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Repression and genocidal dynamics in Burundi

In Mutakura district in Bujumbura, Burundi, on 2 July 2015, where, the day before, at least six persons have been killed during confrontations with the police. © MARCO LONGARI / AFP

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*"Why do we have to live like this? Why is my beautiful country torturing and killing its children? How did we ever reach the point where human life means nothing? I can remember the various alerts I've seen on social networks since the start of the crisis, hashtags like #BringBackMyDad, #OùEstMonFrère, (#WhereIsMyBrother), my cousin, my sister... And also the grief of my neighbors, colleagues and friends who have lost their loved ones. Families who are suffering because their loved ones have disappeared or been imprisoned for no reason. I weep in silence for my people who are suffering."**

* Interview with Ferdinand Niyonkuru, abducted in April 2016 by the police and the Imbonerakure in the province of Kayanza in Burundi, May 2016 (see full testimony Part III. 3.1.2)



Burundi security forces stand guard around the dead bodies killed by unknown gunmen in Bujumbura's Ntahangwa district on October 4, 2015. Eight dead bodies were found in Bujumbura's Ntahangwa district on October 4, 2015. © YVAN RUKUNDO / ANADOLU AGENCY

EXECUTIVE SUMMARY

Repression and genocidal dynamics in Burundi

In October 2016, the Burundian authorities took the extreme step of suspending cooperation with the United Nations and withdrawing from the International Criminal Court (ICC) while systematically repressing its population and commit crimes of the most serious nature. FIDH and ITEKA have gathered evidence for this report over the course of the past 24 months, through investigative missions and permanent monitoring of crimes committed. This report seeks to explain, a year and a half after the outbreak of the crisis in Burundi, the political and human rights situation as well as the dynamics at play. Is this a political or an ethnic conflict? What crimes are being committed, who are the perpetrators and who is responsible? Is Burundi really on the brink of genocide? What does the future hold for this country, after emerging from a decade of civil war, in which 300,000 people were killed? Is the withdrawal of Burundi from the ICC a sign that the situation is deteriorating?

Using any and all means to retain power

Since April 2015, when large popular protests broke out against the decision of President Pierre Nkurunziza to seek a third term, Burundi has been in violent political crisis, characterized by the bloody crackdown of the authorities. In response to this state-sponsored violence, armed rebel groups have conducted attacks and targeted killings, fueling the cycle of violence. The crackdown by the security services and the *Imbonerakure* – the youth organization of the ruling party, whose members act as their proxy – aims primarily at retaining power through any and all means.

To date, the human toll is more than 1,000 dead, 8,000 people detained on political grounds, 300 to 800 people missing, hundreds of people tortured, hundreds of women victim of sexual violence, and thousands of arbitrary arrests. These abuses, committed mainly by Burundian security forces, have already forced more than 310,000 people to flee the country¹. Civilians are the main victims of the violence.

From open repression to abuses behind closed doors

Initially, the authorities targeted protesters and opponents of the ruling party, and then progressively those considered hostile to the established power: youth, political opponents, journalists, members of civil society, and simple citizens. The attempted coup on 13 May 2015 was the breaking point, leading authorities towards a logic of systematic repression. Up until that date, the police would fire into the crowd, arrest protesters and seek ringleaders, all the while limiting the violence of the security services and *Imbonerakure*. In the aftermath of 13 May 2015, the authorities increasingly radicalized their action (throughout July, November, December 2015, and January-February 2016) initiating a policy of systematic repression. After every attack by armed groups, the protesting neighborhoods of Bujumbura were raided by regime forces and men were found handcuffed and executed by a bullet in the head. There were hundreds of arrests, and

1. According the High Commissioner for Refugees' figures, updated 27 September 2016, UNHCR, Burundi Situation, <http://data.unhcr.org/burundi/regional.php>

torture became systematic, notably on the premises of the National Intelligence Service (SNR). Secret detention facilities multiplied and served as torture centers used for extracting information on all those who are believed to oppose the ruling party, CNDD-FDD. On 11 December 2015, in retaliation for three attacks by armed opposition groups in Bujumbura and its surroundings, the security forces and their auxiliaries raided areas of the capital and summarily executed at least 150 people, whose bodies were then abandoned in the streets. 150 others are still missing. Several mass graves have since been identified in the capital and its surroundings.

This repression in broad daylight triggered reaction from human rights organizations, and beginning in January 2016, the regime changed its *modus operandi*, continuing its repression under the radar of the international community: secret locations for detention and torture, covert executions, enforced disappearances, concealment of bodies in cemeteries, the muzzling of the press and of NGOs, propaganda attributing these crimes to the armed opposition, etc. Yet these crimes have been committed almost entirely by groups dedicated to the regime.

Special forces recruited for the repression

The majority of arbitrary arrests, acts of torture and summary executions are carried out by the police security services, the army and the special services, and supported by the *Imbonerakure*. All of these units, around a dozen in number, including the SNR, the anti-Riot Squad (BAE), the Institutional Protection Agency (API), the mobile rapid response group (GMIR) and the Special Research Bureau of the judicial police (BSR) or the Combat engineer Battalion (BGC), the 221st Commando de Ruyigi Battalion, and the special Brigade for the protection of institutions (BSPI), are run by close allies of President Nkurunziza. Their leaders report directly to the president through official channels or through a parallel chain of command that leads directly to the Presidency of the Republic, particularly via the civil cabinet. These units have been largely purged of all those – Tutsi and Hutu, “who cannot see things through” according to a well-placed Burundian informant.

Part of the *Imbonerakure*, the youth section of the CNDD-FDD ruling party, is used as auxiliaries to the regular forces and has participated in the repression of all individuals considered hostile to the government. These *Imbonerakure* – considered a militia by the United Nations –, whose abuses have been denounced for years, are trained, armed and mobilized throughout the country. Their role in the repression has increased to the point that some of the *Imbonerakure* have also formally joined the police forces, the SNR or the army. They arrest, torture and commit extrajudicial executions. They conduct repressive actions against civilians, disseminate the pro-Hutu ideology of the ruling party, monitor activities in Burundi and in neighboring countries, and provide first hand information to the SNR.

For their part, the armed groups of the opposition (the Republican Forces of Burundi – FOREBU – and the Resistance for the Rule of Law – the Red-Tabara) have responded to this state-sponsored violence with attacks and targeted killings, fueling the cycle of violence and reinforcing the divisive vision of the regime.

From the challenging of the Arusha accords to the “us versus them” rhetoric

In less than one year, the CNDD-FDD transitioned from a logic of power conservation to the “us versus them” rhetoric. The protests and demonstrations of April 2015 were representative of a more urban, young, multi-ethnic kind of contestation. It was more a reaction to the economic situation, the growing authoritarianism of President Nkurunziza and the omnipotence of the

CNDD-FDD than a questioning of balance established by the Arusha Agreement, the which demonstrators actually supported. Calling into question the Arusha Accords to justify the third term of President Nkurunziza cracked the fragile structure and consensus of Arusha, which the CNDD-FDD had neither participated in nor adhered to. If the popular demonstrations were perceived by the government as a threat, it was the attempted coup of 13 May 2015 which appears to have led the regime to its totalitarian logic. To legitimize their grip on the country, the CNDD-FDD started to use the classic rhetoric of defending the Hutu majority as being persecuted and threatened by the risk of the return of an oppressive Tutsi military. For the regime, the coup attempt of 13 May 2015 has implemented this threat, preparing its followers for the final confrontation. Thus, the seeds of the genocidal logic have been planted. The army is now the main target for purging ex-FAB, those soldiers from the former Tutsi-dominated army, which was the armed wing of the military regimes of the past. Dozens of former FAB have been murdered in 2016, or arrested or transferred.

Crimes against humanity and/or genocide?

Crimes against humanity are being committed in Burundi today. The systematic nature of the arrests, summary and extrajudicial executions, acts of torture and other crimes constituting crimes against humanity is manifest and has been documented in this report. Is there an “intent to destroy – in whole or in part – a national, ethnical, racial or religious group”? In other words is a genocide imminent? Serious and massive human rights violations have been perpetrated for over a year and a half in Burundi. The security services and youth militia are pursuing opponents and dissenting voices, even in countries neighboring Burundi. An effective security network has been set up in the capital and throughout the country to supervise and control the population. In addition to this widespread surveillance, the regime has also set up propaganda organs and tools, which broadcast pro-Hutu ethnic ideology, using the country's history to justify systematic repression. Thus, the mass killings – labeled by some as the Hutu genocide – committed in 1972 justify preventive measures for the protecting of the Hutu majority against the Tutsi minority. Evidence in this report indicates the willingness of authorities to make Tutsi leaders responsible for the contesting of their power, which is “legitimate” since Hutus are the major ethnic group. The desire to do this is expressed in the speeches of senior Burundian dignitaries who increasingly and brazenly denounce “Tutsis” as enemies of the regime. Such rhetoric is used by members of the defense and security forces, the SNR, the *Imbonerakure* and the ruling party, all of whom support President Nkurunziza's project. The ethnic element has increasingly become an element of discrimination and an engine for the repression exercised by these bodies. Many victims have told our organizations having been arrested and/or tortured after indicating they were Tutsi, or after having allegedly been identified as such. The following remarks by officials or officers of the regime are an illustration: *“You, the Tutsi, we are going to clean you out, we will kill you all”, or “we are going to throw you out of the country.”* The use of terms such as *“cleaning out”, “crushing”, or “exterminating”* further indicate the explicit intent to destroy. If the original project of President Nkurunziza and the Burundi ruling circles was the preservation of power, it is clear that they have undertaken all means at their disposal to achieve this. Thus, all the criteria and conditions for the perpetrating of genocide are in place: ideology, intent, security institutions and relaying mobilization via, notably, the militias, the identifying populations to be eliminated, and the using of historical justifications. If the Tutsi are not the only ones targeted by the regime, ethnicity is sufficiently being instrumentalized for the current situation in Burundi to be called a repression with genocidal dynamics. Our organizations warn that these dynamics are intensifying and could lead to genocide in Burundi.

Radicalization dynamics

In October 2016, in less than a week, the Burundian authorities took a series of dramatic actions demonstrating the radicalized nature of the regime: the denouncing of a UN report on human rights quite damning of the regime; three UN experts and the African Union being declared *personae non grata*; the suspension of cooperation with the UN High Commissioner for Human Rights; the withdrawal from the International Criminal Court (ICC); and the suspension of 5 Burundian organizations defending human rights including ITEKA and the exclusion of 5 others. Moreover, it is to be feared that this breaking, now completed, with the international community heralds a new intensification of repression and crimes against citizens who are considered hostile to the regime. Any reaction of armed opposition groups or neighboring countries – in particular Rwanda – to ensure the protection of civilian populations could signal mass murder, genocide or a new and deadly civil war.

This spate of rash actions by the Burundian authorities comes after more than a year of attempts by the African Union, the UN and the international community to urge the government and the opposition to participate in political dialogue, which is now stalled. Several mediators have been unable to soften the government's position. It is not so much the fact that the Burundian authorities benefit from the backing of African countries and the international community, as it is a question of international context: the clash between, on the one hand, proponents of nationalism invoking State sovereignty to thwart any interference – to the point of accepting what is unacceptable – and, on the other hand, proponents of a much too-selective interventionism, unable to offer a suitable alternative to the downward spiral of abuses committed by the Burundian regime, increasingly reclusive. And yet, positive measures have been adopted by the European Union and countries such as the United States, Belgium, and France. The African Union sent a commission of inquiry to Burundi and made a list of sanctionable individuals, which has not been made public. It also sent just under 70 military and human rights observers, who cannot operate on the ground. Burundi having systematically obstructed all decisions of the AU and the UN since the onset of the crisis, the situation seems to be blocked, whilst the country has but limited strategic interest for powerful countries, and there are currently a multitude of crises in Central Africa. President Nkurunziza is equally counting on the passivity of some African leaders who are reluctant to denounce authoritarianism in Burundi, since they employ similar tactics to retain power in their own countries.

For many observers, only a blatantly visible catastrophe will lead the international community to intervene in Burundi, with the African Union at the forefront. Remember that the African Union had failed, in early 2016, to send in an African peacekeeping force composed 5,000 men (MAPROBU) nor did the United Nations send a police force of 228 men in July 2016.

FIDH and ITEKA do not share this fatalism and urge the African Union, the UN, the EU and the international community to:

- Send a civilian protection force to Burundi;
- Adopt targeted and individual sanctions against perpetrators and those responsible for serious human rights violations cited in the report;
- Make every effort to resume political dialogue and find a peaceful solution to the crisis;
- Continue to conduct incriminating investigations into serious human rights violations.

In addition to detailed recommendations to each player, this report contains confidential annexes that will be securely transmitted to the Prosecutor of the International Criminal Court (ICC) to contribute to the opening of an investigation into crimes that fall under its jurisdiction committed since April 2015.

REPRESSION AND GENOCIDAL DYNAMICS IN BURUNDI

more than **1000**
people killed



"They entered my compound and then the house just in front of mine. I said to myself that I would be dead within the next five minutes. We knew that they would do away with all of us as they came in."

Irakoze, a human rights defender who lived in Nyakabiga during the December 2015 events.

Hundreds



of people
tortured

"I was tortured morning, afternoon and night and almost died [...] I got stabbed in the toes, and then all over my body, and in the neck. They [the national intelligence service agents] almost cut off my toes. They trampled on my chest, my back and my private parts with their heavy boots."

Head of a political opposition party, who testified under cover of anonymity.

Thousands
arbitrarily arrested
and detained
for political reasons

"Arbitrary arrests? We have stopped counting them! They take place every day, so often that we can't keep track of them anymore. It is completely overwhelming."

A local observer in Bujumbura

January 2015

26 April 2015

THE START OF A BLOODY POLITICAL CRISIS



Massive demonstrations took place in the capital, Bujumbura and in other cities around the country to protest against President Nkurunziza's bid for a third term. They were immediately crushed and ended in bloodbath. That date signals the start of a major crisis in Burundi, marked by gross human rights violations.

13 MAY 2015

ATTEMPTED GOVERNMENT OVERTHROW BY ARMED GROUPS



A group of rebellious generals who opposed a third mandate for President Nkurunziza announced on the radio that the president had been ousted and that the government had been dissolved. After two days of tension and fighting in Bujumbura, the coup failed. This failed putsch turned the repression of demonstrations into all-round State repression of all types of opposition.

Several hundred women



sexually assaulted

"They knocked. I was behind the door and opened it. One of them grabbed me and threatened me with his gun. He told me to get back in the house and to go into the bedroom. I told him to go see for himself. He said: 'lay down, take off your dress'. There were three of them. They got on top of me with their guns."

Information recorded by RFI, 3 January 2016



More than **310,000**

people took refuge in neighboring countries

"They [the police] distributed, everywhere, copies of photos that they found in an album in my home [...]. So to cross the border I went through the forest together with someone else who I had never seen before, who was fleeing, like me, because our photos had been distributed at the border points."

A man of about 30 years of age who survived an attempted extrajudicial killing on 11 December 2015 and who later fled the country.

Between **300 & 800**

people "disappeared"



"I'm tired of this situation. At least if I could have buried him, I would have some peace. I try to forget, but that's impossible because now my children ask me, 'Where is Daddy?'"

Wife of Bernard Baranjoreje, prominent member of the MSD party in Bujumbura Mairie who "disappeared" on 19 January 2016.

January 2016

11 December 2015

REPRESSION AND SUMMARY EXECUTIONS IN DISSENTING DISTRICTS IN THE CAPITAL



Following the attacks by the insurgent groups against army camps in Bujumbura, the security services conducted reprisal operations against people in the dissenting districts. About 300 young men were arrested in their homes by law enforcement officers. At least 154 of them were later found dead, with a bullet shot through the head and their hands bound behind their back. After these attacks, the authorities carried out new, less visible, strategies of repression: increased number of forced disappearances, summary executions in secret, secret detention centers, concealing of bodies in cemeteries or vacant fields, etc.

October 2016

October 2016

NEW RADICALIZATION OF BURUNDIAN AUTHORITIES



Within a span of just a few days, the Burundian authorities terminated cooperation with the United Nations High Commissioner for Human Rights (10 October), then announced Burundi's withdrawal from the International Criminal Court (12 October) and excluded five Burundian human rights organizations (19 October) and suspended five others, including the ITEKA League, which is an FIDH member organization (24 October).

