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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Burundi: The situation of the Tutsi, including the Tutsi elite; their treatment by the authorities and by society; and protection provided to them (December 2015-February 2017) [BDI105750.FE]

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview of Situation

Sources qualify the current crisis in Burundi as “political” (UN 9 Sept. 2016, para. 18; FIDH and Ligue Iteka Nov. 2016, 106). A number of sources state that the victims of the crisis in Burundi are both the Hutus and the Tutsis (African Arguments 22 Jan. 2016; AI 15 Feb. 2017; Human Rights Watch 25 Feb. 2016). Sources report that the government targets anyone who opposes it (ibid.; FIDH and Ligue Iteka Nov. 2016, 106; researcher 23 Feb. 2017). In correspondence sent to the Research Directorate, a researcher in residence and member of the Franco-Peace Centre in Conflict Resolution and Peace Missions (Centre Franco-Paix en résolution des conflits et missions de paix) of the Chaire Raoul-Dandurand in Strategic and Diplomatic Studies at the Université du Québec à Montréal (UQAM), whose areas of interest include peace missions in Africa and the international and African human rights protection system, explained the following:

[translation]

The current political and military tension in Burundi stems from an electoral crisis that opposed those called the “opponents of the third mandate” and President Pierre Nkurunziza and his supporters.

[...] It was therefore primarily and originally a political tension that subsequently became ethnic in nature because certain political leaders thought that they could use this instrument as a way to awaken former antagonist Tutsi-Hutu mobilizations that existed in the country and in the region, and that created thousands of victims. (researcher 23 Feb. 2017)

In a report published in 2016 on Burundi, the International Federation of Human Rights League (Fédération internationale des ligues des droits de l'homme, FIDH) and the Burundian Human Rights League (Ligue burundaise des droits de l'homme, Ligue Iteka) state that, while the ethnic factor is not always the primary motivation for crimes committed by the Burundian security forces, it tends to become an “indicator” of the violence exercised by the Burundian authorities against those they suspect of being opposed to the President's third term (FIDH and Ligue Iteka Nov. 2016, 161). The same source states that “Tutsi populations are thus perceived as being opposed ‘by nature’ to the power in place and are persecuted for this reason” (ibid.). Similarly, in correspondence sent to the Research Directorate, an associate professor at the Georgia State University, whose areas of interest include ethnicity, violence, genocide and Burundi, wrote the following regarding the current Tutsi situation in Burundi: “Burundi's ongoing political crisis has not occurred

primarily on ethnic lines. Nonetheless, in some places in the country violence has taken on explicitly ethnic dimensions. In most instances of ethnically-charged violence, this violence has targeted Tutsis” (associate professor 12 Feb. 2017).

The United Nations Committee Against Torture states in a report published in 2016 that [UN English version] “this ethnic dimension of the conflict risks being exacerbated by the repressive measures taken in neighbourhoods inhabited mainly by Tutsis” (UN 9 Sept. 2016, para. 18). Similarly, an article published in 2016 by African Arguments, an Internet site that publishes analyses of African current affairs and politics (African Arguments n.d.), states that the “signs of ethnic tension are unmistakable, especially in those communes of the capital where Tutsi elements predominate” (ibid. 22 Jan. 2016). Jurist, a legal research Internet site led by a law professor from the University of Pittsburgh (Jurist n.d.), published in 2016 an academic commentary on the “genocide rhetoric” in Burundi (ibid. 19 Jan. 2016). According to that commentary, demonstrations against the third term of Pierre Nkurunziza as president were contained by “fierce reprisals [by police]” in the “Tutsi-dominated suburbs of Ngagara, Nyakabiga, Musaga, Cibitoke, Mutakura and Jabe” (ibid.). According to Léonce Ngendakumana, one of the Hutu signatories to the Arusha Peace Agreement and President of the Frodebu-Sawanya opposition party, the Nkurunziza regime [translation] “commits violent attacks on Tutsi neighbourhoods and young Tutsis who, when arrested, are quickly killed, while young Hutus are generally arrested for ‘reform’” (*La Libre Belgique* 26 Feb. 2016).

