via Rwanda:

“We didn't go through the official border post. We crossed the river and continued on a small path. Five Imbonerakure armed with knives jumped on him and cut his head. And then my mother was forced to

⁵¹ Human Rights Watch, “Burundi: Intelligence Services Torture Suspected Opponents”, 7 July 2016, <https://www.hrw.org/news/2016/07/07/burundi-intelligence-services-torture-suspected-opponents>.

⁵² Interview with victim, Uganda, July 2017.

return immediately. We scattered in different directions...I have no information on my brothers and sisters.”⁵³

As the family’s plan was to seek refuge in Uganda, she decided to continue there alone.

Others described being beaten or stopped by members of the Imbonerakure as they tried to flee the country. Not all were seeking refuge but any cross-border movements, such as going into Rwanda to sell goods at the market, could provoke suspicion that they were going to join one of the armed opposition groups.

Refugees Amnesty International spoke to in Tanzania in 2016 also shared their experiences of being caught by members of the Imbonerakure and beaten when they tried to cross the border irregularly, before either being allowed to continue their journey directly or having to seek another route. Many others described the circuitous journeys they took to avoid being stopped at the border and their fear of being caught by the Imbonerakure. One man, who carried a basket of clothes disguised as food to sell at the market, believed that he was saved from being arrested by members of the Imbonerakure at the border in 2017 because he was travelling with a woman: “If I had been alone or if we had been two men we would have been immediately arrested”.⁵⁴

3.2 EXTORTION AND ROBBERY

Many people spoke to Amnesty International about being robbed as they left the country or being forced to make cash payments to be allowed to leave. Many exiled Burundians arrive in neighbouring countries with no belongings as a result of robbery, leaving in a hurry or to avoid attracting attention.

One man who left Burundi to Uganda travelling through Rwanda in April 2017 described in detail how members of the Imbonerakure took away his possessions within sight of Burundian police who did not intervene, but instead appeared to be working in collaboration with them:

“The barrier was not at the border, it was a few metres away. When you arrive at the border, it is only those with papers who pass, so those of us who don’t, look for other ways to get through. The barrier is in a place where vehicles drop off people who are going to the immigration services. It is on the road. Maybe 10m from Immigration. There were four Imbonerakure with sticks, wearing civilian clothes. There were police there – they were working together. There were two police officers with guns, wearing blue police uniforms. When an Imbonerakure catches you it is useless to call the police. Even if sometimes they are not in uniform the Imbonerakure, at the end of the day, are the real police.”⁵⁵

In some cases, members of the Imbonerakure have allowed or even helped people to leave the country in exchange for payment. For example, one man told Amnesty International:

“An Imbonerakure asked me where I was going. I told them that I was visiting a friend in Rwanda. He didn’t ask for my ID or where I lived, he just asked for 6000 francs [4 USD] (3000 for me, 3000 for my wife)...He helped me to the border. He was respected by those that we passed. He said that he was an Imbonerakure who controlled this zone – no one else can do this. We didn’t pass by the official border; it was an illegal border.”⁵⁶

Another man told Amnesty International about his experience crossing from Burundi into Rwanda:

“I paid money at the border to the police on the barrier. I paid 10,000 francs [6 USD]. There were two Burundian police officers there. There were no other people around. There were other people travelling, but I waited around until the others left, and then I paid.”⁵⁷

Similar cases were recorded by Amnesty International in 2016. One man described how two men wearing a military uniform and assumed to be soldiers stopped him and his friend at the border between Burundi and Tanzania in June 2016:

“We fell into a trap at the border. They wanted to pillage what we had; they took my money – I had 30,000 francs [17 USD]. They were wearing a military uniform – a green/black mix. They were two soldiers with weapons. There was a gun with two legs, a machine gun. They had a barrier and they had guns in their hands. They made a gesture that they were ready to do something. After taking my money, they beat us. One of the soldiers slapped us. They started to administer punishment, even though we had given our

⁵³ Interview with victim, Uganda, July 2017.

⁵⁴ Interview with victim, Uganda, July 2017.

⁵⁵ Interview with victim, Uganda, July 2017.

⁵⁶ Interview with victim, Uganda, July 2017.

⁵⁷ Interview with victim, Uganda, July 2017.

money. I was hit twice on my left cheek. My friend, they left him, they didn't beat him. They started to hit me because I was expressing myself. I lied and said that I was coming here to look for money. And they said that they could see what I had in my small bag; I refused to open it so was slapped."⁵⁸

⁵⁸ Interview with victim, Tanzania, June 2016.