MAP OF BURUNDI



ACRONYMS

ACAT – Action by Christians Against Torture
ACHPR – African Commission on Human and Peoples' Rights
AMISOM – African Union Mission in Somalia
API – Institution Protection Agency
APRODH – Association for the Protection of Human Rights and Detainees
AU – African Union
BAE – Anti-Riot Squad
BGC – Combat Engineer Regiment
BNUB – United Nations Office in Burundi
BSPI – Special Squad for the Protection of Institutions
BSR – Special Research Bureau
CECI – Independent Communal Electoral Commission
CENI – Independent National Electoral Commission
CEPI – Independent Provincial Electoral Commission
CNDD-FDD – National Council for the Defense of Democracy – Democracy Defense Force
CNIDH – Independent National Human Rights Commission
DRC – Democratic Republic of the Congo
EMG – Chief of Defense Staff
FAB – Burundian Armed Forces
FIDH – International Federation for Human Rights
FNL – National Liberation Force
FOCODE – Conscience and Development Forum
FOREBU – Republican Forces of Burundi
FORSC / CSOF – Civil Society Organizations Forum
FPR – Rwandan Patriotic Front
FRODEBU – Burundian Front for Democracy
GANHRI / GANHRI/SCA – Global Alliance of National Human Rights Institutions Sub-Committee on Accreditations
GMIR / RIMG – Rapid Intervention Mobile Group
ICC – International Criminal Court
ITEKA League / ITEKA – Burundian Human Rights League
MAPROBU – African Prevention and Protection Mission in Burundi
MENUB – United Nations Electoral Observation Mission in Burundi
MSD – Solidarity and Development Movement
Obs – Observatory for the Protection of Human Rights Defenders
OHCHR B – United Nations Office of the High Commissioner for Human Rights in Burundi
OTP – International Criminal Court Office of the Prosecutor
PNB – Burundian National Police
PSR/SR – Traffic and Road Safety Patrol
Red-Tabara – Red-Tabara Resistance for the Rule of Law
RPA – African Public Radio
SNR – National Intelligence Service
UNHCHR – United Nations High Commission for Human Rights
UNHCR – United Nations Refugee Agency
UNIIB – United Nations Independent Investigation on Burundi
UNSC – United Nations Security Council
UPRONA – Union for National Progress



Demonstrators protest against President Pierre Nkurunziza's bid for a third term in power in Bujumbura on April 27, 2015. Opposition activists held their second day of protests today against a bid by the central African nation's president to seek a controversial third term in office, witnesses said. © LANDRY NSHIMIYE / AFP

I. METHODOLOGY

FIDH and its member organization, ITEKA, have maintained a presence in Burundi for several years. Their nation-wide network of observers and informers provides them with daily updates on the political situation, as well as on security, humanitarian and human rights issues. FIDH and ITEKA led a mission in Burundi in February 2015 to assess the political and security situation prior to the general elections. This mission had warned of the risk of generalized violence should President Pierre Nkurunziza be re-elected in unconstitutional conditions.²

In the aftermath of Burundi's political and security crisis, which erupted in April 2015, and at the request of ITEKA, FIDH deployed an investigative mission composed of international experts to Burundi between 14 and 24 March 2016. This mission sought to look into human rights violations committed since April 2015 and to identify the main perpetrators. It was composed of Mr. Florent Geel, Head of the FIDH Africa Desk, and Mrs. Justine Duby, program officer at the FIDH Africa Desk. Assistance was also rendered from African partners whose names are being withheld for security reasons. The mission visited Kampala (Uganda) and Bujumbura (Burundi). In Uganda, the FIDH delegation was accompanied by members of the ITEKA League, who³ could unfortunately not continue into Burundi for security reasons.

Close to a hundred individual and group interviews⁴ were conducted with victims and witnesses of human rights violations, journalists, civil society representatives, and representatives of the Independent National Commission of Human Rights (INCHR), opposition parties, armed rebel groups, government, the United Nations and other international organizations, as well as with foreign diplomatic representations. FIDH and ITEKA also conducted an in-depth analysis of relevant documents, including investigative reports from the African Commission on Human and Peoples' Rights (ACHPR), from the United Nations, and from other national and international human rights organizations.

For the purposes of this report, the first names of the individuals interviewed have been changed wherever there was reason to believe that acts of reprisal could be committed against them and/or their families or friends. To protect the identity of sources, certain information about places, dates and the names of certain organizational entities have also been withheld.

2. See FIDH-ITEKA fact-finding mission report: *Burundi: Avoiding an Explosion*, 7 May 2015. Available at: https://www.fidh.org/IMG/pdf/burundi_7_mai_2015_pdf_web.pdf

3. The ITEKA members who fled Burundi were being subjected by the regime to repression, threats, intimidation, and even physical attack by the regime before leaving the country.

4. This number includes interviews held before and after the mission.



Burundian President Pierre Nkurunziza gives a speech at the Congress Palace in Kigobe district, in Bujumbura, after being sworn in for a controversial third term in power, on August 20, 2015 © GRIFF TAPPER / AFP

II. CONTEXT AND ANALYSIS

HIGHLY CONTROVERSIAL CANDIDACY FOR PRESIDENT NKURUNZIZA

Since April 2015, Burundi has been plunged into a **major political crisis**. This has been accompanied by a **human rights crisis** that has resulted in over 1,000 deaths, 8,000 political detentions, 300 to 800 disappearances, hundreds of people tortured, hundreds of women subjected to sexual violence and thousands of arbitrary arrests. Most of these violent acts are committed by Burundian security forces on the orders of local authorities. Civilians, who have been the first to suffer, are fleeing the country in large numbers, with over **310,000 people having fled Burundi** to date.⁵

The crisis first broke out on 25 April 2015 with the announcement that **Pierre Nkurunziza would bid** for a third presidential term. The presidential election scheduled for 5 June 2015 was postponed to 21 July 2015 after three months of protests in the streets. These demonstrations were brutally repressed by the security forces, especially the police and the SNR (national intelligence service), ending in considerable bloodshed. The re-election of the outgoing president came as little surprise in light of a boycott of the polls by most opposition actors and the violent repression of street demonstrations against the elections. President Nkurunziza had formerly been head of the Forces for the Defense of Democracy (FDD), a Hutu rebel group that became a political party called the National Council for the Defense of Democracy–Democracy Defense Forces,⁶ and was first elected in 2005. At this time, Burundi was engaged in post-conflict reconstruction and a transition to democracy following a long and violent civil war (1993-2005) that had claimed nearly 300,000 lives between 1993 and 2006. Nkurunziza's re-election in 2010 had likewise courted controversy,⁷ taking place amid an opposition boycott. As outlined in a previous FIDH-ITEKA report,⁸ even in its infancy the CNDD-FDD party at that time was observably deploying authoritarian tactics to stay in power.⁹

For several months before the 2015 presidential elections, numerous members of the opposition party, national and international civil society organizations,¹⁰ churches, foreign diplomatic representations and the international community had expressed their concern about President Nkurunziza's bid for another term of office. This, they highlighted, would violate the Arusha Peace and Reconciliation Agreement for Burundi (2000)¹¹ as well as the country's Constitution (2005).

5. According to the High Commission for Refugees' figures of 27 September 2016. See UNHCR, "Burundi Situation", available at: <http://data.unhcr.org/burundi/regional.php>

6. Pierre Nkurunziza was a physical education teacher who joined a Hutu rebel group, the Democracy Defense Forces (FDD) in 1995 during the civil war. The FDD was created after the assassination of the first Hutu president, Melchior Ndadaye, on 21 October 1993. President Ndadaye was killed during a bloody coup orchestrated by a group of mainly Tutsi armed militia. Soon thereafter, Tutsi populations were massacred in Burundi, and the army took revenge against the Hutu population: the country sank into civil war. Nkurunziza participated in the guerilla warfare as part of the FDD before rising in its ranks and becoming its leader in 2001. The FDD became a political party (CNDD-FDD) in November 2003, and participated in the signing of the Arusha Agreement, thus ending nearly 10 years of civil war.

7. After the promulgation of local election results showing that the ruling party, the National Council for the Defense of Democracy - Democracy Defense Force (CNDD-FDD) had received 64% of the vote in May 2010, leading opposition parties, including National Liberation Force (FNL), the Solidarity and Development Movement (MSD), Union for Peace and Development (UPD) and Sahwanya-Frodebu, contested this outcome. They highlighted numerous irregularities and queried the impartiality of the CENI, ultimately deciding to boycott the remainder of the election. One of the criticisms levelled at the CENI was that, in 2012, its former senior officials had been re-elected, in particular its president, Mr. Pierre Claver Ndayicariye.

8. See FIDH – ITEKA, Burundi - *Les élections de 2010 : un test à ne pas rater pour consolider la paix* ("Burundi – 2010 elections: a test not to be failed in consolidating peace"), 4 May 2010, available at: https://www.fidh.org/IMG/pdf/Burundi_elections-06.pdf

9. *Ibid.*

10. Particularly, FIDH – ITEKA, *Éviter l'embrasement au Burundi*, ("Avoiding an Explosion in Burundi"), May 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/rapport-eviter-l-embrasement-au-burundi>

11. Arusha Agreement for Peace and Reconciliation in Burundi, 28 August 2000, available at: <https://bnub.unmissions.org>

Article 7 of the Arusha Agreement and Article 96 of Burundi's Constitution stipulate that the President is to be elected for a mandate of five years, which is only once renewable (see insert below). These actors were rightfully concerned that Nkurunziza's bid for office would destabilize the fragile political equilibrium achieved by the Arusha Agreement, with a potential to affect irreversible damage.

The Arusha Agreement

The Arusha Peace and Reconciliation Agreement for Burundi was obtained by sheer force on 28 August 2000 after several years of negotiations. Supported politically and financially by the international community, the accord was intended to put a final end to the political and ethnic conflicts that had led to the death of nearly 300,000 people, as well as the forced displacement of many thousands of others.¹² The agreement was envisaged as providing a foundation for the rule of law in Burundi.

Signatories to the accord unanimously agreed to the establishment of transitional institutions: the transitional government on 1 November 2001, the transitional National Assembly on 10 January 2002 and the transitional Senate on 6 February 2002. Pierre Buyoya, President of the Republic since his 1996 *coup d'État* and a member of the, predominantly Tutsi, Union for National Progress (*Union pour le Progrès National* – UPRONA)¹³ conducted the first transitional phase with the assistance of Vice President, Domitien Ndayizeye, a member of the, predominantly Hutu, Burundi Democratic Front (*Front pour la Démocratie au Burundi* – FRODEBU). The latter, as expected, replaced Buyoya as Head of State for the second phase of the transition.

However, Pierre Nkurunziza's CNDD-FDD, and Agathon Rwasa's Party for the Liberation of the Hutu People – National Liberation Forces (*Parti pour la libération du peuple hutu* – *Forces nationales de libération* (Palipehutu – FNL)) continued their bitter battle. It was only on 8 October 2003 and 7 September 2006, respectively, that the CNDD-FDD and the Palipehutu – FNL officially subscribed to the Arusha Agreement.

In the meantime, the Arusha Agreement was gradually being implemented. The Constitution, based on principles set out in the Arusha Agreement, was approved by a large majority in February 2005. Communal, legislative and senate elections were held between June and July 2005. These resulted in an overwhelming victory for CNDD-FDD, whose Parliament elected Pierre Nkurunziza as President of the Republic on 19 August 2005, thereby putting an end to the transitional period.

Ethnic Representation in the Institutions

The Arusha Agreement (2000) and Burundi's 2005 Constitution imposed a distribution of power based on ethnic affiliation through a system of quotas. This was done to correct imbalances and ethnic domination that could arise as a result of past conflicts. The Arusha Agreement proposes that the President of the Republic have two vice presidents from two different ethnic groups and political parties, and that the Senate be composed of two

org/Portals/bnub-french/accordarusha.pdf

12. International displacement monitoring centre, "Burundi IDP Figures Analysis", available at: <http://www.internal-displacement.org/sub-saharan-africa/burundi/figures-analysis>

13. UPRONA was Burundi's only political party from 1966 to 1992.

representatives from each province, each from a different ethnic community. To correct imbalances within the judiciary and public administration, the accord provides that they be structured in such a way as to represent all segments of the population. The accord is much more specific regarding the ethnic balance of the defense and security forces, however. Here, it states that, for a period of time to be determined by the Senate, the defense and security forces must not have more than 50 % of their members coming from any given ethnic group. The 2005 Constitution validates these ethnicity-based quotas and goes further than the Arusha Agreement. According to its provisions, the government must not be composed of more than 60% Hutu ministers and deputy ministers, and no more than 40% Tutsi ministers and deputy ministers. Public-sector enterprises are likewise limited to 60% Hutu and 40% Tutsi composition.

Arusha Agreement, Constitutional and the Electoral Code requirements concerning the election of the President of the Republic¹⁴

According to Article 7 of the Arusha Agreement and Article 96 of the Constitution, the President of the Republic of Burundi is to be elected by direct universal suffrage for a five-year term, once renewable. Whilst Pierre Nkurunziza has definitely served two presidential terms, the CNDD-FDD party claims that since he was elected by Parliament in 2005, rather than through direct universal suffrage, he has not served his first term (2005-2010). The party maintains that President Nkurunziza has only served one term (2010-2015) in accordance with constitutional stipulations and that he is now therefore entitled to run for re-election, this being the second prospective term. However, for those opposed to a new mandate for the outgoing President, the direct universal suffrage argument has no basis. They point to the fact that Article 103 of the Constitution states that “the term for the President of the Republic begins on the day of swearing in” and that Article 302, regarding the “particular provisions for the first post-transition period”, states that “the first post-transition President of the Republic is to be elected by the elected National Assembly and the elected Senate”. They also highlight that the ruling CNDD-FDD party tried, unsuccessfully, to amend Article 302 of the Constitution in 2014, which they claim evidences the fact that CNDD-FDD will go to any length to support President Nkurunziza's bid for another term.

Arusha Agreement (2000)

Protocol II: Democracy and Good Governance

Article 7: The Executive

“1.a. The Constitution shall provide that, save for the very first election of a President, the President of the Republic shall be elected by direct universal suffrage in which each elector may vote for only one candidate. The President of the Republic shall be elected by an absolute majority of the votes cast. If this majority is not obtained in the first round, a second round shall follow within 15 days. [...]

1. c. For the first election, to be held during the transitional period, the President shall be elected indirectly as specified in article 20, paragraph 10. [...]

3. She/he shall be elected for a term of five years, renewable only once. No one may serve more than two presidential terms.”

14. See FIDH – ITEKA, *Éviter l'embrasement au Burundi*, (“Avoiding an Explosion in Burundi”), May 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/rapport-eviter-l-embrasement-au-burundi>

Constitution (2005)

Title V: Of the Executive power

"1. On the President of the Republic [...]

Article 96. The President of the Republic is elected by direct universal suffrage for a mandate of five years renewable one time. [...]

Article 103. The mandate of the President of the Republic begins on the day of his taking of the oath and ends when his successor assumes [his] functions. The election of the President of the Republic takes place one month at least and two months at most before the expiration of the mandate of the President of the Republic. [...]

Article 105. The electoral law specifies all the other provisions relative to the election of the President of the Republic."

Electoral Code (2014)

Title III: On the elections

Article 89. The President of the Republic is elected by direct universal suffrage for a mandate of five years renewable one time. [...]

Article 93. The mandate of the President of the Republic begins on the day of his taking of the oath and ends when his successor assumes [his] functions. The election of the President of the Republic takes place one month at least and two months at most before the expiration of the mandate of the President of the Republic. [...]

Article 102. [...] The Independent National Electoral Commission shall decide on the admissibility of the candidacy within four calendar days.

Article 103. If a candidacy is rejected, the decision of the Independent National Electoral Commission must be based on all the points that show non-compliance with the Constitution and the present law. Within a period of two calendar days following the notification of this decision, all disagreement can be brought before the Constitutional Court, which has a period of eight calendars to make its final ruling."

President Nkurunziza's decision to run for a third term astounded supporters and opponents alike, including members of the ruling CNDD-FDD party, who felt that his candidacy could jeopardize a peace that had been so difficult to obtain when the Arusha Agreement was originally signed in 2000.¹⁵ On 23 March 2015, 17 senior officers in the President's party signed a petition urging the President not to run again. They stated that if he did so, he could well lead the country into a state of chaos. The petition was signed by nearly one hundred influential, high-ranking members of CNDD-FDD, including deputies, senators, local party officials, and government employees in various provinces and communes throughout the country. In the following weeks, some of these people withdrew their signatures following intimidation from party members who backed the president's actions – in some cases, high level authorities.¹⁶

15. The CNDD-FDD largely supported President Nkurunziza's bid for another term.

16. Discussions with local observers, and one person who was pursued for having signed the petition, March 2016.

MERCILESS REPRESSION OF DEMONSTRATIONS: FROM BRUTAL VIOLENCE TO MASSACRE

In response to Nkurunziza's decision to run for another term, from 26 April 2015 **exceptionally large and peaceful demonstrations** took place in the Burundian capital, Bujumbura, as well as elsewhere in the country. These demonstrations sought to protest a candidacy deemed illegitimate and anti-constitutional. For the most part, such events had been organized by opposition parties and civil society, who together have formed a citizens' movement referred to as "Stop the Third Mandate". This movement began in January 2015 through a coalition of over 300 Burundian civil society organizations. Among the demonstrators were human rights activists, political dissidents, members of the ruling party, government officials, young people, students, and Burundian citizens from all walks of life. These protesters were demanding respect for democratic values and the alternation of political power between Hutus and Tutsis.