However, the author of the academic commentary published in January 2016 by Jurist states the following about the situation in Burundi:

Although Burundi has experienced atrocious acts over the last eight months, mostly in Tutsi-dominated suburbs of Bujumbura, the killings do not amount to acts of genocide targeting Tutsi group as such. Given the fact that the spring demonstrations against the third term of President Nkurunziza were carried out by people predominantly living in these suburbs, the targeting of these areas is politically motivated and localized. Other Tutsi-dominated areas such as Rohero, Kiriri, Kinindo and countryside have been spared from police reprisal acts. [...] In conclusion, an evidence-based inquiry into the facts suggests that the killings and other degrading and ill-treatment acts are targeting people who are against Nkurunziza third term. They are in no way attacks on any Tutsi for his or her ethnicity as such. [...] However, from a human rights perspective, and for the time being, even if the[] [analyses] cannot found allegations of genocide, most of the horrible acts are in no way justifiable, under the law [...]. [...] Burundians are all affected by the current crisis, irrespective of their ethnic or political affiliation. (Jurist 19 Jan. 2016)

According to a brief prepared in March 2015 and provided to the Research Directorate by the Associate Professor at Georgia State University, the current crisis has not led directly to polarization along ethnic lines because many prominent members of the ruling party, largely made up of Hutus, opposed President Nkurunziza’s move to seek a third term (associate professor 12 Feb. 2017). Similarly, Armed Conflict Location & Event Dataset (ACLED), an Internet site that “codes the dates and locations of all reported political violence and protest events in over 60 developing countries in Africa and Asia” (ACLED n.d.), published in 2016 a report on the crisis in Burundi (ibid. May 2016). It states that the Burundian conflict opposes regime supporters against regime critics (ibid., 12). According to the Researcher at UQAM, [translation] “people who oppose the third term, whether they are Hutu or Tutsi, have all been subjected to the repression impacting the various political and social forces, as long as they are suspected of belonging to the opposing party” (23 Feb. 2017).

2. Treatment of Tutsi by the Authorities

Among the conclusions in the 2016 Report of the United Nations Independent Investigation on Burundi (UNIIB), established pursuant to Human Rights Council resolution S-24/1, it states that [UN English version] “the experts are alarmed [that] [...] State officials, including at the highest levels, use language that can only provoke (previously bridged) division and mistrust [...] among ethnic groups in Burundi” (UN 20 Sept. 2016, para. 136). In correspondence sent to the Research Directorate, a representative of Rwanda and Burundi at Amnesty International writes that “the current government has sought to reinforce the Hutu-Tutsi divide through its politics and actions” (AI 15 Feb. 2017). The Committee on the Elimination of Racial Discrimination cites “the frequent use of hate speech and incitement to ethnic violence by Government officials” (UN 21 Nov. 9 Dec. 2016). Similarly, the FIDH and the Ligue Iteka, relying on the testimony of a Burundian intellectual, state that at the end of each month, Gélase Ndabirabe, a spokesperson for the ruling party, appears on national television saying that they “must be vigilant, because the Tutsi want to return to power” (FIDH and Ligue Iteka Nov. 2016, 110). That same source states that Pascal Nyabenda, [former] President of the ruling party and President of the National Assembly, is one of the “drivers of this divisive, anti-Tutsi language and rhetoric” (ibid., 157). Similarly, a United Nations (UN) press release states the following about [UN English version] “inflammatory statements by public officials”:

[UN English version]

In a statement on 16 August 2016 that was published on the CNDD-FDD [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)] website, Pascal Nyabenda, who was at the time President of the CNDD-FDD party and President of the National Assembly, suggested that the genocide in Rwanda was a fabrication of the international community (“*montages génocidaires contre le Gouvernement dit hutu de Kigali*”) that was used to remove the Hutu government that was in place at the time. (24 Aug. 2016)

With respect to the treatment of Tutsis by the authorities, the Researcher at UQAM stated that [translation] “there is no special treatment for Tutsis in Burundi” (researcher 23 Feb. 2017). According to that same source, in Burundi [translation] “there is no visible persecution directed exclusively against Tutsis” (ibid.). The Researcher at UQAM summarized the situation as follows:

[translation]

Tutsis are only targeted by the repression of the Burundian authorities when their members are from or suspected of belonging to the “great coalition” (civil society, opposition parties, journalists and human rights defenders) that opposes keeping President Pierre Nkurunziza in power.