4. EXPERIENCES IN EXILE

According to UNHCR, by the end of July 2017, 419,967 Burundian refugees and asylum seekers had fled since April 2015 and were being hosted primarily in Tanzania, Rwanda, the Democratic Republic of the Congo (DRC) and Uganda.⁵⁹ It expects the number of refugees to rise to 534,000 by the end of 2017. However, UNHCR's global appeal to fund the Burundi Regional Refugee Response Plan remains severely and chronically underfunded and donors had provided only 6% of the funds required as of August 2017.⁶⁰ The lack of sufficient funds means that host governments, UNHCR and its partners are struggling to meet the basic and immediate needs of Burundian refugees and asylum seekers, including access to food, shelter and health services.

Many of the refugees and asylum seekers that Amnesty International spoke to in Uganda in July 2017 and in Tanzania in June 2016 described their current difficult living conditions in exile. Refugees who had recently arrived in Uganda told Amnesty International that they lacked mattresses, soap and sufficient food rations. Six people complained about insufficient or reduced food rations and five people said that they experienced delays in receiving their ration cards. Nonetheless, conditions in Uganda are generally recognized to be better than in Tanzania, with several people giving that as their reason for travelling to Uganda.⁶¹ The fact that Uganda does not share a border with Burundi was also reassuring to asylum seekers and refugees who wanted to be as far away as possible.⁶²

UNHCR has warned that the situation in Nduta camp in Tanzania, in particular, is 'alarming'.⁶³ Originally designed to host 50,000 people, it now houses over 127,000. UNHCR and its partners do not have sufficient capacity to prevent and respond adequately to sexual and gender-based violence; they have also raised concerns about health and protection risks linked to overcrowding.⁶⁴ On 27 August 2017, WFP warned that the already insufficient food rations to refugees in Tanzania would have to be further reduced without urgent funding from donors.⁶⁵ Tanzania operates a *de facto* encampment policy and refugees who leave the camps without permission in search of work are liable to be fined or arrested.⁶⁶

Regular food and water shortages in the camps in Tanzania have been interpreted by some refugees as an attempt to push refugees to return home,⁶⁷ particularly in light of the comments by President John Pombe Magufuli during the visit by President Pierre Nkurunziza to Tanzania on 20 July 2017 encouraging refugees to return home to Burundi.⁶⁸ This makes it even more important that the refugee response be adequately

⁵⁹ UNHCR, Burundi Situation Regional Update, July 2017, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Regional%20Update%20Burundi%20Situation%20-%20July%202017.pdf>.

⁶⁰ UNHCR, Financial information (2017), <https://data2.unhcr.org/en/situations/burundi> (accessed on 28 August 2017).

⁶¹ Interviews with refugees and asylum seekers, Uganda, July 2017. See also, International Refugee Rights Initiative, *"I Fled Because I was Afraid to Die" Causes of Exile of Burundian Asylum Seekers*, August 2017, <http://www.refugee-rights.org/Publications/Papers/2017/Causes%20of%20exile%20Burundi%202017.pdf>, pp 5, 11, 20-21.

⁶² Interviews with refugees and asylum seekers, Uganda, July 2017.

⁶³ UNHCR, Burundi Situation 2017 Supplementary Appeal January-December 2017, May 2017, <http://reliefweb.int/report/burundi/burundi-situation-2017-supplementary-appeal-january-december-2017-may-2017>.

⁶⁴ UNHCR, Burundi Situation 2017 Supplementary Appeal January-December 2017, May 2017, <http://reliefweb.int/report/burundi/burundi-situation-2017-supplementary-appeal-january-december-2017-may-2017>.

⁶⁵ The Citizen (Tanzania), 'WFP cuts food rations for Burundi, DR Congo refugees,' <http://www.thecitizen.co.tz/News/WFP-cuts-food-rations-for-Burundi--DR-Congo-refugees/1840340-4073628-9dn7fez/index.html>. Food rations in August provided only 62% of the daily required calories.

⁶⁶ Asylum Access, Submission for the Universal Periodic Review (United Republic of Tanzania), 21 September 2015, http://www.asylumaccess.org/wp-content/uploads/2016/05/JS1_UPR25_TZA_E_Main-1.pdf.

⁶⁷ Electronic communications with refugee in Tanzania, 4 and 6 August 2017.

⁶⁸ "My Burundian brothers, I urge you to return home to build your country. You have just heard your president, prepare from today to return home. I am not expelling you, but we should speak the truth... Those who go around preaching that Burundi is not at peace should stop their gospel." President Magufuli's remarks reported in Agence France Presse, "Tanzanian leader urges Burundian exiles to go home,"

resourced by the international community to ensure that any decision refugees make to return home is voluntary and they are not feeling pushed to return to a situation of danger because of the hardships and desperation they are facing in countries of asylum.