The demonstrations were considered by the incumbent authorities to be "acts of insurrection".¹⁷ As such, they were treated as justifying violence and brutality on the part of security services, which **ultimately culminated in the massacre of demonstrators**. On 26 April and the days following, Burundian security forces – mainly the police – were deployed in huge numbers to several districts in the capital¹⁸ where they confronted thousands of demonstrators with tear gas, water canons and live bullets. Despite being a peaceful protest, the first demonstration was mercilessly repressed, setting the tone for the handling of all subsequent public demonstrations. According to information gathered by our organizations, at least five civilians were shot dead at this first demonstration on 26 April alone. One of these was a 17-year old student, Jean Nepomuscène Komezamahoro,¹⁹ who was shot at close range by Police Commissioner Sindayigaya Ayub in the Nagarara 2 district as he knelt on his knees in the street with his arms raised in a gesture of surrender. Further, though less violent, demonstrations and riots also took place in Bujumbura Rural, Gitega, in the northern province of Kanyanza, as well as in the south of Burundi in Makamba, Bururi, Rutana, and Muramvya, at that time.

International official told our organizations the following:

"In the very beginning, on 26 April, the police used shields and batons, but when they realized that they could not stop the marching, they used Kalachnikovs and started aiming at the demonstrators, mainly at their chests and stomachs. It was clear they were aiming to kill. The demonstrators on the other side, used stones and things to defend themselves. But when the police began firing real bullets, some of the demonstrators threw grenades to defend themselves. We visited the morgues and saw many bodies. Bodies lined the streets. They were mostly civilians shot by security forces."

In this manner, Burundian police brutally crushed early demonstrations, most of which had been peacefully conducted. In its fact-finding report from its mission to Burundi between 7 and 13 December 2015, the African Commission on Human and Peoples' Rights stated that, *"everything*

17. "At this point, the government of Burundi understands that these were obviously not demonstrations but acts of insurrection [...], and hence the government is no longer in a position to demand that these demonstrations comply with the law. The government demands that these acts of violence stop, either voluntarily or by force" – Prosper Bazombanza, at the opening of a two-day meeting of stakeholders of the 2015 electoral process (5 and 6 May 2015) as reported in "Burundi : les manifestations doivent s'arrêter 'de gré ou de force' selon un officiel", Xinhua, 6 May 2015, available at: <http://french.peopledaily.com.cn/n/2015/0506/c96852-8887853.html>

18. Namely in the districts of Cibitoke, Mutakura, Ngagara, Nyakabiga, Musaga, Kanyosha, Kibenga, Buterere, Buyenzi, Bwiza, and Jabe.

19. For the Jean Nepomuscène Komazamahoro case, see FIDH – ITEKA League, *Burundi: one year of bloody crisis*, 26 April 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-retour-sur-1-an-de-crise-sanglante>

seems to indicate that at this stage of the crisis [26 April], the protesters were not violent, except for the few stones that were thrown at the police and the few blockades set up in the streets".²⁰ Subsequent confrontations between police and demonstrators became increasingly violent, with a rise in the number of people shot and killed by security forces as the confrontations went on. Hundreds of people were arrested arbitrarily and acts of violence by demonstrators also started to rise. Thus, for example, neighborhood surveillance groups were created to disturb public order, barricades were erected, grenades, Molotov cocktails and other projectiles thrown, vehicles set on fire, attacks perpetrated and buildings ransacked. On 7 May 2015, for example, Léonidas Misago, a member of the CNDD-FDD Youth League (*Imbonerakure*) who was suspected of providing information to the Burundian national intelligence service (*Service national de renseignement*, SNR), was lynched in the middle of the street by a horde of demonstrators and then burnt alive in Nyakabiga district. The demonstration's leaders were not able to control the crowd but succeeded in protecting Sébastien Ndayisenga, an *Imbonerakure* who had been with Misago, handing him over to the military. Likewise, on 12 May a policewoman was attacked by demonstrators in Buterere district. She survived thanks to a military intervention.

Repression following the failed 13 May 2015 *coup d'État* crushed peaceful demonstrations supported by the masses in Bujumbura. Between April and July 2015, the number of demonstrations taking place declined and those who could do so, especially those living in troubled districts, began to flee the capital. By 22 July 2015, the United Nations High Commissioner for Refugees reported that over 178,000 people had left Burundi to seek refuge in neighboring countries, mainly because of the crisis.²¹ As a result of the 13 May 2015 putsch attempt, demonstrator repression extended into repression of all Nkurunziza opponents throughout the country

AFTERMATH OF FAILED PUTSCH OF 13 MAY 2015: "USE ALL POSSIBLE MEANS"

The 13 May 2015 *coup d'État*²² presented a turning point in the government's conduct in respect of civic opposition. From that time on, the Nkurunziza government considered that Tutsi forces supporting the former regime were attempting to return to power through all possible means. To cope with what the authorities posited as "an attempt coming from abroad to undermine the democracy", the regime launched a wave of repression. Anyone who was not "with" the government was considered an "enemy", and Tutsis were considered *a priori* to support "reactionary forces coming from abroad".²³

On 13 May 2015 at around mid-day, a group of Burundian army officers entered the private radio station Isanganiro, and announced that President Nkurunziza was being deposed and that the present Government would be dissolved. They cited general opposition to the outgoing president's bid for a third mandate to be the reasoning behind the coup. The group was led by Major General Godefroid Niyombaré, former Army Chief of Staff, former head of the SNR²⁴ and currently one of the main leaders of the opposition forces.

20. Report of the ACPHR delegation on its fact-finding mission to Burundi, 7 to 13 December 2015, available at: http://www.achpr.org/files/news/2016/05/d218/cadhp_rapport_mission_etabl_faits_fre.pdf

21. UNHCR, Situation in Burundi, 22 July 2015, available at: <http://reliefweb.int/sites/reliefweb.int/files/resources/UNHCR%20Regional%20Update%20-%20Burundi%20Situation%20%2310.pdf>

22. May 13, 2015, a group of rebellious led by General Godefroid Niyombare announcement broadcast on private radio Isanganiro the removal of President Pierre Nkurunziza and the dissolution of the government, citing the refusal of a third term of the incumbent president.

23. Term used by the supporters of the regime on social network.

24. Godefroid Niyombaré was dismissed in February 2015 for allegedly opposing a third term of office for President Nkurunziza. He is the former Chief of Staff of the Armed and former director of the National Intelligence Service (SNR).

At the time of this announcement, President Nkurunziza was in Tanzania attending a summit meeting on the crisis in Burundi. The announcement led to confrontations between the military putschists and loyalist troops (led by Chief of Staff, Major Prime Niyongabo) near the national radio-television station (RTNB). After two days of sporadic fighting and negotiations, General Niyombaré finally announced the failure of the coup and surrendered, before fleeing the country. On 14 May, General Cyrille Ndayirukiye, a leading putsch conspirator had declared, *"I admit that our coup failed [...]. We came up against too much military support for the ruling party"*.²⁵ He, and 27 other army officers, were arrested on 15 May and during the following days.

Having recovered the seat of power, the Burundian authorities, with the help of the police, the *Imbonerakure* and the SNR increased their attacks on those suspected of participating in demonstrations or opposing the incumbent government. One United Nations officer stated that **"all possible means"** were used to stop public mobilization. He added that *"After the failed coup, around the month of June, the police, the national intelligence service and the Imbonerakure were clearly given permission to kill. [...] The police used all possible means [to end the protest]."*

According to information compiled by our organizations, at least **80 people were killed** during demonstrations between April and July 2015. Most of them were civilians who were shot by police. More than **590 demonstrators were injured**, some very seriously, and another **800 were arrested and detained**. Official sources also report the death of 49 policemen during the demonstrations. The office of the UN High Commission for Human Rights documented five cases in Bujumbura.

The **civil society and opposition leaders** who prepared the popular demonstrations were accused of paving the way for the attempted coup and working with the military putschists. After the attempted coup, they were targeted with direct threats, more acts of intimidation and attacks.

Furthermore, our organizations estimate that **80% of leaders of independent human rights organizations fled from Burundi** during this period to take refuge in the neighboring countries. The manhunt also targeted the political opponents. According to information obtained by FIDH and ITEKA, since the beginning of the crisis dozens of opposition party members have been assassinated. Those who stayed in Burundi at that time were – and are still – the preferred daily targets of government forces. They are often followed by SNR agents and in many cases live in hiding.

SUSPENSION OF ALL RADIO AND THE SOCIAL MEDIA

The pre-election violence led to a nationwide ban of newscasts by private independent radios. Radio Publique Africaine (RPA), a critic of the ruling party, Bonesha FM and Isanganiro, were taken off the air on 26 April 2015. The government closed the RPA –Burundi's most popular radio station – on 27 April for participating in the "insurrectional movement". Temporarily re-opened during the failed coup of 13 May, all three stations, as well as Radio Télévisée Renaissance, were set on fire and looted on 14 May, and then indefinitely shut down. Radio REMA FM, known to side with the ruling party, however, had continued to broadcast freely and directly in the provinces until their premises were also ransacked together with those of the Radio-télévision nationale burundaise (RTNB - public media) at the time of the coup. Since mid-May 2015, all Burundian radio stations have stopped transmitting in Burundi, except for RTNB, which interrupted its programmes for only a few hours during the confrontations

25. *Le Monde*, « Au Burundi les putschistes reconnaissent l'échec de leur coup d'État » (Burundi coup-plotters recognize that their coup failed) 14 May 2015, http://www.lemonde.fr/afrique/article/2015/05/14/burundi-combats-violents-et-localises-a-bujumbura_4633374_3212.html

that took place in front of its station on 13 May.²⁶

On 28 April 2015, social media and networks, namely Facebook, Whatsapp, Viber and Tango were also blocked.²⁷

THE RE-ELECTION OF PRESIDENT NKURUNZIZA...

President Nkurunziza was re-elected in the first round of the presidential election on 21 July 2015²⁸ with 69.4 % of the vote.²⁹ This election took place in a climate of intimidation and overall repression of basic freedoms. Members of the opposition largely boycotted the election and contested its legitimacy. The credibility of the results were questioned by most national³⁰ and international³¹ actors, including the United Nations Electoral Observation Mission in Burundi (Menub).

According to the Menub's Preliminary Statement, published on 27 July 2015:³²

"The presidential election [...] took place in an environment of profound mistrust between opposing political camps [...] [W]hile the election day was relatively peaceful and conducted adequately, the overall environment was not conducive for an inclusive, free and credible electoral process."

The Election Observation Mission of the East African Community (EOM) concluded in its own preliminary report that:³³ :

"The campaign environment was generally tense and characterized by fear and uncertainty." The report added that despite, "the relative peace on polling day, the principle of choice was generally hampered by, among others, insecurity [...] confinement of democratic space and civil liberties – including freedom of speech, assembly, media, campaigning – and the boycott by opposition parties".

26. Radios Rema FM (a supporter of the ruling party) and Isanganiro were permitted to resume their broadcasts in February 2016 but had to sign an "acte d'engagement" limiting their editorial line thereby limiting their freedom of expression. For more information, see Reporters sans frontières, "Two Radios in Five Re-opened: Partial Thaw in Burundi?", 22 February 2016, available at: <https://rsf.org/fr/actualites/deux-radios-sur-cinq-rouvertes-degel-partiel-au-burundi>

27. See Reporters sans frontières, "Putsch against the Freedom of Information", 30 April 2015, available at: <https://rsf.org/fr/actualites/putsch-contre-la-liberte-de-linformation>

28. Originally scheduled for 5 June 2015, the presidential election was moved to 21 July under pressure from the international community.

29. According to figures from the Independent National Electoral Commission (*Commission électorale nationale indépendante – CénI*), available at: <http://www.ceniburundi.bi/PRESENTATION-DES-RESULTATS-PROVISOIRES-DE-L-ELECTION-PRESIDENTIELLE-2015>

30. See, for example, the Burundi Conference of Catholic Bishops press releases, "Communiqué N° 2 de la CECAB concernant les élections de 2015", 20 May 2015, available at: <http://www.eglisecatholique.bi/index.php/2011-11-12-17-32-20/communiqués/150-communication-n-2-de-la-cecab-concernant-les-elections-de-2015> ; "L'Église catholique retire les prêtres engagés dans le processus électoral de 2015" ("The Catholic Church Removes Priests Involved in the 2015 Electoral Process"), 29 May 2015, available at: <http://www.eglisecatholique.bi/index.php/2011-11-12-17-32-20/communiqués/154-l-eglise-catholique-retire-les-pretres-engages-dans-le-processus-electoral-de-2015>

31. See "Declaration by the High Representative Federica Mogherini on behalf of the European Union following the presidential election in Burundi", 23 July 2015, available at: http://www.consilium.europa.eu/fr/press/press-releases/2015/07/23-eas-mogherini-burundi/?utm_source=dsms-auto&utm_medium=email&utm_campaign=D%C3%A9claration%20de%20la%20Haute%20Repr%C3%A9sentante%20Federica%20Mogherini%20au%20nom%20de%20l%27Union%20europ%C3%A9enne%20suite%20%C3%A0%20l%27%C3%A9lection%20pr%C3%A9sidentielle%20au%20Burundi ; UN News Center, "The UN estimates that the general environment was not conducive to credible elections", 27 July 2015, available at: <http://www.un.org/apps/newsFr/storyF.asp?NewsID=35242#.V-0voLMi44> ; *Le Monde*, "Burundi : des élections 'pas crédibles' pour Washington" (*Burundi: for Washington, the elections are 'not credible'*), 21 July 2015, available at: http://www.lemonde.fr/afrique/article/2015/07/21/burundi-des-elections-pas-credibles-pour-washington_4692531_3212.html

32. UN News center, "UN mission finds overall environment in Burundi 'not conducive' to credible election process", 27 July 2015, available at: <http://www.un.org/apps/newsFr/storyF.asp?NewsID=35242#.V-0voLMi44>

33. See FIDH position paper of October 2015, https://www.fidh.org/IMG/pdf/20151009_burundi_draft-position-paper_fr_tj_iteka_ldgl_cleanfinal_final.pdf

It also pointed out that *“the electoral process fell short of the principles and standards for holding free, fair, peaceful, transparent and credible elections as stipulated in various international, continental as well as the EAC Principles of Election Observation and Evaluation”*.

The European Union had recalled its field observers in June. Some members of the Independent National Electoral Commission (CENI), including Vice President Spes-Caritas Ndironkeye, had fled the country and were replaced by supporters of President Nkurunziza. International electoral observers confirmed that some polling stations were guarded by police, the military and members of the Imbonerakure during voting hours.

In its fact-finding report, the African Commission for Human and Peoples' Rights concluded that the *“prevailing environment of insecurity and violence and the boycotting of the elections by the opposition impeded Burundians from exercising their rights”*, adding *“most notably, many Burundians were unable to use their rights to participate in the management of the affairs of the country under Article 13 of the African Charter including by running as candidates or importantly by casting their votes for candidates of their choice”*.³⁴

... USHERS IN A NEW CYCLE OF VIOLENCE

Appeals from the opposition, Burundian civil society and the international community to hold new elections or to form a national unity government were ignored by the incumbent government. As such, the re-election of President Nkurunziza triggered a new cycle of violence characterized by an increase in summary and extrajudicial executions, acts of torture, mass arbitrary arrests and detentions by security forces, and targeted attacks and assassinations by unidentified armed assailants.

The number of politically-based **targeted and attempted assassinations** rose at an alarming rate from the beginning of August 2015. In the absence of any clear claims of responsibility, a victim's identity became the only clue to ascertaining who had presumably given the order for the killing: sometimes the incumbent regime, sometimes armed opposition groups. FIDH heard from one well informed source that *“it's as if a ‘one for one’ strategy had been adopted. Every time a member of the regime was killed, someone considered to be a dissident to that regime was killed, and vice versa”*. Seldom are claims of responsibility for these attacks made and they are often carried out by unidentified armed men, ostensibly paid by the regime or by the opposition forces. Senior members of the regime or the opposition party are targeted as readily as individuals allegedly or actually opposed to the government of President Nkurunziza. This system has developed considerably since mid-March, especially in the provinces, which may mean that generalized violence is imminent throughout the country.