It is clear that in this situation, the sanction imposed on them has a particular focus. [...] When they are targeted, they are subjected to restrictions to freedom of expression; arbitrary arrests and detention; extrajudicial executions; sexual abuse; acts of torture and other cruel, inhumane or degrading treatment. (ibid.)

2.1 Incidents Involving Security Forces

The UN Committee on the Elimination of Racial Discrimination states that it is concerned about the killings, summary executions, disappearances and torture, “many of which appear to have an ethnic character” (UN 21 Nov.9 Dec. 2016). The UN Special Adviser on the prevention of genocide expressed concern that the youth wing of the CNDD-FDD party (the *Imbonerakure*) was [UN English version] “associated with the human rights abuses and is reported to have threatened ethnic violence [...] [while] the Minister of the Interior of Burundi had confirmed that the *Imbonerakure* formed part of the national security strategy” (UN 24 Aug. 2016). According to an article published in 2017 by African Arguments, security forces and the *Imbonerakure* have increasingly targeted the Tutsis since December 2015 (20 Jan. 2017). Similarly, the FIDH and the Ligue Iteka state that many victims reported being arrested and/or tortured after being identified as Tutsi (FIDH and Ligue Iteka Nov. 2016, 11). The same source states that between April 2015 and April 2016, over 8,000 people were detained for political reasons and thousands more were arrested—members of the Tutsi minority were the prime targets (ibid., 30). Human Rights Watch states that “in some cases, members of the security forces, intelligence services, or *Imbonerakure* have hurled ethnic insults at Tutsi as they arrested, or ill-treated them” (25 Feb. 2016).

Relying on testimony, Human Rights Watch reports the following incidents: on 25 June 2015, police officers and National Intelligence Service (Service national de renseignement, SNR) agents tortured a police officer by alleging that he had a grenade that he was going to “give to Tutsis to kill Hutus”; the police and intelligence officers beat about 20 people in a courtyard and one of the attackers yelled [translation] “You are Tutsi terrorists” (ibid. 7 July. 2016); and some *Imbonerakure* tortured a taxi driver in the forest and one of them said to him: “You’ll have to wait at least 200 years until there’s a Tutsi president” (ibid.). In a weekly bulletin published in 2016, the Ligue Iteka states that on 29 January 2017, the *Imbonerakure* tortured [translation] “a Tutsi police officer and detained him for over four hours before releasing him, accusing him of collaborating with rebels” (Ligue Iteka 30 Jan.5 Feb. 2017, 4). Relying on testimony, the same source reports that the *Imbonerakure* threaten [translation] “the Tutsi population with death” (ibid.).

The UNIIB report states that a Tutsi woman from Nyakabika was [UN English version] “severely beaten, stabbed [...] and raped” “by four men in police uniform” and that “[o]ne of them reportedly said to her ‘I do this because I want you to carry my Hutu children’” (UN 20 Sept. 2016, para. 77). Similarly, relying on testimony, an international observer told the FIDH and the Ligue Iteka that the *Imbonerakure* were encouraged to rape Tutsi women (Nov. 2016, 92).

2.1.1 Incidents on 11 and 12 December 2015

An article published in 2016 by the UN News Centre states that a [UN English version] “search operation” was carried out by the police and the armed forces on 11 and 12 December 2015 in the neighbourhoods of Musaga, Nyakabiga, Ngagara, Citiboke and Mutakure and Bujumbura, following attacks on three military camps:

[UN English version]

According to information gathered from inhabitants of various neighbourhoods, some of the victims of human rights violations during the search operations that followed the 11 December events were targeted because they were Tutsis. [...]

