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Immigration and  
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## **Burundi: The treatment of current and former members of the National Liberation Forces (Forces nationales de liberation, FNL) by the authorities; whether the National Intelligence Service (Service national de renseignement) is interested in a group of individuals tied to the FNL (2010-July 2013)**

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### 1. Background

Sources state that there are several FNL factions in Burundi (Consultant 20 July 2013; Professor 19 July 2013; Research associate 19 July 2013). During a telephone interview with the Research Directorate, a professor of religious sciences at the University of Sudbury, who has observed and written about the political situation in Burundi, stated that some FNL factions are close to the government, while others are among the opposition (19 July 2013). Information on the number of FNL factions could not be found among the sources consulted by the Research Directorate.

According to sources, the government of Burundi contributed to the split of the FNL (Consultant 20 July 2013; Professor 19 July 2013). The Professor stated that the ruling party, the National Council for the Defence of Democracy - Forces for Defence and Democracy (Conseil national pour la défense de la démocratie - Forces pour la défense de la démocratie, CNDD-FDD), uses

tactics that aim to [translation] "divide and conquer" against opposition parties (ibid.). In correspondence sent to the Research Directorate, a historian and research associate at the Institute of Research for Development (Institut de recherche pour le développement), located in France, who has written on the political situation in Burundi, stated that this phenomenon is called nyakurisation, and explained that

[translation]

the "historic" branches of several parties were marginalized by the creation of divisions among the secondary members close to the ruling party. These atrophied branches then become officially recognized by the Ministry of the Interior. This happened with the FNL in 2011-2012 (Research associate 19 July 2013).

Similarly, according to Human Rights Watch, en 2010, [Human Rights Watch English version] "the CNDD-FDD offered some FNL leaders government positions if they agreed to choose a different leadership for their party .... The government, through the minister of the interior, officially recognized this new leadership" (May 2012, 14). The Professor stated that the FNL faction closest to the government is called FNL Nyakuri or [translation] "true" FNL, and explained that all the factions continue to call themselves FNL, that adjectives are attached to the name to differentiate them, and that this is also the case for other opposition parties (19 July 2013). According to an article published on the news site Burundi Transparence, FNL Nyakuri is led by Emmanuel Miburo (1 Mar. 2013). FNL-Miburo forms a faction that is not recognized by the FNL members who are supporters of Agathon Rwasa (SC 18 Jan. 2013, para. 6, 11; Human Rights Watch May 2012, 14-15).

## 2. Treatment of Current and Former FNL Members by the Authorities

Sources say that the number of cases of political violence in the country diminished in 2012, in comparison with the previous year (Human Rights Watch Jan. 2013, 1-2; Freedom House 2013). The Professor stated that the situation seemed calmer since the beginning of 2013 (Professor 19 July 2013).

However, the research associate stated that, according to what she hears when she visits the country, [translation] "the FNL and their activists are particularly targeted" by the ruling party and are the subject of "harassment, ill treatment and other abuse" (Research associate 19 July 2013). She added that the FNL members who are part of the [translation] "marginalized" FNL are even more "threatened" than those of the "governmentalized" FNL who generally obtain positions (ibid.). The Professor also stated that the FNL factions that are close to the government are [translation] "not bothered" (19 July 2013).

An independent consultant, who has worked for over 25 years for NGOs and for international organizations in the Great Lakes region of Africa and who has written about the political situation in Burundi, also stated that, according to what he has heard during his visits to the country, some opposition militants, the FNL in particular, at the [translation] "very local" level, have been victims of "harassment," ranging from "intimidation to straight out disappearance" by the youth league of the CNDD-FDD (Consultant 20 July 2013). The consultant stated, [translation] "the victims are people who are considered (rightfully or not) FNL activists" (ibid.). The Professor stated that tensions exist especially between the members and supporters at the lowest levels of the political parties, but added, nevertheless, that the opposition party leaders were particularly [translation] "targeted" by the government in office (Professor 19 July 2013). Agathon Rwasa, the FNL leader, is living in exile (Professor 19 July 2013; UN 31 May 2011, paragr. 23; Al Jazeera 30 June 2010). He fled the country in 2010, to escape arrest (ibid.; Al Jazeera 30 June 2010).

Sources say that there have been cases of political violence directed at the opposition parties by the activists or members of the ruling party in Burundi (US 19 Apr. 2013, 1-2; UN 31 May 2011, para. 21; Human Rights Watch Jan. 2013, 2). Human Rights Watch states that, in 2012,

[HRW English version]

there were sporadic attacks by armed groups as well as killings of members or former members of the opposition National Liberation Forces (FNL). ... In the vast majority of politically motivated killings, thorough investigations were not carried out, and there were no arrests or prosecutions. Impunity was particularly pronounced in cases where the perpetrators were suspected to be state agents or members of the Imbonerakure, the youth league of the CNDD-FDD (ibid.).

Similarly, Country Reports on Human Rights Practices for 2012 of the United States Department of State indicates that, according to the UN Office of the High Commissioner for Human Rights, in 2012, 30 extrajudicial killings were committed by the authorities, including by members of the National Intelligence Service, and in 2011, 61 were committed (US 19 Apr. 2013, 2). Most of the victims were current or former members of the FNL and other opposition parties (ibid.). Imbonerakure members were implicated in some of these killings; investigations were opened in some cases but there were few arrests (ibid.).