Arbitrary detentions and arrests by the security forces were carried out on a massive scale during the demonstrations and became progressively more systematic and generalized following both the failed putsch of 13 May and the re-election of President Pierre Nkurunziza in late July 2015. At first they targeted individuals suspected of having participated in the demonstrations. Then they focused on men in ‘opposition districts’ of the capital, before finally more broadly targeting all individuals (including women and children) suspected of not backing the party in power or accused of belonging to political or armed opposition groups. Between April 2015, and the end of April 2016, the United Nations High Commission for Human Rights (UNHCHR) registered over “5,881 arrest et detentions (5,392 men, 351 minors and 138 women)”, mostly politically-based

34. Report of the delegation of the African Commission on Human and Peoples' Rights on its fact-finding mission in Burundi, 7 to 13 December 2015, available at: http://www.achpr.org/files/news/2016/05/d218/cadhp_rapport_mission_etabli_faits_fre.pdf

and arbitrary.³⁵ In September 2015 alone, the UNHCHR reported 704 arrests³⁶ and stated that it was not possible to keep track of many others. Residents in Bujumbura explained that starting in September, people began to leave 'opposition districts' in the capital and many shops were closed. A large majority of men living in these districts were targeted for repression by the regime: they were threatened or arrested and put in prison, where some of them remain, or else they fled the capital or even the country. In some cases, they were abducted and there is no information on their fate. Others have been executed, their bodies found shortly after their arrests in various parts of the capital, or elsewhere. According to information received by FIDH and ITEKA, between April 2015 and April 2016 **over 8,000 people were detained for political reasons and thousands more arrested**. These large-scale, indiscriminate, systematic arrests on political and sometimes ethnic grounds – members of the Tutsi minority being prime targets – could constitute a crime against humanity for which the perpetrators must be accountable in court.

The high numbers of arrests and the confrontations with the young Burundians who joined the armed groups in Bujumbura and elsewhere in the country gave the Burundian security forces free rein to carry out **summary and extrajudicial executions**. Before January 2016, the bodies of civilians were often found in the streets of Bujumbura after law enforcement forces swept through the 'opposition districts'. In each case, the victims – most of them in civilian clothes – seemed to have been shot at close range in the head, the stomach or the back. After these episodes of violence, and several times in the past year,³⁷ our organizations spoke with residents, witnesses and victims who said that they had seen security forces, often accompanied by *Imbonerakure*, enter compounds and shoot live bullets at civilians. Sometimes they entered houses and forced men to go outside and kneel on the street to be executed in public. Local observers sent their photos directly to our organizations or circulated them on the internet and social networks immediately after the killings to confirm this information. The photos show corpses dressed in civilian clothes and exhibiting gunshot wounds, sometimes with traces of torture and very often with their hands tied behind their backs.

Since the beginning of the crisis, the police, the SNR, the *Imbonerakure* and sometimes army units have **routinely and systematically ill treated and tortured** people arrested or suspected of being against the party in power. FIDH and ITEKA were often told that at the time of the arrests, the individuals were systematically beaten and that they were tortured upon arrival at the place of detention, and throughout the time they were under arrest, be it legal or illegal. In April 2016, the United Nations, which had access to official places of detention, reported **595 cases of persons tortured or subjected to ill treatment** since April 2015.³⁸ It further clarified that this figure could be expected to be an underrepresentation as its access was limited exclusively to legal detention centers. Between January and April 2016, 345 cases of torture and ill treatment were recorded by the same body,³⁹ which shows that **this phenomenon has grown worse and become more generalized** since the beginning of 2016. The same holds true for the number of **unofficial locations and secret places of detention** in Bujumbura and elsewhere in the country. This again suggests an even more routine use of torture, behind closed doors. Acts of torture committed as a generalized, systematic practice constitute crimes against humanity.

35. Report of the United Nations High Commissioner for Human Rights on the human rights situation in Burundi, A/HRC/32/30, 17 June 2016, www.ohchr.org/EN/HRBodies/HRC/RegularSessions/.../A_HRC_32_30_en.docx

36. Declaration of the UN High Commissioner for Human Rights, published on 28 September 2015, available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16507&LangID=F>

37. Especially after the summary executions by the Burundi security forces on 3 October in Cibitoke (8 civilians killed), 13 October in Ngagara (8 civilians killed), 30 October in Buringa (7 civilians killed), 7 November in a bar in Kanyosha (9 civilians killed), and 9 December in the Cibitoke area (5 civilians killed).

38. Report of the UN High Commissioner for Human Rights, as cited by UN News center, "Burundi : les cas de torture et de détention illégale en hausse, prévient l'ONU" ("Burundi: Torture and illegal detention on the rise in Burundi, according to UN") 18 April 2016, available at: <http://www.un.org/apps/newsFr/storyF.asp?NewsID=37041#.V-5099Fb89>.

39. *Ibid.*

This violence and the overall environment of persecution of political opponents, members of civil society, journalists (see below) and all those viewed as dissidents or even possible opponents of the regime has terrorised the Burundian population. It has led more than **310,000 Burundians to seek refuge abroad**, mainly in Tanzania, the Democratic Republic of Congo (DRC), Rwanda and Uganda.⁴⁰ To escape persecution, some Burundians have gone as far as Kenya, South Sudan and Sudan. Many remaining Burundians told our organizations that they wanted to leave their country but could not do so due to fear of being arrested or attacked on the road to exile. Indeed, many Burundians seeking shelter abroad are arbitrarily arrested at the borders with Rwanda, Tanzania, and the DRC, and accused of backing rebel groups in Burundi's neighboring countries. Our organizations have heard testimonies of people who were arrested and tortured by the police, SNR agents or *Imbonerakure* as they sought simply to find a safe haven outside the country.

Moreover, even for those who have managed to cross the border, their departure from Burundi as refugees in no way guarantees their safety. Attacks continue in neighboring countries against individuals who are suspected of being hostile to the incumbent Burundian government, or who have witnessed violence by Burundian state agents, or narrowly escaped death. Several **attacks have taken place in refugee camps**, notably in Tanzania, often by alleged members of *Imbonerakure*.⁴¹ FIDH and ITEKA also spoke with victims of assassination attempts in Uganda and South Sudan, where knives and firearms were used. Some dissidents who fled to neighboring countries⁴² have been murdered. These extremely serious human rights violations are committed with total **impunity** and are evidence of the determination of the Burundian authorities to dispose of anyone perceived as an enemy to the regime.

11 AND 12 DECEMBER 2015: A TURNING POINT IN THE CRISIS

In response to the above state-sponsored brutality, **armed rebel groups** were formed and carried out attacks (see "Targeted assassinations") that contributed to the cycle of violence. The two armed rebel groups most heavily engaged in such acts were the Republic Forces of Burundi (FOREBU)⁴³ and the Resistance for the Rule of Law (RED-Tabara)⁴⁴ (see "Responsibilities" – "Rebel armed groups").

4am on 11 December 2015, groups of armed anti-government fighters and alleged mutineers attacked four military camps in and around the capital: Ngagara in the north of Bujumbura, the Armed Forces Base (logistics base), the *Institut supérieur des cadres militaires* (Senior Officers Training Institute ISCAM) in Musaga, and Mujejuru in Bujumbura Rural. These groups fought violently against Defense and security forces using heavy weapons for close to four hours.

At about 8 am, the army and the police pursued the attackers and cordoned off 'opposition districts' in Nyakabiga, Musaga, Ngagara and Cibitoke. They then forced entry into residents' homes demanding to know where weapons and rebels were. There were reports that members of the army, the police and the *Imbonerakure* asked people to specify their ethnic group, and directed racist insults, such as "*you dirty dog of a Tutsi*", at Tutsis. Some young people in these neighborhoods used weapons for self-protection. This led to reprisals by Defense and security forces against dozens

40. According to figures provided by the Office of the High Commissioner for Refugees, updated on 27 September 2016, UNHCR, Burundi Situation, available at: <http://data.unhcr.org/burundi/regional.php>

41. Discussions with victims, see below at Part III of this report 3. 1. 3. "Targeted killings and hunting down enemies of the regime".

42. See below at Part III of this report 3. 1. 3. "Targeted killings and hunting down enemies of the regime".

43. See especially the FOREBU (@forebu_emg) Twitter account.

44. See also the Twitter account of Red-Tabara (@Red_Tabara).

of young men who were rounded up and summarily executed. **Most of these victims were Tutsi.** About 300 young men were arrested in their homes. At least 154⁴⁵ of them were found dead in the streets of Bujumbura on 11 and 12 December.⁴⁶ All were dressed in civilian clothes and were unarmed. Most had been shot in the head, some with their hands tied behind their backs.

On 12 December, the police, the local authorities and the *Imbonerakure* disposed of most bodies before an investigation could be started and the victims identified. The bodies were stacked in local government vehicles and buried in **mass graves**⁴⁷ elsewhere in Bujumbura or nearby.

In his report⁴⁸ of 15 January 2015, the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein stated that, *"witnesses had reported the existence of at least nine mass graves in Bujumbura and its surroundings – including one in a military camp – containing more than 100 bodies in total, all of them allegedly killed on 11 December 2015"*. Our organizations were told that some 15 mass graves were created to bury these bodies.

High Commissioner Zeid Ra'ad Al Hussein further reported that *"the 11 December attacks against three military camps and the large-scale human rights violations that occurred in their immediate aftermath appear to have triggered **new and extremely disturbing patterns of violations**,"* adding that

45. According to information from witnesses, victims, residents, local observers and representatives of international organizations working in Bujumbura.

46. Mainly in the streets of Nyakabiga and Musaga, and near the Ntahangwa and Muha rivers.

47. See Part II.

48. Report of the UN Higher Commissioner for Human Rights. See: OHCHR, press release, "Violations des droits de l'homme au Burundi : de nouvelles tendances émergent, selon Zeid Ra'ad Al Hussein", 15 January 2016, available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=F>



Amissi, a 24-year-old man who died in clashes with police in the Buterere district of the capital Bujumbura on 12 May 2015, the day after the president rejected calls from the international community to postpone the elections for a third controversial mandate.
© LANDRY NSHIMIYE / AFP

"[a]ll the alarm signs, including the increasing ethnic dimension of the crisis, are flashing red".

A report from the United Nations Independent Investigation on Burundi (UNIIB), published on 20 September 2016,⁴⁹ states that following the attack against the four military camps, *"the security forces used indiscriminate violence"* and that *"anyone suspected of opposing the Government was at risk, including State Officials, agents of the SNR, and even senior military officers"*. It goes on to state that, ***"gross human rights violations within the security forces, in a tit-for-tat fashion, have become a salient feature of the crisis"***.

The United Nations also documented 13 cases of women who were sexually assaulted or raped during search and arrest operations carried out by security forces and possibly the *Imbonerakure* (cf. below). The victims said that they were insulted because of their actual or perceived ethnic or political affiliation,⁵⁰ indicating that sexual crimes are being committed for political and/or ethnic reasons in Burundi. Following the events of 11 December 2015, more such cases were brought to light. In a report on conflict-related sexual violence, published on 20 April 2016, the UN Secretary General stated that *"[f]ollowing the political crisis, the UNHCR has documented 323 incidents of sexual violence, involving 264 women and 59 girls, which occurred either in Burundi or during flight."*⁵¹

After these incidents, the authorities stated that 4 soldiers, 4 policemen and 79 "fighters" had been killed during the attacks of 11 December and that 87 "enemies" had been captured.⁵² On 17 December 2015, Attorney General Valentin Bagorikunda, announced that an investigation had been opened. The conclusions of the investigation, published on 10 March 2016, makes no mention of extrajudicial executions, the existence of mass graves where civilians may have been buried, nor the commission of sexual crimes. As such, these crimes have remained unpunished. The Attorney General reported that the 79 "fighters" killed during the attacks were dressed in police or military uniforms, though photos taken by witnesses on 11 and 12 December show the bodies of men dressed in civilian clothes lying in the street in the Musaga and Nyakabiga neighborhoods.

A CIRCLE OF CLOSE ASSOCIATES AND 'HARD MEN' SURROUNDING PRESIDENT NKURUNZIZA

In order to subdue the unprecedented demonstrations that have occurred since 2010, to confront internal and external criticism, and to retain his grip on power, President Nkurunziza has surrounded himself with **a small circle of close associates and hard men who orchestrate the oppression** of all those opposing his candidature. After 2010, moreover, he began to consolidate the ranks of his regime, placing trusted individuals in key positions at the heart of the party, the police, and the army. These individuals were notably ex-rebels from the ranks of the FDD,⁵³ who he knew would back him in his plan to embark upon a third term.

This process intensified as the presidential election approached. President Nkurunziza dismissed those who imperiled his project. On 18 February 2015, General Godefroid Niyombaré, then head of

49. UNIIB, Final report of the mission of independent experts to Burundi, A/HRC/33/37, 20 September 2016, available from: <http://ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>

50. Report of the United Nations Secretary General on conflict-related sexual violence, S/2016/361/Rev.1, 22 June 2016, para 84, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/361/Rev.1&Lang=F

51. *Ibid.*

52. See RTNB Burundi, Résultats de l'enquête menée par une Commission ad hoc sur les allégations d'exécution extrajudiciaire, 10 March 2016, available at: <https://www.youtube.com/watch?v=048rl7c0vgw>

53. See footnote 1..

the highly influential SNR, was removed from his post after writing the president a note advising him not to seek a third term. The decision sent a strong signal addressed directly to senior army and police officers who covertly held the strings of power, warning them that all those opposed to President Nkurunziza would be removed from circles of power. General Niyombaré was replaced by General Etienne Ntakirutimana, an associate of President Nkurunziza from the ranks of the former FDD Hutu rebellion. In February 2015, Gervais Ndirakobuca, a close associate of the president, former FDD fighter, and former principle private secretary at the SNR, was appointed principal private secretary to the President of the Republic, and responsible for policing.

In mid-March, on the day after the initial appearance of the petition signed by various members of the ruling party, two of its signatories, Léonidas Hatungimana and Onésime Nduwimana, respectively spokesman of the President of the Republic and spokesman of CNDD-FDD, were dismissed. Many signatories were the object of threats, including death-threats, acts of intimidation, and actual attacks. Some subsequently withdrew their signatures, whilst all others, notably President of the National Assembly, Pie Ntavyohanyuma, and Vice-President of the Republic, Gervais Rufyikiri, fled the country.

FIDH was able to meet with one of the signatories of the petition. He related the following on condition of anonymity:

“With colleagues, we composed and signed a petition that the Arusha Accord be respected, and that President Nkurunziza should not stand for re-election. Then, after this petition, CNDD-FDD officers threatened us. We were accused of being associated with the marches that began in Bujumbura on 26 April, and we started being followed. We were threatened by telephone. People I knew, soldiers close to President Nkurunziza, called me, telling me that I had made a mistake in signing that petition, and that I should not have done it. They threatened to kill me. I received threats in April, May, June, and this went on. I was attacked by agents of the intelligence service, policemen, and Imbonerakure while I was living [in hiding]. Members of my family were killed by shooting at the time of the attack. My wife and I succeeded in escaping, and left the country.”

On 25 August 2015, following the pronouncement of his re-election, Nkurunziza appointed a new government, composed for the most part of his own close associates, and dominated by “hard men” known for their adherence to the party’s hard line. General Alain-Guillaume Bunyoni, former military leader at the heart of the CNDD-FDD rebellion,⁵⁴ was appointed Minister of Public Security. He was the first director of the Burundian police after the civil war (2005-2007), and has been a key actor in the regime’s security system since 2005. The former Head of Public Security Gabriel Nizigama, also a chief of police, became the President’s deputy Director of Staff, alongside military man, General Evariste Ndayishimiye, ex-Minister of the Interior and Public Security and ex-Director of Military Staff. The afore-mentioned personalities constitute the supreme organ of the state, and the principal source of decisions emanating therefrom. Together, they orchestrated the fierce and brutal oppression initiated at the time of the first demonstrations of April 2015 against all those perceived as opposed to a third term for the incumbent President.

The highest circles of power are thus predominantly comprised of Hutu former insurgents with several years of guerrilla fighting against the former Tutsi regime then alongside Pierre Nkurunziza.

54. In particular, he was present at the creation in 2006 of the Mobile Rapid Intervention Groups (GMIR), the autonomous police force directly accountable to the director of the national police, and denounced for its abuses by Burundi’s human rights Defense organizations (see *Le Monde*, “Au Burundi, un gouvernement de fidèles et de ‘durs’ autour de Pierre Nkurunziza”, 25 August 2015).