4.1 ARRESTS, EXTORTION, ROBBERY

Several people spoke about violations they had experienced by local authorities in Tanzania and harassment and robbery by members of the public in Tanzania and Uganda.

One man who travelled through Tanzania in late June 2017 on his way to Uganda, told Amnesty International:

“It was a very difficult journey. I was imprisoned in Tanzania by police not far from the border near Kigoma. It was because I didn’t have papers. They said that after the small cachot they would take me to a larger prison. I was held for two days. I left the prison after paying 50,000 Tanzanian shillings [roughly 22 USD] to the officer in charge. Then I continued on foot because it is very difficult to take the bus without papers.”⁶⁹

Another young man who had lived in a refugee camp in Tanzania since January 2016 left to Uganda due to problems for Burundians living in Tanzanian refugee camps, such as the lack of freedom of movement to leave the camps to look for work.⁷⁰ He told Amnesty International about the warning he received from a bus driver when he and his wife decided to leave in March 2017:

“When we arrived at the place to take the bus, the driver asked, ‘are you Burundian or Tanzanian?’ He advised us not to make conversation on the bus, because on board there were people who could make us get off the bus or do us harm if they knew.”⁷¹

While several refugees spoke of acts of kindness from strangers towards them along their route, they have also been victims of robbery by the local population in some places. For example, the young man mentioned above who left Tanzania in March 2017 described how he and his six fellow passengers were robbed of their money by the *boda boda* [motorcycle taxi] drivers who were supposed to take them from the Ugandan border to Nakivale Refugee Settlement, in Southwest Uganda.⁷² Another woman told Amnesty International how, not knowing the unofficial route across the border from Rwanda to Uganda (she had no papers), she hired a *boda boda* driver to take her across who took all her money when they arrived at a town close to the border on the Ugandan side.⁷³

21 July 2017, <http://www.news24.com/Africa/News/tanzanian-leader-urges-burundian-exiles-to-go-home-20170720>. “Today, Burundi is at peace. We call on our brothers and sisters sheltering in Tanzania to return home, so that we can build our country together.” President Nkurunziza’s speech reported in Agence France Presse, “Tanzanian leader urges Burundian exiles to go home,” 21 July 2017, <http://www.news24.com/Africa/News/tanzanian-leader-urges-burundian-exiles-to-go-home-20170720>.

⁶⁹ Interview with victim, Uganda, July 2017.

⁷⁰ Refugees living in camps have the right to do small scale income-generating activities within the camps, but may not leave the camps to work; asylum seekers are not permitted to work inside the camp either. Asylum Access, Submission for the Universal Periodic Review (United Republic of Tanzania), 21 September 2015, http://www.asylumaccess.org/wp-content/uploads/2016/05/JS1_UPR25_TZA_E_Main-1.pdf.

⁷¹ Interview with victim, Uganda, July 2017.

⁷² Interview with victim, Uganda, July 2017.

⁷³ Interview with victim, Uganda, July 2017.

5. CONCLUSION AND RECOMMENDATIONS

“I didn't report these attacks. In Burundi, we civilians can't complain about the Imbonerakure to the police. The government works with the Imbonerakure and the police. No judge will take your side [in court].”

Participant in the 2015 protests, Bujumbura

Amnesty International's research in 2016 and 2017 gives an insight into the pervasive and serious human rights violations that continue with impunity throughout Burundi. The testimonies gathered reflect a continuing crackdown on the political opposition and those who took part in the 2015 protests, who continue to be targeted for unlawful arrest, tortured and ill-treated in detention, with ransoms extorted from their families to secure their release. Relentless pressure to join the ruling party and its youth wing, the Imbonerakure, involves threats or violence, robbery and extortion. The requirement to pay exorbitant taxes, fees and fines – which in some cases appear to be required disproportionately from political opponents – puts an immense strain on a population already facing a deteriorating economy. And for all of the above, the continued lack of accountability, especially of the security services and the Imbonerakure, continues to be stark. Little information is publicly available on recent investigations and prosecutions of members of the security services and the Imbonerakure

The organic law on the Burundian National Police (PNB), promulgated in February 2017, excludes from any police position any member convicted of acts of genocide, war crimes, crimes against humanity, attacks on state security and human rights abuses.⁷⁴ Similarly, the organic law on the Burundian National Defence Force requires its members to respect human rights.⁷⁵ However, it is not clear from either of the laws how such standards are to be enforced and whether any vetting mechanisms are envisaged.