In Bujumbura's Nyakabiga neighbourhood, another witness claimed that Tutsis were systematically killed, while Hutus were spared. And, in the Muramvya neighbourhood, the decision to arrest people was also reportedly largely made on an ethnic basis, with most Hutus being released, according to several different witnesses. (UN 15 Jan. 2016)

Human Rights Watch states in its World Report 2017 on Burundi that on 11 December 2015, police, military and *Imbonerakure* [Human Rights Watch English version] "forced their way into houses [...] [,]some shouting ethnic slurs at Tutsi residents. They killed scores of people in Nyakabiga and Musaga and carried out large-scale arbitrary arrests" (Jan. 2017, 2). Similarly, the FIDH and the Ligue Iteka state that on 11 December 2015, "members of the army, the police and the *Imbonerakure* asked people to specify their ethnic group, and directed racist insults [...] at Tutsis" (FIDH and Ligue Iteka Nov. 2016, 32). According to that same source, most of the victims were Tutsis (ibid.). Amnesty International states that [AI English version] "[m]ost of those killed on 11 December were residents of Musaga, Mutakura, Nyakabiga, Ngagara, Cibitoke and Jabe – all districts mostly inhabited by members of the minority Tutsi ethnic group" (AI 22 Dec. 2015). That same source explained that these districts are considered by the authorities [AI English version] "to be pro-opposition areas" because "the protests [...] against President Nkurunziza's bid for a third term in office started in these neighbourhoods" (ibid.).

2.2 Treatment of Tutsi in the Security Forces

The UNIIB report states that [UN English version] "divisions [between the ethnic groups in Burundi] are starting to manifest themselves within the security forces" (UN 20 Sept. 2016, para. 136). The FIDH and the Ligue Iteka report the following:

[UN English version]

Anti-putsch measures, aimed predominantly at ex-FAB [former Tutsi-dominated Burundi Armed Forces (Forces armées burundaises) (FIDH and Ligue Iteka Nov. 2016, 17), (ibid., 11)] members, were quickly implemented, and many Tutsi members of the military were retired from their commands, transferred, or "dispersed" to isolated provincial locations. Various witnesses have remarked that many Tutsi officers of the Special Brigade for the Protection of Institutions (BSPI) have been replaced by former CNDD-FDD fighters, and that ex-FAB officers are less well-equipped than their counterparts from the CNDD-FDD. Similarly, special police and army units involved in spear heading the oppression are "more than 95% Hutu", according to a source close to the security services. (ibid., 36)

Similarly, the Representative of Amnesty International stated that arrests of ex-FAB members, in service or retired, as well as searches of their homes, continue to be reported (AI 15 Feb. 2017). According to Natacha Songore, a Burundian refugee, journalist and member of the Women and Girls Movement for Peace and Security (Mouvement des femmes et des filles pour la paix et la sécurité) in Burundi, [translation] "the regime has marginalized and eliminated" ex-FAB members (International Crisis Group 31 Oct. 2016). According to Vital Nshimirimana, a Burundian refugee and Delegate General of the Forum for Strengthening Civil Society (Forum pour le renforcement de la société civile) in Burundi and president of the citizen's movement Stop the third term (Halte au troisième mandat), the conflict [translation] "is becoming more ethnically driven against the Tutsis [and] is more about the military" (ibid. 19 Oct. 2016). In September 2016, the president of the Association for the Protection of Human Rights and Detained Persons (Association pour la protection des droits humains et des personnes détenues, APRODH), a Burundian apolitical association and NGO (APRODH 28 Nov. 2011), stated that translation [translation] "soldiers belonging to the former Burundian military prior to 2002, the ex-FAB, were threatened by the power" (*All Africa* 6 Feb. 2017).

According to the FIDH and the Ligue Iteka, among the 48 ex-FAB members transferred from Bujumbura to the interior of the country, 46 were Tutsi (FIDH and Ligue Iteka Nov. 2016, 36). Relying on a military source, the FIDH and the Ligue Iteka state that "since mid-April 2016 the authorities have also been planning to retire 700 ex-FAB members, of whom only 3 are Hutu" (ibid.). However, Agence Belga, relying on the information reported by German radio broadcaster Deutsche Welle, states that [translation] "[s]ome 300 Burundian ex-FAB soldiers," most of whom are Tutsi, "were retired under an order made on 31 December [2016]" (Agence Belga 4 Jan. 2017). According to the FIDH and the Ligue Iteka, "since the beginning of the crisis several dozen ex-FAB members have been victims of targeted assassinations, abductions, and possible forced disappearances" (FIDH and Ligue Iteka Nov. 2016, 36-37). That same source reports that "blacklists" were prepared, that included that names of "undesirables" within the National Defense Forces, who "are nearly all Tutsi" (ibid., 37).