Since May 2015, these figures from the Hutu community have sought to turn a political crisis into an ethnic one, equating “opponents” and “rebels” with Tutsis despite the fact that political and armed opposition and civil society groups also include many Hutu among their ranks. Tutsis have thus become the favored targets for oppression. For example, according to many testimonies collected both by our partner organizations and by other sources, during the demonstrations of April 2015 Tutsis were more severely repressed than Hutus. Whilst Tutsis were reportedly systematically arrested, beaten up, and even killed, Hutus by contrast were more often arrested, *“encouraged to abandon their cause, and questioned why they were opposed to the government”*.⁵⁵

INCREASING DIVISIONS WITHIN THE ARMY

This process by which power and privileges are concentrated in the hands of the President’s close associates and former FDD/CNDD-FDD fighters has also affected the police and the army, generating increasing **tensions and divisions within the Defense and security forces**.

In a country with a long tradition of military regimes, where many presidents have been brought to power on the back of military coups, the restructuring of the Defense and security forces took on a strategic dimension at the time of the Arusha negotiations. The agreement arrived at during these talks stipulated that, *“not more than 50% of the national Defense force shall be drawn from any one ethnic group, in view of the need to achieve ethnic balance and to prevent acts of genocide and coups d’État”*. Moreover, it was agreed that the army and police must not have more than 50% of their membership from any one ethnic group. The agreement added that the army and police must no longer play a political role, and must reunite yesterday’s enemies. This latter stipulation denoted the requirement that (mainly Hutu) armed groups must be integrated into the former Tutsi-dominated Burundi Armed Forces (FAB – soldiers of the former regime). The successful integration of former CNDD-FDD insurgents, rebels belonging to the National Liberation Forces (FNL), and other opposition groups, into an integrated national army became symbolic of the compromise achieved at Arusha.

Despite of these efforts, affiliations inherited from years of civil war have persisted, and officers themselves have begun to use acronyms to differentiate themselves according to their former military identifications: ex-FAB on the one side and ex-PMPA (Armed Parties and Political Movements combining CNDD-FDD members and other rebel groups) on the other. Parallel chains of command as a function of partisan affiliations have also developed, and the authorities have favored former CNDD-FDD combatants over ex-FAB fighters (in particular when creating formations on foreign soil, or for involvement in UN peacekeeping missions). At the time of the demonstrations of April and May 2015, soldiers took only a marginal part in acts of oppression alongside the police, and some interposed themselves between the police and demonstrators to avoid or bring an end to confrontations. Fatal confrontations even took place between police and soldiers on at least two occasions during this period, with soldier fatalities both times. This has accentuated tensions between these two bodies. Divisions have even appeared at the heart of the army in respect of the position to be adopted in response to the crisis – some advocating for the conservation of an apolitical role, and others pushing the need to protect the ruling regime.

The failed putsch of 13 May 2015, orchestrated by a group of dissident officers, was a turning point that exacerbated tensions at the heart of the army. It further generated a climate of fear among ex-FAB members, who started to become the targets of clandestine oppression. These tensions were manifest in particular by the desertion of various senior army officers following the failed

55. Conversation with an international official.

coup d'état. For example, Lieutenant Colonel Edouard Nshimirimana, senior officer in charge of Signals at the Ministry of National Defense Forces and Former Combatants, and Major Emmanuel Ndayikeza, second-in-command at the Muha camp both deserted their posts. On May 18, the Minister of Defense, ex-FAB Major General Pontien Gaciyubwenge, was dismissed after fleeing the country to seek refuge in Belgium. He was replaced by a Tutsi civilian, Emmanuel Ntahomvukiye.

Anti-putsch measures, aimed predominantly at ex-FAB 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.

On 2 August 2015, Lieutenant General Adolphe Nshimirimana, head of the SNR and of the regime's security apparatus, was killed in a rocket attack in the center of Bujumbura. The assassination of this pillar of the regime, a right hand man to President Nkurunziza dealt a severe blow to the Burundian state's security apparatus. It also triggered a "mortal struggle" at the heart of the army and a purge of the security services, effected through a series of transfers, arrests, and reallocations of individuals considered "unsafe" to the regime.⁵⁶ However, it was the assassination of Lieutenant Colonel Darius Ikurakure by a man in military uniform at the very heart of General Army Headquarters (EMG) on 22 March 2016 that triggered a new cycle of violence (arrests, disappearances, assassinations) targeting ex-FAB and certain ex-PMPA officers. In mid-April 2016, 48 ex-FAB members of the Agency for the Protection of Institutions (API) were transferred from Bujumbura into the interior of the country. Forty-six of these were Tutsi.⁵⁷ According to one military source, since mid-April 2016 the authorities have also been planning to retire 700 ex-FAB members, of whom only 3 are Hutu. This source says that this is common practice for many years but it helps to undermine the ethnic balance within the defense forces. Information compiled by FIDH and ITEKA indicates that since the beginning of the crisis several dozen ex-FAB members have been victims of targeted assassinations, abductions, and possible forced disappearances. According to information on the ground, blacklists have been prepared comprising the names of "undesirables" within the National Defense Forces (FDN), presented as the *"headquarters of the rebellion"*. These are nearly all Tutsi.

Since March 2016, the Defense and security forces appear more than ever on the point of breaking apart. Our associate organizations continue to receive news on a very regular basis of assassinations, forced disappearances, torture, and/or arbitrary arrests of ex-FAB members. According to a credible source close to the Defense services, *"ex-FAB members are in the process of organizing themselves, even if not yet at very high levels"*. This source thus leads us to understand that ex-FAB members might plan actions, notably military attacks, against the government in place, giving rise to fears that more attempted coups d'état and other grave offenses amounting to international crimes might be committed.

56. Conversation with official of an international organization in Bujumbura, March 2016.

57. According to information gathered by FIDH and ITEKA.

SPECIAL UNITS TO IMPLEMENT REPRESSION

Repression against persons suspected of being hostile to the authorities is implemented by security organs of the police or army, purged and reconstituted with elements considered to be reliable and capable of “finishing the job”, according to a source close to security services.

Some ten units, among them the SNR, the Anti-Riot Brigade (BAE), the Agency for the Protection of Institutions (API), the Mobile Rapid Intervention Group (GMIR) and the police Special Investigations Bureau (BSR), the Combat Engineers Battalion (BGC), the 221st Ruyigi Commando Battalion, and the Special Brigade for the Protection of Institutions (BSPI), are led by close associates of President Nkurunziza. These bodies report to the President either directly, by the official chain of command or by means of parallel chains of command leading directly to the presidency, notably via the civil cabinet. These perpetrators of oppression could be prosecuted for crimes committed directly or ordered, or had committed under their authority. They should accordingly be made subject to criminal proceedings and targeted sanctions by international jurisdictions and organizations (see below – “Responsibility for Acts of Repression”).

It should equally be noted that, since the beginning of the crisis in April 2015, a section of the *Imbonerakure* has been employed by the Burundian authorities to supplement the regular forces, participating in the oppression of all those considered hostile to the government. These *Imbonerakure*, whose exactions have been denounced for a number of years,⁵⁸ are trained, armed, and deployed throughout the territory. They participate in the grave human rights violations currently unfolding and some have formally joined the police, the SNR, and the army. Their role in meting out state sponsored oppression has increased over the course of the crisis to the extent that they now carry out tasks that traditionally fall within the purview of public order enforcement agencies, such as arrest and detention. They are implicated in acts of torture and extrajudicial executions, among other serious human rights violations. As well as these acts of oppression, they also disseminate the pro-Hutu ideology of the ruling party, carry out surveillance activities in the districts and frontier regions, and provide firsthand intelligence to the SNR.

These changes within the political and security sectors have allowed Nkurunziza to suppress all dissenting voices, to foil the attempted putsch of 13 May 2015, and to take the dominant role during the contested presidential election of July 2015. This wholesale suppression of all those opposed to the President’s project has transformed Burundi into an authoritarian police state, where CNDD-FDD operates as a sole party, propagating an ethnic rhetoric and a genocidal ideology. The rejection of all political and ethnic pluralism began in April 2015, with the suppression of the initial demonstrations against the third term, and contributed to making Burundi a country where human liberties and rights are increasingly denied.

58. In his January 2013 report, for example, the Secretary General of the United Nations declared that “the activities of the youth league of CNDD-FDD, the *Imbonerakure*, have [...] been a source of concern. BNUB [United Nations Office in Burundi] has continued to gather information indicating acts of oppression and intimidation, acts of violence and even murders, committed by members of this group. These acts intensified throughout the country between April and July, particularly in the provinces de Bubanza, Cibitoke, and Ngozi. It would appear that, under the pretext of ensuring security in their districts, these individuals have committed assaults and in certain cases extorted money from their victims, some of whom have died as a consequence of the violence they have suffered”. See Rapport du Secrétaire général sur le Bureau des Nations Unies au Burundi, S/2013/36, 18 January 2013, available at: http://www.un.org/fr/documents/view_doc.asp?symbol=S/2013/36. See also FIDH-ITEKA, *Éviter l’embrasement au Burundi*, (“Avoiding an Explosion in Burundi”), May 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/rapport-eviter-l-embrasement-au-burundi>.

REPRESSION LESS VISIBLE BUT STILL DRIVEN BY GENOCIDE

The Burundi crisis was marked in 2015 by two major events that finally pushed the government into an all-out war against and even elimination of all or part of a group forming a part of Burundi's population. The attempted coup of the 13 May and the events of December 2015 fed the fears of Burundi's ruling elite that the former Tutsi ruling class would do anything to regain power, providing them with apparent grounds for such a conviction. Thereafter it seemed that the government no longer sought dialogue and was committed to an extreme policy of gaining complete control over the power and all structure of the country (including media, civil society, public companies, and others), perpetrating **serious human rights violations, which may qualify as crimes against international law, may be including genocide.**

The failed coup of 13 May 2015 demonstrated the determination of certain groups to engage in what was no longer merely a political but also an armed struggle to prevent President Nkurunziza from staying on in power. From a governmental perspective, the attempted military coup echoed Burundi's history in the 1960s, when the majority Tutsi army took back power in a series of military coups, notably following the election victory of Hutu President Melchior Ndadaye in 1993.⁵⁹ Transposing these historical events in a strategy fraught with risk, the CNDD-FDD ruling class has sought to present the 13 May 2015 attack as an *"attempt by a few to overturn the democratic majority [...] and to take back power"*. This was the perspective advanced by Joseph Bangurambona, Permanent Secretary of the Burundi Ministry of Foreign Affairs and International Cooperation to the FIDH fact-finding mission of 24 March 2016. The "few" who "wish to take back power" are not officially named. But in the ideology and cosmology of those who support the regime in power, it seems clear that reference is being made to the Tutsi community and those who support them, who wish *"to take back power and once again usurp the democratic majority"*.⁶⁰ This vision is corroborated by numerous communications from CNDD-FDD, the government and supporters of the regime on social networks (see below).⁶¹ This theory of the usurpation of power by the minority is put forward to justify the many serious human rights violations described in this report. Committed with impunity, these crimes are presented as defense actions necessary in the face of the reactionary forces.

The shock wave triggered by the attacks by rebel groups and the repression that followed on 11 and 12 December 2015 marked a new phase in the crisis and **a significant development towards less visible forms of violence in the repressive strategies employed by the Burundian authorities.**

Under the banner of a "war against terrorism",⁶² the 11 December 2015 events saw security services begin to carry out extrajudicial executions, mass arrests and acts of torture against civilians in disputed neighborhoods of Bujumbura.⁶³ Such violations have been attributed to "terrorists",⁶⁴ as well as to the security forces in the context of their mission. Since then, public extrajudicial executions have continued and there is evidence supporting the fact that **executions behind**

59. Interview with the Permanent Secretary of the Burundi Ministry of Foreign Affairs and International Cooperation, 24 March, in Bujumbura, Burundi.

60. *Idem*.

61. See the numerous CNDD-FDD press releases, particularly those of 26 March 2016, <http://www.cndd-fdd.net/2016/03/28/communique-n-0062016-du-parti-cndd-fdd-du-26-mars-2016/> [in french].

62. Interview with the Permanent Secretary of the Burundi Ministry of Foreign Affairs and International Cooperation, 24 March, in Bujumbura.

63. This point is disputed by some, as regards whether or not the sweeps in disputed neighborhoods were conducted almost at the same time as the armed attacks by rebel groups. Some sources have made reference to the fact that the security forces had been informed of possible attacks and had prepared for these. No solid evidence in support of either theory has so far been uncovered by FIDH.

64. CNDD-FDD press release, 26 March 2016, available at: <http://cndd-fdd.net/2016/03/29/communique-n-0062016-du-parti-cndd-fdd-du-26-mars-2016/> [in french].

closed doors, forced disappearances and concealment of bodies in **mass graves** have increased at extremely alarming rates. Investigations carried out by FIDH and ITEKA have also established that secret detention centers have multiplied and that abuse and acts of **torture** perpetrated on detainees, and Tutsis in particular, have become systematic. The level of **surveillance** and **control** exerted over Burundian society by security agencies, including the highly active SNR and the *Imbonerakure* in particular, has increased considerably. This has enabled the authorities to operate in the shadows, threatening, tracking, arresting, disappearing and executing those whom they deem “enemies” of the government, according to their rhetoric. Tutsis have more often been the target of violence. They are equated with “opponents” of the regime in power,⁶⁵ despite the presence of many Hutu within the political opposition, independent civil society and the armed opposition.⁶⁶ They are presented as responsible for Burundi’s “ills” or as “those who wish to return to power”.⁶⁷ The authorities’ discourse on Tutsis has become wholly divisive, conspiratorial and inciting of hatred,⁶⁸ seemingly having become part of a **real ethnic and genocidal State ideology**. Before the events of 11 and 12 December, certain influential members of the ruling party were already making extremely alarming remarks in private. On 1 November 2015, the President of the Burundian Senate, Révérien Ndikuriyo, speaking in front of his supporters and some *Imbonerakure*, declared: “If you hear the signal with the instruction that enough is enough, there will no longer be a place for emotions and tears!” He added “you must crush, you must exterminate these people [...] Wait for the day when we will say ‘go to work’, you will see the difference!” He made these secretly recorded statements during a meeting at Bujumbura City Hall.⁶⁹ The message made particular reference to the term “work”, used in Rwanda by the Hutu Power genocidal government to call for the systematic elimination of the Tutsis. Likewise, victim testimony gathered by our organizations before 11 December, some of it dating back to the time of the demonstrations, reveals the use of **ethnic and genocidal language** by members of the police, the intelligence services (SNR), the *Imbonerakure* and, to a lesser extent, the army during arrests and periods of detention. This includes such statements as “You Tutsi are going to be cleansed, you’re going to be killed” and references to Tutsis as “the wrong ethnic group”, or “You’re all going to be made to leave the country”. These words refer to an intention to destroy whole or part of an ethnic group, namely the Tutsi, and constitute one of the elements of the crime of genocide.

Following 11 December, such discourse inciting mistrust, hatred and even violent action against the Tutsi has become commonplace and widespread. This language is used during private meetings of the ruling party both in Bujumbura and also beyond the capital or at public events. Such comments are made by influential members of the CNDD-FDD (particularly the *Imbonerakure*),⁷⁰ led by the President of the Senate, Révérien Ndikuriyo, known for spreading the party’s **propaganda messages** throughout Burundi. In particular, at the start of January 2016, he undertook a campaign in every province in the country to disseminate the slogans of the party that today more than ever based on this ethnic-based ideology. Pascal Nyabenda, President of the ruling party and President of the National Assembly, and Victor Burikukiye, Vice-president of the party, are two more drivers of this divisive, anti-Tutsi language and rhetoric.⁷¹ During the first quarter of 2016, Victor Burikukiye held a meeting at the headquarters of the CNDD-FDD in Musinga, where he reminded party members present, particularly the *Imbonerakure*, that they should “not trust the Tutsi who had run the country

65. Interviews with victims, Uganda, March 2016.

66. Interviews with representatives of Burundian civil society organizations and members of the political opposition.

67. These words have reappeared at various times in interviews conducted by FIDH during its fact-finding mission with victims and witnesses.

68. See in particular the ruling party’s press releases, *op. cit.*

69. See in particular *Le Monde*, “Fear of violence in Burundi following president’s speech”, 6 November 2015, available at: http://www.lemonde.fr/afrique/article/2015/11/06/crainte-de-violences-au-burundi-apres-le-discours-du-president_4804870_3212.html [in French].