In a report on political violence in Burundi, Human Rights Watch states that about ten current and former FNL members were killed [Human Rights Watch English version] "by forces aligned with the CNDD-FDD" (Human Rights Watch May 2012, 35). The report details three cases in particular, including the case of a former commander, and pointed out that, in May 2012, no charge had been laid (ibid., 27-29, 30-32). According to Human Rights Watch, [Human Rights Watch English version] "former FNL members are forever tainted by their past associations and are not allowed to resume a normal civilian life," and because of the attacks against them, some current and former FNL members are forced "into hiding" (ibid., 26-27, 37). Corroborating information could not be found among the sources consulted by the Research Directorate.

In a report presented to the UN Human Rights Council, an independent expert on the situation of human rights in Burundi stated that

[UN English version]

several observers present in Burundi reported that some of those responsible for those acts of violence (against the opposition) had been shown indulgence by the CNDD-FDD ruling party. As an example, they referred to the violence perpetrated by CNDD-FDD youth to prevent political meetings of FNL youth in Bwabarangwe commune in Kirundo, in the north of the country (UN 31 May 2011, 21).

## 2.1 Treatment of the FNL by the National Intelligence Service

The Professor stated that it is often heard in Burundi that the National Intelligence Service is involved in cases of ill treatment, but that evidence of its involvement is not presented (19 July 2013).

The National Intelligence Service has accused the FNL of perpetrating a massacre in a bar in Gatumba in 2011, which led to the death of at least 30 people (RFI 7 Oct. 2011; Freedom House 2013). According to the National Intelligence Service, the massacre was committed "as retribution for government violence against its (FNL) members" (ibid.). Following a trial that was "seriously flawed," 16 people were found guilty (ibid.; Human Rights Watch Jan. 2013, 2). According to Freedom House, "defendants alleg[ed] that they had been tortured and forced either to confess or to implicate the FNL in the attack" (2013). Similarly, Human Rights Watch points out that some

defendants "stated in court that they were tortured before the trial to force them to incriminate themselves or each other and to support the official version of the story which blamed the FNL for the massacre" (May 2012, 66-67).

Some sources state that Audace Vianney Habonarugira, a demobilized FNL colonel, was shot and killed in July 2011, after escaping an attempt on his life in March 2011 (US 19 Apr. 2013, 3; Human Rights Watch May 2012, 22, 24). He had previously refused to become an intelligence informant (ibid., 23, 26; US 19 Apr. 2013, 3). The investigation did not lead to prosecution (ibid.; Human Rights Watch May 2012, 27). Human Rights Watch also presents in detail the case of Dédith Niyirera, a former FNL member who was shot in August 2011 (ibid.). According to Human Rights Watch, [Human Rights Watch English version] "SNR agents had repeatedly warned him that if he did not join the CNDD-FDD, he would be killed" (ibid.). According to the prosecutor of Kayanza, an investigation could not be carried out because of a lack of witness testimony (ibid., 29). Human Rights Watch states that the former FNL members are approached by the National Intelligence Service to [Human Rights Watch English version] "denounce their former comrades, and they risk being killed if they refuse" (ibid., 26). Corroborating information could not be found among the sources consulted by the Research Directorate.

According to the report presented to the UN Human Rights Council by an independent expert on the situation of human rights in Burundi,

[translation]

[t]he adviser to the Executive Office of the Union pour la démocratie et le développement (UPD), himself a former police officer, stated that he had been arrested in the company of two members of FNL on 1 July 2010 by the police and SNR agents at a petrol station in Bujumbura on his way back from the FNL office in northern Mutanga. On arriving at the petrol station, he had seen two vehicles approach. One of them was an SNR van. The driver, whom he identified, was accompanied by officers who had formerly been his colleagues in the police. He alleges that the police officers fired shots into the air to intimidate him, then overpowered him and took him directly to the SNR office (UN 31 May 2011, para. 40).

Information on what happened to the two FNL members who were arrested in July 2010 and on whether the National Intelligence Service is interested in a particular group of people tied to the FNL could not be found among the sources consulted by the Research Directorate.

### 3. Treatment of the Person Mentioned in the Information Request

Information on the person mentioned in the information request could not be found among the sources consulted by the Research Directorate.

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.

### References

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#### Additional Sources Consulted

Oral sources: A professor emeritus at the University of Florida was unable to provide information within the time constraints. Attempts to contact an investigator at the Ligue des droits de la personne dans la région des Grands Lacs and a representative of the Ligue burundaise des droits de l'homme were unsuccessful.

Internet sites, including: Agence de presse africaine; AllAfrica; Amnesty International; Association de réflexion et d'information sur le Burundi; Burundi Bwacu; Burundi-Magazine; Burundi Réalités; ecoi.net; Factiva; International Crisis Group; Iwacu; Political Handbook of the World 2012; Radio Bonesha; Radio Isanganiro; Radio Télévision nationale du Burundi; United Nations - Refworld, Integrated Regional Information Networks.

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