The Government of Burundi insists that the Imbonerakure is simply the youth wing of the CNDD-FDD, although the CNDD-FDD does acknowledge their participation in the mixed security committees, whose purpose is to oversee and report on security at the local level. The testimonies above, however, demonstrate the Imbonerakure's increasingly powerful role supplementing and at times replacing the work of the traditional security services. With fear of the Imbonerakure pervasive throughout the country, their powers far exceed what is appropriate for a political youth group. The government and the CNDD-FDD must urgently clarify the role of the Imbonerakure and stop using them as an alternative security force. In order to ensure accountability, impartial and independent investigations into alleged abuses by the Imbonerakure are essential, and, where there is sufficient evidence, prosecutions in fair trials.

⁷⁴ Loi organique No1/03 du 20 février 2017 portant missions, organisation, composition et fonctionnement de la Police Nationale du Burundi, Article 315.

⁷⁵ Loi organique No1/04 du 20 février 2017 portant missions, organisation, composition, instruction, conditions de service et fonctionnement de la Force de Défense Nationale du Burundi, Articles 105 and 106.

RECOMMENDATIONS

TO THE GOVERNMENT OF BURUNDI

- Suspend from duty members of the security forces, including the police and the SNR, suspected of serious human rights violations including torture or other ill-treatment, and any officials who ordered or condoned such crimes, pending prompt, impartial and independent investigations, and where there is sufficient evidence prosecute those suspected of criminal responsibility in fair trials without recourse to the death penalty;
- Engage with the CNDD-FDD to ensure that members of the Imbonerakure do not participate in operations of the security forces and take measures to prevent members of the Imbonerakure from committing human rights violations;
- Carry out prompt, impartial and independent investigations of abuses committed by members of the Imbonerakure, and where there is sufficient evidence prosecute those suspected of criminal responsibility in fair trials;
- Ensure the enforcement of the provision in the organic law on the Burundian National Police that excludes any member convicted of acts of genocide, war crimes, crimes against humanity, attacks on state security and human rights abuses, and the provision in the organic law on the Burundian National Defence Force that requires members of FDNB to respect human rights, including through the imposition of an appropriate and effective vetting mechanism;
- Allow OHCHR, African Union and other independent monitors, including members of the Commission of Inquiry on Burundi access to carry out investigations, including full, unimpeded and unannounced access to all places of detention;

TO TANZANIA, UGANDA, RWANDA AND THE DEMOCRATIC REPUBLIC OF CONGO

- As refugee hosting countries, continue to ensure access to the territory and protection for Burundian asylum seekers and refugees;
- In line with the international law principle of *non-refoulement*, ensure that no one who has fled Burundi because of the real threat of serious human rights violations is forcibly returned to Burundi, in any manner whatsoever;
- Ensure that independent monitors have access to border points;
- Ensure that asylum-seekers are only detained as a last resort and when strictly necessary, following an individualized assessment of their humanitarian needs and the risks if they remain at liberty, and for the least amount of time as necessary;
- Take measures to ensure that national and local authorities do not commit human rights violations against Burundian refugees, and that they are protected from harassment by the population.

TO MEMBERS OF THE UN HUMAN RIGHTS COUNCIL

- In light of continuing serious human rights violations in Burundi and restrictions on independent human rights organizations to work inside the country, adopt a resolution renewing the mandate of the Commission of Inquiry on Burundi to ensure continued scrutiny of the situation and to explore all legal avenues for ensuring accountability for crimes committed during the crisis.

TO MEMBERS OF THE INTERNATIONAL COMMUNITY

- Substantially increase and provide predictable and consistent funding to the Burundi Regional Refugee Response for 2017;
- Support a more coordinated regional and international response to the crisis, including through political support to the Joint Technical Working Group on the Burundi Dialogue;
- Insist on broad representation in the Burundi Dialogue, including of independent civil society and media, who have an essential role to play in bringing an understanding of the views and needs of the population to the table.

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TO ONE PERSON, IT
MATTERS TO US ALL.**

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CONFORM OR FLEE

REPRESSION AND INSECURITY PUSHING BURUNDIANS INTO EXILE

Amnesty International's research highlights the pervasive repression and continuing human rights violations throughout Burundi, more than two years after the start of the crisis in 2015. The lack of accountability for crimes committed by members of the police, National Intelligence Service, army and the Imbonerakure contributes to a climate of impunity which allows such violations to continue unchecked.

Relentless pressure to join the ruling party and its youth wing, the Imbonerakure, involves threats or violence, robbery and extortion. The requirement to pay exorbitant taxes, fees and fines – which in some cases appear to be required disproportionately from political opponents – puts an immense strain on a population already facing a deteriorating economy.

Burundians continue to flee the country, and as long as they are afraid to return home, Amnesty International calls on host countries to continue to offer protection and urges members of the international community to substantially increase funding to the refugee response.