70. According to information reported to our organizations by local observers who have taken part in such events.

71. See below, part III. 3. 12. 1.

for 40 years". He added that *"this time things have changed"* and that *"it was essential not to sleep but to wake up and take revenge for the years of colonization"*. Burikukiye also referred to *"mistrust and suspicion eating into the body of the police"*, as a result of the fact that among the police were supporters of Hussein Radjabu (opponent and ex-brother-in-arms of President Nkurunziza) and Godefroid Niyombare (leader of the 13 May coup forces). He went on to encourage the *Imbonerakure* to *"replace"* the police.⁷²

CNDD-FDD official speeches and press releases do not refer directly as such Tutsis but to "rebel individuals".⁷³ These references are intended to denote opponents of the incumbent regime who are viewed as synonymous with the Tutsi. As indicated in the CNDD-FDD press release of 26 March 2016, these opponents, described as "insurgents" and "rebels" following the aborted coup of 13 May, are now equated to **"terrorists"**.⁷⁴ This press release states that, *"as is the case in Europe and currently in Belgium"*⁷⁵ as of 22 March 2016, *any terrorist must be hunted down wherever he is*". The statement has been used to justify a manhunt by the authorities in pursuit of anyone suspected of opposing the regime. The term "terrorist" is equally used to refer to political opponents, members of independent civil society, armed opposition and all those opposed to the CNDD-FDD's political plan. In its press release of 26 March, the CNDD-FDD, via its president Pascal Nyabenda, described these players as a *"negative force"*, accusing them of implementing a **"genocidal plan"**. Such rhetoric is being used to spread the notion that opponents of the current regime are planning to commit genocide against the Hutu in Burundi, which could, according to their reasoning, justify genocidal acts of violence being committed as a preventative measure or in instances where the authorities judge them necessary: for instance this "trigger" could be in the event of new armed attacks by armed opposition or foreign countries, the assassination or attempted assassination of the president or other members of the regime, and others. The authorities thereby seem **to be grooming the public consciousness for mass violence that could take on, for the need of popular mobilization or justification, a politic, ethnic and even genocidal character**.

The deeds and words of the Burundian authorities therefore demonstrate an increasingly worrying degree of radicalization. This requires an urgent response from the international community. Those who hold the reins of power in Burundi consider themselves the sole representatives of the people and refer to all political pluralism in terms of "them" against "us". This poses a deadly threat to the country. Our organizations note the **confirmed ethnic nature of the repression** and that the authoritarian and genocidal rhetoric, employed by the authorities, as well as by CNDD-FDD militants throughout Burundi, is reminiscent of that used during the Hutu genocidal massacres over the past forty years and especially during the 1972 massacres.

Indeed, there are other particularly worrying signs. Our organizations have been alerted by different sources on the ground to the distribution, at the beginning of 2016, of mobile phones to all local leaders known as *chefs de colline*⁷⁶ and to agricultural monitors in Burundi. These **telephones, distributed to local security committees**, the vast majority of whom support the authorities in place, strengthen the authorities' networking grip over the population. The local security committees and their means of communication could serve as a way of passing on commands from those in

72. Remarks reported by one source, under protection of anonymity, who was at the CNDD-FDD offices at the time Victor Burikukiye spoke.

73. See for example CNDD-FDD press release No. 006/2016, 26 March 2016, available at: <http://cndd-fdd.net/2016/03/29/communique-n-0062016-du-parti-cndd-fdd-du-26-mars-2016/> [in french].

74. *Ibid.*

75. Reference to suicide attacks in Brussels and the surrounding area where responsibility was claimed by Islamic State, 22 March 2016.

76. The *chefs de colline* are intermediaries between the population and the local administration. They are local contact persons for sharing government decisions with rural populations and for ensuring these are implemented. They are elected by the inhabitants of each *colline*. In towns and cities, this role is given to neighborhood leaders.

power, including in the event of a worsening situation. Several sources⁷⁷ have also referred to the **mass distribution of machetes** by the Ministry of Agriculture between the end of January and the beginning of February 2016. Due to their dual use, it is impossible to verify whether these machetes have been supplied in order to arm the population, though they could be used to commit acts of mass violence should civil war or serious clashes break out. On 1 May 2016, President Nkurunziza announced that community work,⁷⁸ which takes place every Saturday, would henceforth focus on **installing latrines** (a gaping hole in the ground several meters deep) alongside all roads, in all local communities (*collines*), at marketplaces and in all other public spaces. Our organizations are concerned that these latrines may be used as mass graves, as has been the case during the current crisis and in 1994 at the time of the genocide of Tutsi in Rwanda. Some months before the genocide there, the Rwandan authorities had ordered the construction of latrines throughout the country and these were transformed into pits for bodies between April and July 1994. All these signals, taken independently of each other may seem insignificant. Taken together and consistent, they may indicate that the ruling regime is preparing for any eventuality. The situation in Burundi is showing every sign of turning genocidal.

Until now, the international community has permitted the cycle of violence to continue unchecked. The evidence presented in this report must prompt the international community to implement a rapid and robust solution to the crisis. Crucial measures for ending this spiral of violence include **the dispatch of an international force** and a peace-keeping operation in the event that the situation degenerates. Further, it requires **inclusive and genuine political dialogue** between the authorities and members of the independent opposition and civil society. Such measures should be accompanied by effective efforts to establish responsibility for actions taken through an independent and impartial justice system. Indications are that the nature of the crimes committed in Burundi makes them a matter for the International Criminal Court (ICC). On 25 March 2016, the ICC Prosecutor, Fatou Bensouda, decided to open a preliminary investigation into the situation in Burundi. This investigation is assessing the gravity of the crimes committed there as well as the capacity and willingness of the national authorities to investigate and prosecute those responsible for them. This assessment is a forerunner to the decision as to whether or not to open a full investigation. Our organizations would emphasize that the complete impunity enjoyed by those carrying out serious human rights violations in the country has only served to escalate the scale and severity of such crimes. The fight against impunity is an absolute priority in ending violence and enabling a return to peace and the rule of law in Burundi. Our organizations urge the Prosecutor of the ICC to open an investigation into the serious committed in Burundi since April 2015 and under its jurisdiction.

On 12 October 2016, the Burundian National Assembly adopted by 94 votes for, 2 against and 14 abstentions the bill providing for the withdrawal of Burundi's CPI Status.⁷⁹ The project was approved unanimously, by the Senate in the hours that followed. The law was promulgated by the President on 18 October. This decision, which makes Burundi the first state to withdraw from the ICC, comes two days after the suspension by the Government of the cooperation⁸⁰ with the Office of the United Nations to human rights and nearly a month after the publication of the report of the independent

77. Members of national and international human rights organizations who have testified anonymously.

78. In 2006, President Pierre Nkurunziza set up community work every Saturday. The whole Burundi population works to keep their neighborhood or commune clean.

79. See "Burundi votes to withdraw from the ICC and interrupts its international cooperation, amid a backdrop of continued international crimes", 14 October 2016, <https://www.fidh.org/en/region/Africa/burundi/burundi-votes-to-withdraw-from-the-icc-and-interrupts-its>

80. Burundi government statement on collaboration and cooperation with the Office of the High Commissioner of Human rights in Burundi on 11 October 2016, <http://www.burundi.gov.bi/spip.php?article1538> [in French]

UN investigation on Burundi (EINUB)⁸¹ stating that *“serious violations of human rights have been and are committed mostly by government officials and those connected to them”* and that *“these violations are serious and systematic and constant impunity [...] everywhere”*. Concluding that *“given the country’s history, the danger of genocide is great”*.

The withdrawal of Burundi of the International Criminal Court (ICC) and the suspension of cooperation with respect for the UN human rights monitoring bodies are both a flight forward, reinforcing isolation and an admission of guilt of a regime that ultimately did not succeed completely conceal the serious violations of human rights in a country he controls with an iron hand.

81. Report of the Independent UN investigation on Burundi, 20 September 2016, <http://ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>



Relatives grieve on July 2, 2015, next to the portrait and the body of one of the victims of the unrest that rocked the neighborhood of Mutakara in Bujumbura the day before, where at least six people were killed during clashes with police. © MARCO LONGARI / AFP



III. SERIOUS HUMAN RIGHTS VIOLATIONS: THE DYNAMICS AT WORK

Human rights violations perpetrated by the Burundian authorities and to a lesser extent by armed rebel groups vary widely in terms of the types of crime committed, both in the provinces and in the capital. These include: arbitrary arrest and detention, summary and extrajudicial execution, targeted assassination, torture and abuse, rape and other acts of sexual violence, persecution, inciting racial hatred and violence, inciting genocide, concealing bodies in common graves, pillaging, and holding to ransom, amongst others.

Over the course of the current crisis, the period between April 2015 and September 2016 saw an evolution in the extent and dynamics of the violence:

April–May 2015: This period of popular dissent was marked by widespread arbitrary arrests and detentions and by an increase in extrajudicial killings and acts of torture by Burundian security forces, generally demonstrations. Demonstrators were the primary targets of repression. However, political opponents, members of civil society and journalists also began to be persecuted by the regime. Tutsi demonstrators were stigmatized because of their ethnic origin and systematically equated with government opponents.

July–11 December 2015: These trends intensified following the election of President Nkurunziza. At the same time, targeted attacks and assassinations against representatives of the ruling party or the opposition by unidentified armed men (suspected of being in the pay of one or other camp) multiplied against a background of the formation of armed rebel groups.⁸²

11 December 2015–September 2016: During the events of 11 and 12 December 2015 and in their aftermath, the Burundian authorities developed new strategies for repression. These included enforced disappearances; summary, extrajudicial – and sometimes collective – executions conducted in private; secret detention centers; the use of mass graves and sex crimes. Targeting Tutsis and propagating an ideology with genocidal tendencies became widespread, as did the practice of torture. Arbitrary arrest and detentions became systematic. Assassinations by armed men targeting individuals perceived as being close to those in power or to the armed political opposition once again escalated. The ex-FAB began to be the authorities' preferred target. From January 2016, the authorities put in place strategies to conceal the prevailing violence in an attempt not to attract the attention of the international community.

In March 2016, President Nkurunziza stated that Burundi was "99% secure". While it might be argued that the situation from January 2016 calmed down following the fierce repression in the wake of the 11 and 12 December 2015 events, investigations by FIDH and ITEKA reveal that this is far from being the case. Civilians, and Tutsis in particular, are living in greater insecurity and fear being arrested, tortured, kidnapped and executed at any moment more now than ever before. The rise in divisive rhetoric and repressive, apparently genocidal measures present a harbinger for a worst-case scenario.

82. See below, Parts III and IV.

SUMMARY AND EXTRAJUDICIAL EXECUTIONS BY BURUNDI DEFENSE AND SECURITY FORCES

"The acts of violence are the result of 'individual behavior' [...] but the government is not organizing this. This is a government advocating peace every day."

The Burundi Permanent Secretary for External Relations in an interview with FIDH
on 24 March 2016 in Bujumbura

Since the beginning of the crisis, several hundreds and even thousands of summary and extra-judicial executions have been carried out by Burundi's Defense and security services.⁸³ The victims are most often unarmed civilians, particularly men suspected of being opposed to the regime in power, of having taken part in demonstrations or of supporting armed rebel groups. This violence is increasingly affecting women and children. Before the events of 11 and 12 December 2015, these executions were carried out for the most part in public and were common knowledge, even if a number of them are believed to have gone unrecorded.⁸⁴ Since January 2016, the security services have sought to ensure these violations pass under the international community's radar and numerous executions are being performed out of sight in remote locations. People referred to as the "disappeared" are in actual fact more often than not those who have been killed and placed in mass graves to hide the scale, nature and proof of the repression.

3. 1. 1. Executions in broad daylight: organized reprisals against civilians

At the start of the crisis, public summary executions were carried out in two contexts: following major demonstrations and in the wake of real or supposed attacks by young armed men or armed rebel groups. Summary executions are used as a tool of reprisal or punishment against a section of the population perceived as opposed to the government. Such executions are an attempt to demonstrate the regime's determination to maintain power with complete impunity.

FIDH and ITEKA have documented dozens of extrajudicial killings committed by the security services since April 2015. The cases documented below in no way represent an exhaustive list. They do, however, highlight the *modus operandi* used by the perpetrators of this violence and the intention behind it.

The Mutakura killings of 1 July 2015

On 1 July 2015, the police conducted a search for weapons in the neighborhood of Mutakura, a stronghold of opposition to the president's third term of office. According to police sources, a patrol was attacked in the morning by a group of armed men who, it is claimed, threw three grenades in their direction, wounding two police officers and killing another. The police cordoned off the area and journalists were refused access to the neighborhood. A sweeping operation was then carried out. The police claim that they encountered "armed criminals" and clashes with the "assailants" ensued. The police subsequently announced that they had found a cache of weapons

83. According to information gathered by FIDH and ITEKA since April 2015. See also, Report of the United Nations Independent Investigation on Burundi (UNIIB) established pursuant to Human Rights Council resolution S-24/1, A/HRC/33/37, paragraph 40: *"The information received and verified by UNIIB supports the conclusion that executions have been committed on a large scale by the security forces, often supported by the Imbonerakure"*, available at: <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>

84. Particularly due to the difficulties encountered by national and international human rights organizations in documenting these violations (witnesses are intimidated, threatened and sometimes arrested and executed; violence is perpetrated in secret locations; proof is concealed by those committing the crimes; etc.).

and proceeded to kill five assailants and to neutralize the group.⁸⁵

According to investigations carried out by FIDH and ITEKA, at the end of the afternoon while the police officers were beginning to withdraw, six – and not five – bodies of men in civilian clothing were discovered by residents on 8th Avenue. According to neighbor testimonies, the body of Pantaleon Hakizimana, a sixty-year-old family man, was lying stretched out on a plot of land. He had been killed by a bullet to the head. Alongside him were found the bodies of his twenty-year-old twin sons, Franck and Fleury, also riddled with bullets. Not far from there, three other bodies were rapidly identified by the residents: those of Fidèle Habarugira, a domestic worker for in the Hakizimana family, as well as Éric Ntakuwundi and Gérard Kanderenge.

According residents' testimonies, police officers and soldiers burst on to 8th Avenue in the Mukatura neighborhood in pursuit of some young armed men. They forced the Hakizimana family to leave their home along with their domestic worker and, it is claimed, executed them. One resident claims to have heard the Hakizimana family shouting that they were coming out with their hands up. All the victims were killed by bullets to the head and abdomen. Mr. Kanderenge's widow, in an interview with a local observer, affirmed that her husband had been killed when he was kneeling down with his arms in the air. A resident revealed to Radio France Internationale (RFI) that *"We knew them all really well; they had nothing to do with politics."*⁸⁶ Witnesses have confirmed that the armed youths under pursuit by security services had already fled by the time these agents engaged in what appears to be a punitive operation. Until now, the police have stood by their version of events and no investigation has been launched.

Our organizations have been able to document several of these killings, which have all the hallmarks of summary and extrajudicial executions, even though the police repeatedly claim that they were tackling "criminals",⁸⁷ "assailants", "insurgents" or "armed rebels".

The Cibitoke and Mutakura killings on 3 October 2015

On Saturday, 3 October 2015, between eight and fifteen civilians were killed in the neighborhoods of Cibitoke and Mutakura. According to a press release from the Ministry of Public Security, at round 11 am, elements of the Riot Squad (BAE) of Burundi's national police force were extensively deployed in Mutakura to deal with a kidnapping.⁸⁸ The BAE officers proceeded to make arrests in a very brutal fashion and some young men intervened to protest. Grenades were then thrown by the youths and, according to information gathered by our organizations, the police responded by firing Kalashnikovs and rockets. These clashes spread to areas in the neighborhood of Cibitoke, and to a lesser extent Kamenge and Ngagara.

According to corroborating sources, police officers forced the residents of these neighborhoods to come out of their houses and made some of them kneel on the roadside before summarily executing them. In Cibitoke, a resident blew himself up when pulling the pin out of two grenades in an explosion that killed two policemen. In the same neighborhood, two houses were set on fire by the police. In Ngagara, a house exploded when several shells were fired and grenades thrown.

85. See IWACU Web TV report, available at: https://www.youtube.com/watch?v=h4G3XCiBZDE&feature=em-share_video_user

86. RFI, "Burundi: 6 dead in clashes with the police", 1 July 2015, available at: <http://www.rfi.fr/afrique/20150701-burundi-6-morts-combats-police> [in french].

87. See for example the press release from the Ministry of Public Security, "Grenade attack on police patrol in Mutakura this Saturday 3 October 2015", 3 October 2015, available at: <http://securitepublique.gov.bi/spip.php?article280> [in french].

88. Ministry of Public Security, "Grenade attack on police patrol in Mutakura this Saturday 3 October 2015", 3 October 2015, available at: <http://securitepublique.gov.bi/spip.php?article280> [in french].