Sources report that soldiers were arrested following an incident near the Mukoni military camp in January 2017 (RFI 27 Jan. 2017; Ligue Iteka Jan. 2017, 12). Ligue Iteka reports that at least 12 Tutsi soldiers were arrested and tortured by SNR officers and the *Imbonerakure* during the incident (ibid.). Radio France Internationale (RFI) reports that 18 soldiers were arrested (27 Jan. 2017).

3. Treatment of Tutsi by Society

Scarce information on the treatment of Tutsis by society could be found among the sources consulted by the Research Directorate within the time constraints of this Response. In their report on Burundi, the FIDH and the Ligue Iteka state that on 1 April 2016, the day before the funeral of Lieutenant-Colonel Darius Ikurakure, messages circulated on social networks, including the following one: [FIDH and Ligue Iteka English version] "Dear HUTU, wake up! Tomorrow we will be burying another hero of the fight against the Tutsi." (Nov. 2016, 108)

According to Fulvio Beltrami, a journalist and analyst based in Uganda, "Nkurunziza is not supported by the majority of Hutu in the country" (IBT 9 Nov. 2015). Similarly, according to a consultant at International Crisis Group, [translation] "the Burundian population does not seem to fall into the trap of ethnic division: the confrontations are not community wide and only involve militants of the opposition and the security forces" (*Jeune Afrique* 10 June 2016).

4. Situation of the Tutsi Elite

Scarce information about the treatment of the Tutsi elite could be found among the sources consulted by the Research Directorate within the time constraints of this Response. According to the consultant of International Crisis Group, [translation] "many of the financial and political elite left the country" because of "the poison of the growing ethnic division, fear and poverty that undermine social cohesion and political coexistence, which were already fragile before the crisis" (ibid.). Similarly, the representative of Amnesty International explained that the people who belong to the elite are likely to be more visible and are therefore more at risk of being targeted if they are perceived as "opposing or potentially opposing the current CNDD-FDD government" (AI 15 Feb. 2017). According to that source, "being a real, suspected or potential opponent (either peaceful or armed) of the government" is the primary reason for being targeted (ibid.).

The Researcher at UQAM writes the following:

[translation]

Tutsis are only targeted by the repression of the Burundian authorities when their members are from or suspected of belonging to the "great coalition" (civil society, opposition parties, journalists and human rights defenders) that opposes keeping President Pierre Nkurunziza in power. (23 Feb. 2017)

Human Rights Watch states the following about the current crisis:

While there are many Tutsi in the government, many of the powerful positions in the ruling party and the security forces are held by Hutu. The government seeks to portray the opposition as predominantly Tutsi, even though it includes many Hutu.

While most national institutions include both Hutu and Tutsi, the current crisis is making some members of each group distrustful of one another. This has been exacerbated by inflammatory rhetoric by some ruling party members and opposition figures. (25 Feb. 2016)

5. Protection Provided to Tutsis

Scarce information about protection provided to the Tutsi could be found among the sources consulted by the Research Directorate within the time constraints of this Response. According to the Associate Professor at Georgia State University, there is no specific support system for Tutsis, as the government "insists that it is the government of all Burundians" (12 Feb. 2017).

However, the UQAM researcher wrote the following about protection and support services for the Tutsi:

[translation]

Burundians and any person in Burundi are subject to protection under the Constitution, as elsewhere [...] Furthermore, Burundi belongs to a number of international human rights instruments, namely, the International Covenant on Civil and Political Rights [...] The Burundian authorities also ratified the International Criminal Court Statute [...] Therefore, formal protection exists for the population, including Tutsis.

However, in practice, the government does not provide any credible protection or support services for Tutsis. There is also no protection for all those who oppose the president's staying in power. The government fails to assume its responsibility of protecting each person in Burundi. (researcher 23 Feb. 2017)

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.

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Internet sites, including: Agence France-Presse; BBC; Burundi – portail du gouvernement; Conseil national pour la défense et la démocratie – Forces de défense de la Démocratie; *La Croix*; Freedom House; *The Guardian*; Mali Actu; Minority Rights Group International; *Le Monde*; United Nations – Refworld; United States – Department of State; Voice of America.

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