Burundi's Security Forces inspect a crime scene after three people, who attempted to assassinate a high ranking security officer, were killed in Bujumbura, Burundi on December 4, 2015. © YVAN RUKUNDO / ANADOLU AGENCY

According to information gathered by our organizations, five bodies were discovered on Sunday, 4 October, on 10th Avenue in Cibitoke. They included the body of Eloi Ndimira, a disabled person. One body was further found on 8th Avenue in Cibitoke and two bodies on 13th Avenue in Mutakura. In Ngagara and Kamenye, at least seven other civilians are believed to have been killed. The authorities have declared that an investigation has been launched.⁸⁹

During the months of September, October, November and December 2015, bodies were found on an almost daily basis in the streets of Bujumbura, often following police operations in dissenting neighborhoods of the capital, according to information collected by our organizations.

The systematic killings in Nyakabiga and Musaga on 11 December 2015

The 11 December 2015 was the bloodiest day Bujumbura has experienced since the start of the crisis. Following attacks on three military camps in Bujumbura's Mairie Province by armed rebel groups, the Defense and security services acted with unprecedented brutality in imposing repressive measures against the civilian population.⁹⁰ On 11 and 12 December in Nyakabiga and Musaga, dozens of bodies of men in civilian clothing were found on the streets, most of them shot in the back, head and chest according to numerous testimonies gathered by our organizations. Some residents agreed to give an account of events.

Prosper⁹¹, a 34-year-old man living in the neighborhood of Nyakabiga, gave the following testimony:

"The police officers came to our place in Nyakabiga. They ransacked all the houses. They went from house to house. When people didn't open up, they fired real bullets at the doors. They beat people.

I had a friend who was made to leave his house. They put him in a Documentation [National Intelligence Service] vehicle, where there were already a few people. There were about 7

89. *Ibid.*

90. See above – "Context and Analysis" – "11 and 12 December: a turning point in the crisis".

91. The name has been changed.

or 9 people in all. They had gone just 200 meters and the members of Documentation, the Imbonerakure and the police officers present threw them on the ground and fired at them. My friend was called Egide Niyongere. He was about 30 years old, was going to get married and was working at the Ministry of Public Health. He wasn't taken because it was him. I think it was just because he was young and he might have been one of those who demonstrated against the president. He didn't demonstrate because he was working.

There was another young man whose body was found at his stall where he sold milk. He was also killed on 11 December 2015. He was called Innocent.

They also killed someone who was mentally ill in 40th Avenue in area 2 of Nyakabiga. His body was found in his house.

Around 29 bodies were found in the area from the count I was able to make myself. But some people are talking of 42 bodies in total in the neighborhood of Nyakabiga alone. And all that in one single day on 11th December 2015.

The perpetrators of these crimes were police officers, particularly the anti-riot brigade, as I even saw the head of the BAE, who is called Désiré Uwamahoro, in person. He went past my house on foot. They were mixed in with soldiers from the presidential guard, Documentation [National Intelligence] agents and Imbonerakure.

While they were operating in the neighborhood, they threw insults at everyone, saying in particular: 'You demonstrate and you're going to regret it to the very end'; 'Our president is going to lead you by force whether you like it or not.'

Irakoze⁹², a human rights activist who was living in Nyakabiga at the time of the events of December 2015, stated:

"On 11 December I was at home. We heard shots outside. I hid my computer and my phone as I knew they would take them. When they went into the houses on 11 December they were demanding money, phones, computers, anything of value and they took the lot. There were two of us in my house and we began to pray. I went into my living room and I expected them to kill me. I was receiving information that said that friends had been killed and I knew they would come calling. They entered my plot and then went into the house just in front of mine. I was saying to myself that in five minutes I would be a dead man. We knew that they were all going to kill us on entering. Then they left the house in front and we began to quake. But they did not come. I later learned that they had recovered 900 dollars from the house in front.

There was a youth in front of my plot who had a shotgun and who started to fire. They came at him like enraged dogs. They managed to tie him up and one of the police officers said 'Kagame [president of Rwanda] and the international community have deceived you', 'You Tutsi, what is it you want? How do you want us to live together? Agree to be governed!' And then they went on their way with the youth and, on reaching area 1, the guy was executed. I saw his body later on.

A bit further on, between areas 2 and 3 of Nyakabiga, we saw the bar Le Facebook belonging to Léonidas [Léonidas Ninganza, RIMG superintendent]. The police officers drank free beer there. At one point, they caught a woman, put a rifle in her hands and said mockingly: 'We've

92. The name has been changed.

caught the rebels! And even their women!’ Then the police officers knocked on the doors of the houses to get the people out and said: ‘Look at your rebels; we’ve caught them!’ They were ‘playing’ with people.”

Victor⁹³, a 31-year-old resident of Nyakabiga, was the target of a double assassination attempt in a single day on 11 December:

“They came into my house and fired and killed all the people there with me, both my friends Charles and Eric who had come to take refuge at my place having fled their own home, which had just been destroyed by police officers. Then they ransacked everything in my house and smashed everything with heavy weapons. In my plot they killed an indefinite number of people. All I know is there were many bodies when I came out with the police officers. They took me and tied me up. They beat me really hard and took me to a place where there were already lots of lifeless bodies. I was living on 16th Avenue and they took me to 17th Avenue. A certain Désiré Uwamahoro [head of the BAE] was there and he ordered them to kill me there. I was bound up very tightly and thoroughly and asked Désiré to be killed with a rifle, so it would be quicker, but he replied ‘No, he must be killed with a rope.’

Two police officers then put a rope around my neck and tightened it right up to strangle me. Blood poured from everywhere: from my eyes, my mouth, my penis. They thought that I was dead and left me there. I lost consciousness but when I came to, I crawled to a plot where the people who were there cut my ties. They had also stabbed me in my right foot.

Afterwards I jumped into another plot where I hid. Around 5:30 pm, at the point where they were going to leave, they came back to check that my body was still there and that I was indeed dead. They saw that I wasn’t there and searched all the plots around about and caught me again. Once again they brought me to Désiré Uwamahoro. I pretended to be crazy and ran in all directions so that they would kill me with a gun. But they captured me again.

Désiré said to the police officers and soldiers: ‘Go and kill this imbecile on 16th Avenue.’ At the point I arrived at 16th Avenue and they were finally going to shoot me, a police officer from Documentation [National Intelligence] called the officer over. He indicated that he should put me in his vehicle with around ten other people who had been caught. In the vehicle, the police officers continued to beat me, even though I was covered in blood and I was like a dead body in the bottom of the pick-up.

The vehicle set off along Avenue Muyinga, where the police officers and soldiers released the prisoners one by one and shot at them. Around ten people died this way in front of my very eyes. Thinking that I was already dead, they simply threw me out on the avenue without shooting at me and continued on their way. Some mothers, who saw me, took me to a plot where they hid me in the toilets.”

In his report of 15 January 2016, the United Nations High Commissioner for Human Rights, Zeid Ra’ad Al Hussein, indicated that *“In the neighborhood of Bujumbura called Nyakabiga, another witness had stated that **Tutsi had been systematically killed**, while Hutu had been spared. And, according to the testimony of several people, the decision to arrest individuals was largely taken on the basis of ethnicity, the majority of Hutu having been freed in the neighborhood of Musaga.”* This information is also confirmed by testimonies gathered by our organizations. The extrajudicial executions committed

93. The name has been changed.

on 11 December by elements of the Defense and security forces therefore targeted individuals on the basis of their real or presumed political affiliation and ethnicity. These crimes are extremely serious and potentially constitute international crimes. In his report, Zeid Ra'ad Al Hussein added that the events of 11 December triggered "*new profoundly disturbing tendencies towards human rights violations*" and that "*All the alarm signals, including that of an increasingly ethnic dimension to the crisis, [are] indicating an imminent state of red alert.*" FIDH and ITEKA investigations confirm these fears.

ACHPR for its part concluded in its fact-finding report that "*the incidents of 11 December 2015 registered a new level of escalation in violence and a mounting atmosphere of inequality in which the Burundi security forces committed **serious and systematic** human rights violations, feeling no obligation to be accountable.*"⁹⁴

3. 1. 2. Post-11 December: emergence of new repressive operational methods

The events of 11 December 2015 and the days that followed made the international community and public opinion aware of the scale and gravity of the crimes committed in Burundi. On 17 December, the African Union decided to deploy the African Prevention and Protection Mission in Burundi (MAPROBU), made up of 5,000 soldiers, with the objective of protecting civilians from the escalation in violence. The Burundi authorities refused permission for such a mission to enter its territory and, since then seem to have realized that an overly visible use of violence could push the international community to intervene by deploying a force to the country.

On 29 January 2016, Amnesty international published satellite photos of five mass graves in Buringa, on the outskirts of Bujumbura.⁹⁵ The publication of satellite images and confirmation of the use of mass graves by the regime to conceal its crimes had considerable national and international impact,⁹⁶ driving the Burundian authorities to modify their operational methods to make the repression less visible and to present to the world the image of a Burundi that, while perhaps not peaceful, was at least under control. For this reason, since the beginning of 2016, punitive operations that leave the bodies of summarily executed individuals in the middle of the street have declined without, however, ceasing altogether. In order to pass below the radar of the international community, the security services have developed new operational methods.

Passing under the radar of the international community: executions in secret

Several testimonies gathered by our organizations have enabled us to establish that, on the orders of the authorities, the Defense and security services have committed and continue to commit **extrajudicial, often collective, executions in secret**. Individuals are arrested, forced to board a pick-up trucks, sometimes with tinted windows, and are **driven to secret isolated locations, often blindfolded. They are then summarily executed after having been arbitrarily detained for a varying length of time**. Their bodies are often buried on the spot in mass graves.

94. *Op. cit.*

95. Amnesty International, Burundi: satellite images confirm the existence of mass graves, 29th January 2016, available at: <https://www.amnesty.org/en/press-releases/2016/01/burundi-satellite-evidence-supports-witness-accounts-of-mass-graves/>

96. For example, RFI, "Burundi: Amnesty reveals satellite images of possible mass graves", 29 January 2016, available at: <http://www.rfi.fr/afrique/20160129-burundi-amnesty-international-images-charniers> [in french] ; *Le Monde*, "Burundi: Amnesty International publishes images of potential mass graves", 29 January 2016, available at: http://www.lemonde.fr/afrique/article/2016/01/29/burundi-amnesty-international-publie-des-images-de-potentiels-charniers_4855890_3212.html ; Reuters, "Satellite images show five possible Burundi mass graves: Amnesty", 28 January 2016, available at: <http://www.reuters.com/article/us-burundi-unrest-amnesty-idUSKCN0V62TV>

Ernest, a 27-year-old man, recounts his experience of being arrested by police officers in January 2016 and driven a few kilometers from Bujumbura:

"Two police officers grabbed me by the arms when I was walking along the street in the area of Ngagara, in Bujumbura. They made me get into a pick-up and blindfolded me. There were two other young people on board, a youth who was also blindfolded and a girl. As I was blindfolded, I couldn't work out where they were taking me.

They took me to three different places: the first was a place where lots of people were crying out and seemed to be dying. There were lots of people and lots of noise, with people crying out really loudly. Several times, the police officers approached me, threatening me: 'You see what we do to those who don't tell us the truth; we kill them. If you don't tell us what we want to know, it's not worth you keeping your tongue.' They shouted that it was our generation that was against the president. I was beaten several times. In particular, they cut my tongue with a knife and pulled my genitals. Finally, someone came to tell the police officers to take me to another place. They took me on a stretcher as I couldn't walk, and put me in a vehicle. I spent one or two days there.

Arriving at the second place was almost a relief as I wasn't hit so much. They came all the same on two occasions to torture me, hit me, twist my arms and beat my head off the wall. It was dark and I couldn't make out if it was day or night. There were two of us who had arrived there. They also showed me photos, lifting the blindfold slightly from one of my eyes and asking me if I knew this person or the other, asking me to take them to the houses of people who had demonstrated. I must have spent two or three days in that place.

After that they took me in a vehicle, still blindfolded, to an unknown destination. But as time gradually passed I realized it was a long way. Later I learned it was Kayanza [more than 150 km from Bujumbura]. We arrived there around 3 in the morning. I was thrown on the ground in the middle of the countryside beside a river with the words: 'Leave that Tutsi there; he's already dead.' I had to stay there on the ground for an hour, as I thought they were still there. I lifted the blindfold. I was naked with my belongings thrown on top of me. I dressed with difficulty as I was weak and in pain. I didn't know the date or the place where I was.

I walked to try to find someone to help me and I was told it was Saturday the 16th of January. People carried me on their backs, as I was too weak, and took care of me then helped me return to Bujumbura.

My family had done everything to find me. They spoke to 'Kazungu' [SNR agent Joseph Niyonzima] and Darius [Ikurakure, Head of the Combat Engineering Battalion]. My family paid 5 million Burundi francs to Darius. The day before I returned, Darius told my uncle that I was being detained with him and would be released the next day. As a result of family pressure and pressure from the Imbonerakure, I finally decided to leave. The Imbonerakure were telling my cousins that they'd learned that I was still alive and that they were on my trail and were going to find and kill me."

Ernest's testimony would indicate that the Defense and security forces were taking groups of individuals in trucks some kilometers from Bujumbura for their "operations", where they could not be seen or attract the attention of potential witnesses. It is conceivable that the victims were blindfolded so that they could not testify to the horrors being committed on a mass scale or identify their torturers. Ernest indicated to our organizations that he thought he had been driven off with at

least ten other people. These allegations are all the more serious given that the individuals seem to have been selected on the basis of ethnic criteria, as is demonstrated by the comment “*Leave that Tutsi there.*”

International observers have also confirmed to our organizations the new method of often collective burial of bodies. These observers have stated that this method has become common since the beginning of 2016 and that elements of the security services and the *Imbonerakure* carry out the execution and burial of bodies in **“small common graves” containing between just one and five bodies**, particularly in cemeteries (see below – “Concealing violent acts committed by the security forces”). In particular, this practice avoids large mass graves being identified through satellite imagery.

The testimony given by Rémy,⁹⁷ a resident of Bujumbura, bears witness to the fact that elements of the security services were apparently receiving orders to eliminate identified individuals and to take charge of burying their bodies. Rémy was arrested at the beginning of 2016 by a soldier who made him get into the back of a van. According to him, he heard the officer receive the order to kill him by phone and heard the officer then respond: “*I’m tired. I don’t know where I’m going to bury this one.*” The soldier let Rémy go saying “*Off you go, but you mustn’t say anything!*”

Other testimonies confirm that **killings, some of them collective, took place in secret**, notably in the **plains and forests** around Bujumbura, and particularly in the forest of Kibira National Park. Our organizations have collected second-hand testimonies from soldiers and, according to these, on 16 April 2016, soldiers from Camp Akimbo – responsible for ensuring the security of Bujumbura airport – were mobilized at dawn to respond to a possible attack by the National Liberation Forces.⁹⁸ This attack was reportedly taking place in the province of Cibitoke. These soldiers were therefore positioned along a road close to Kibira forest. According to sources within the army, a military truck full of (an unknown number of) individuals “in the throes of dying” passed along this road. The truck reportedly entered the forest and came back out empty later in the morning. The soldiers then received the order to return to the military camp. Based on the information provided to our organizations, it may be supposed that the individuals on board the truck had been executed in Kibira forest.

Our organizations also collected the testimony of Ferdinand Niyonkuru,⁹⁹ father of three children and originally from Bujumbura, who fled to Rwanda in December after being threatened and sought by the police. At the beginning of April 2016, he was told he was going to lose his job and decided to return to Burundi. On his way back, he was arrested on board a bus and taken to an unknown location, after having an unknown substance injected into his bloodstream. He testifies as follows:

I took the OTRACO bus and crossed the Kanyaru border without a problem. Having reached the province of Kayanza, the bus driver suddenly stopped and I saw four people all armed with rifles. The first of them (in police uniform) went to speak to the driver, the second stood alongside the passengers’ door, and the two others made directly for the window I was sitting beside. Pointing their rifles at me, they ordered me to get off the bus. As soon as I was off, they threatened the other passengers saying: ‘If any of you open your mouth to say what has happened, we’ll seek you out and kill you’ and they said to the driver to leave at speed and not turn round.

97. The name has been changed.

98. Hutu rebel group created at the time of the civil war in the 1990s, led by Agathon Rwasa. Before it laid down its arms in 2009, the FNL was transformed into a political party and a section of its fighters were incorporated into the National Defense Forces. However, a branch of the FNL refused to lay down its arms and still operates in Burundi. Its leader is Aloys Nzabampema.

99. Ferdinand Niyonkuru was trainer of air travel agents at Travelport, a customs agency.

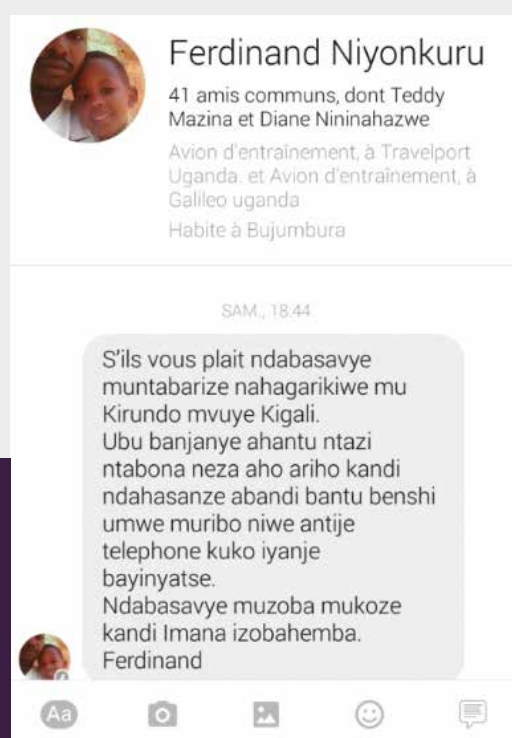
They made me leave the main road and walk about 10 meters to where a Porbox-type vehicle was parked. As we were approaching the vehicle, they hit me and kicked me saying: 'Dirty Tutsi dog, you thought we wouldn't catch you? We're going to kill you and no one will know where to find your remains.' They then made me get in and injected something into my arm after putting a balaclava on me. The car drove off and, after a few minutes, I fell into a deep sleep, waking up at night in a house in complete darkness.

When I woke up, I didn't see anyone but I heard voices. To judge by the voices I was hearing, I think that there were between 5 and 8 people in the same situation as me, but I can't confirm this given that I saw no one because it was dark. Our torturers used flashlights. I woke with lots of pain in my ribs and an intense headache. I also had memory problems to such an extent that it took me some time to be able to remember what had happened.

While my torturers stood outside discussing the fate they had in store for me—some were saying I had to be killed while others were saying that I'd done nothing wrong, since they'd seen my service badge—, I noticed that I still had my phone on me and I took the chance to send a message to two members of the family on WhatsApp and then promptly deleted it.

My torturers came back and asked me many questions, searched me all over and took all that I had apart from my service badge and my passport. After some time, my kidnappers were arguing and were receiving endless calls: 'Who put out this alert on social media? Who has betrayed us? What are we going to do now? Shall we kill him?' One of them intervened saying that apparently I wasn't a rebel (as they'd seen my work badge), and that it was risky to kill me, since it was already known that I'd been abducted. After I don't know how long, I was made to go out with the balaclava over my head and was pushed into a car. I was injected again with something in the same arm. I woke up beside the Kayanza-Bujumbura road surrounded by curious people! I understood nothing of what had happened to me! The people surrounding me bombarded me with questions I couldn't answer.

A Good Samaritan offered to drive me to the Kanyaru border and offered me a bus ticket. On arriving at the border, I handed over my passport as usual, but the PAFE¹⁰⁰ officer told me that the order had been given that I was not to cross the border. 'Who by?' I asked. 'The chief of the National Intelligence Service in Kayanza.' I was in a panic. [The officer] gave me a phone saying a member of my family wanted to speak to me. I looked at the screen and saw 'ELIPHAZ KAYANZA' [chief of the National Intelligence Service in Kayanza], although he is not a member of my family. He tore me off a strip and threatened me saying: 'Ibi wanditse nibiki biriko birazunguruka kuma réseaux sociaux?' [What are these things you've been writing and are now circulating on social media?]. I replied that I knew nothing at all about it and he continued to issue threats. In the end, I told him



100. Air and Border Police (PAFE).

Ferdinand Niyonkuru's message shared on Twitter while he was detained in a secret location:

"Please, I'm asking you to help me; I was arrested in Kirundo on the way from Kigali. Now they've taken me to a place I don't know that I cannot identify but where there are lots of other people and it's one of them who has lent me the phone as mine has been taken. I'm asking you for help. Do what's right and God will reward you. Ferdinand".

I didn't feel very well at all and the border post chief took fright at seeing my state of health. As it was late and the border was going to close, they decided to let me call a member of the family to put me up for the night. The next day, I was able to cross the Kanyaru border."

The identification of a police officer's uniform and the use of the word "rebel" by the kidnappers seem to indicate that Ferdinand Niyonkuru was abducted by police officers and perhaps the Imbonerakure, some of them dressed in civilian clothes.¹⁰¹ The account reveals that the four kidnappers had orders to arrest Ferdinand and abduct and almost certainly execute him, and that Ferdinand had been tailed, given that his torturers had knowledge of his precise location. He was, moreover, immediately identified and was the only individual on the bus to be arbitrarily arrested. As the head of the SNR in Kayanza, Eliphase Niyongabo, apparently gave the order to the PAFE not to allow Ferdinand to cross the border, it may be concluded that the National Intelligence Service was extensively involved in planning to kill Mr. Niyonkuru. Ferdinand Niyonkuru's testimony confirms the existence of secret, unofficial detention centers, where civilians are incarcerated and where extrajudicial executions seem to be committed in large numbers. The use of a substance to put Mr. Niyonkuru to sleep seems specifically designed to keep secret the place where he was detained and testifies to the practices used to make those considered enemies of the government disappear. At the time of writing this report, dozens of victims may have been held in such locations awaiting almost certain death, according to interviews conducted by our organizations.

3. 1. 3. Targeted killings and hunting down enemies of the regime

Manhunt: political opponents first on the list

Since April 2015, political opponents have suffered threats, intimidation, attempted murder, and indeed murder, by men belonging to the Burundian security services, the Imbonerakure, or unidentified armed men suspected of being in the pay of the regime. Discourse other than that issuing from the party in power is no longer tolerated in Burundi and most opposition party representatives have fled the country. A number of them and their family members have received death threats or have been informed by sources inside the SNR of the existence of a plan to kill them. Others have already been killed. Towards the end of May 2015, the principal leaders of the opposition and of civil society left the country or went into hiding.

Paul¹⁰², the leader of an opposition party, who in 2015 was arrested and tortured on the premises of the National Intelligence Service, explains the reasons that forced him to leave Burundi:

"Just two weeks prior to the demonstrations, my wife and children were subject to intimidating messages and acts emanating from a team directed by Georges, a CNDD-FDD leader. The team comprised: Zébulon Ntimpirangeza, Venuste Nkurunziza, Denis Ndayirukiye, Valentin Nahimana, 'Mwalabu', and others. In August 2015, certain police officers and members of the Imbonerakure militia were sent to my home to threaten my family. I tried to protect them, looking for a church that could house us for a few days before leaving the country."

Jeanne¹⁰³, a member of the Movement for Solidarity and Development (MSD – opposition political party), who has taken refuge outside the country, gives the following account:

101. The possibility is not excluded that these men in civilian clothing belong to the police, army or SNR.

102. The name has been changed.

103. The name has been changed.

"I was working on certain social issues for MSD. I left the country in June 2015, as I had learned, thanks to some MSD lawyers and representatives, that I was being sought. [...].

Today I live in exile, but I receive anonymous telephone calls. Men tell me they know very well where I am. They are Burundian and speak to me in Kirundi [official language of Burundi]. They say to me: 'We're going to put you where the others have gone.' These are private Burundi telephone numbers.

I have already received threats three times. I think there were reports on me that reached the SNR. I don't feel at all safe. [...] I was sent a message on Facebook 'If you see me, you'd better run, run very fast, because you'll be raped and killed, as we killed all the other women. The women have their payback and you will too.' I don't know who it is but I saw his profile: he's called Désiré Nyabenda. Now the message has disappeared."

Since the beginning of the crisis in April 2015, our organizations have gathered the testimonies of opposition party figures who have been directly threatened, often in the form of death threats. The majority of them have been forced to flee the country, but continue to be hunted by SNR agents and the *Imbonerakure*.

Sometimes the threats are carried out. According to our organizations' information, **several dozen opposition party members have been killed** on the orders of the Burundian authorities. Our organizations have documented several cases of assassination or attempted assassination, targeting individuals because of their political activities.

On 23 May 2015, the leader of the opposition party, the Union for Peace and Democracy (UPD), Zedi Feruzi, was assassinated by unidentified armed men who shot him at point-blank range. He was accompanied by two bodyguards and a journalist from Radio Bonesha FM, Jean Baptiste Bireha. One of the bodyguards was killed, while the two others were wounded. Jean Baptiste Bireha subsequently left the country for reasons of security. Witnesses have confirmed to our organizations¹⁰⁴ that the assailants were wearing police uniforms of the Institution Protection Agency (API), which suggests that Feruzi was executed by members of the Burundian national police force.

One of the signatories to the petition sent to Nkurunziza and a member of the CNDD-FDD told the fact-finding mission how he escaped two assassination attempts. He was first attacked during 2015 in Burundi by a group of armed men, who he identified as belonging to the Burundian security services. Then, he was again targeted in November when he had sought refuge in a neighboring country (see below – "Manhunt without borders"). Here, he gives his account:

"I was attacked by Documentation [National Intelligence] agents and soldiers when in hiding. I had gone into hiding since the coup and they attacked the place. They came during the night, around 9 pm. There were police officers, SNR agents and Imbonerakure. They had handguns and Kalashnikovs. My wife's brother and sister were killed at the time of the attack. I was beaten and stabbed but managed to get out, as our co-residents intervened."

He then showed a scar on his back and on his left hand.

104. Interview with a witness. See also, RFI, "Burundi: assassination of opposition leader Zedi Feruzi", 23 May 2015, available at: <http://www.rfi.fr/afrique/20150523-burundi-assassinat-opposant-zedi-feruzi-upd-bujumbura> [in french].

On 7 September 2015, Patrice Gahungu, UPD spokesperson, was gunned down in Bujumbura when on his way home.¹⁰⁵ Patrice Gahungu had filed a complaint against the State of Burundi with the United Nations Committee Against Torture, stating that he had been tortured when detained on SNR premises in 2010, sometimes in the presence of Adolphe Nshimirimana, head of the service at the time.¹⁰⁶ He had won his case on 10 August 2015, scarcely a month before his assassination.¹⁰⁷ Sources within the UPD state that, before being killed, he had received threats instructing him to withdraw his accusations.

On 30 September 2015, Jean-Baptiste Nsengiyumva, president of the MSD opposition party for the commune of Muramvya, was assassinated by armed men who lay in wait for him and attacked him with grenades.¹⁰⁸

Our organizations have met several representatives and leaders from opposition political parties. Three of them have revealed that they have survived assassination attempts. One provided the following testimony:

“In April 2015, I had to leave my house in Nyakabiga and seek refuge in Musaga. A group of young Imbonerakure, accompanied by police officers, came to my home when I wasn’t there. A friend warned me and I preferred to change neighborhood. At the end of April, a police officer fired at me and at the people I was with at the time. One member of my party received a slight head wound. It was a day of demonstrations but wasn’t during a demonstration. I think he was targeting me.”

On 16 October, Charlotte Umugwaneza, an MSD activist, was abducted by unidentified men who, according to residents’ accounts, forced her into a car with tinted windows in the neighborhood of Ngagara. The men are suspected of belonging to the SNR. Her lifeless body was found on 17 October in Gikoma River.

Regular alerts on social networks report the killing of members of opposition political parties. It should be noted that Twitter is the social network used most often by Burundians when reacting to the current crisis and supplying firsthand information. There are numerous Twitter feeds recording arrests, assassinations and kidnappings. While these alerts are not always reliable, some sources convey highly credible and corroborated information, supplied by local observers, residents and sometimes sources inside the army, police and SNR. One example of this is the twitter feed of SOS Médias Burundi, (@SOSMediasBDI). Some human rights defenders in exile with networks of informers throughout the territory of Burundi are also very active on Twitter.

“There’s nowhere to hide”: regime “opponents” are pursued across the border

Jeanne’s testimony above confirms that extrajudicial executions also extend to cross-border manhunts. Burundians living in exile have recounted how they continue to be hunted down by the *Imbonerakure* and agents of the Burundian intelligence service in the countries where they have sought refuge, often with the complicity of people belonging to local militias.

105. Regarding this case, read articles published by IWACU on 8 September 2015, “Alert – Gihosha: Patrice Gahungu, UPD spokesperson killed” and RFI on 10 September 2015, “Burundi: opposition figure killed had filed a complaint with the UN against the State” [both in French].

106. See the testimony of Patrice Gahungu on the Trial NGO website, with whose help he had brought his case: “Torture of Mr. Patrice Gahungu in July 2010”, 12th February 2016, available at: <https://trialinternational.org/fr/media-post/newsletter-october-2015/>

107. United Nations Committee Against Torture, communication no.522/2012, 24 September 2015, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/216/66/PDF/G1521666.pdf?OpenElement>

108. Read article published by newspaper IWACU, 30th September 2015, “An opposition figure killed in Muramvya” [« Un opposant tué à Muramvya » in French].

Many of the people interviewed by our organizations confirmed that the *Imbonerakure* permanently operate in countries bordering Burundi (Rwanda, Tanzania and the Democratic Republic of Congo), as well as in more distant countries such as Uganda and Kenya, and even Sudan and South Sudan.

On a case-by-case basis, ***Imbonerakure* personnel are sent specially out of Burundi**, by order of the Burundian authorities, on missions to kill certain identified individuals: political opponents, members of Burundian civil society, journalists, demonstrators and victims who could divulge information about the torture they have undergone.

Richard¹⁰⁹, 32 years-old, is a member of the MSD who left Burundi following death threats and an assassination attempt by police during demonstrations. He explains:

"I went to South Sudan where I stayed for 9 months. But I had to leave the country when two Imbonerakure were specially sent to track me down. As I had an assumed name, they couldn't find me, but I had to leave Juba for another province.

Four days before Christmas in December 2015, I got a call from a friend who was in the Imbonerakure telling me that they'd just sent groups to 3 countries: Uganda, Kenya and South Sudan looking for opponents and that I was one of those on the list they were after. He told me: 'My brother, be careful and on alert and find a way to hide. I am in the Imbonerakure, but I can't do anything against the group. I'm telling you this as a brother'. In January 2016, they did kill one of my friends, the leader of an opposition party, in Nairobi. Then I knew that what my friend had told me was true. In February 2016, when I went into a restaurant to get lunch, I met two Burundians I knew. They asked me if I knew how to get in touch with a friend of mine who is a member of a political party and was in South Sudan at the time. I told them I didn't know. Then they invited me to have a drink in a bar. Before rejoining them, I noticed they were making a lot of calls so I decided to leave the area that very night."

To locate these people, the intelligence services, with the help of the *Imbonerakure*, puts its network into operation, undertaking surveillance on offices of the United Nations High Commissioner for Refugees (UNHCR) and Burundian embassies in neighboring countries.

Several victims we talked to in Uganda admitted having received phone calls from Burundian or local numbers. These calls are sometimes anonymous and sometimes made by *Imbonerakure* well known to the Burundians living in the country. Their names cropped up regularly in the accounts given by people interviewed by FIDH and ITEKA during their mission and some were directly able to identify members of the Young People's CNDD-FDD League. Maximilien¹¹⁰, a Burundian refugee journalist in Uganda, reported: *"Here, I live in a area where I can't go out. I stay home, because I know there are Imbonerakure around. I only go out for mass or to do the shopping, that's all. I have seen Imbonerakure whom I know."* (see below. "The Responsible" – "The *Imbonerakure*")

Burundians in exile revealed to the mission that they had been the target of assassination attempts by men they suspected of being *Imbonerakure* or agents of the National Intelligence Service who spoke Kirundi during the attacks. Attacks also took place in refugee camps, mainly the Nyarugusu¹¹¹ camp in Tanzania. FIDH and ITEKA recorded the testimony of a young Tutsi Burundian refugee in

109. The name has been changed.

110. The name has been changed.

111. *The Guardian*, "Nowhere to run: Burundi violence follows escapees across borders", 15 April 2016, available at: https://www.theguardian.com/global-development/2016/apr/15/nowhere-to-run-burundi-violence-follows-escapees-across-borders?CMP=share_btn_tw

Uganda who was attacked by a group of men in March 2016. He reported that the attackers said “Mwice”, which means “Kill him” in Kirundi before they tried to kill him. He was stabbed in the head and survived, but had to spend several weeks recovering in hospital.

On the 1st of January 2016, Jean de Dieu Kabura, an MSD militant exiled in Kenya, was killed in the Wanyelo neighborhood of Nairobi by a young man suspected of being a lead Imbonerakure operative in the country according to investigations conducted by our organizations.

An elected member of the CNDD-FDD who left the country after being threatened and attacked because of his opposition to those in power told us:

“We arrived here on the 11th. But I couldn’t stay because the government sent Documentation agents and the Imbonerakure. It’s well known here. They send them to the embassy to track us down. They have direct links with the Burundian embassy here and they hunt people down. I get threats, anonymous phone calls from Burundian, Ugandan and Sudanese numbers. I don’t answer in case they can pinpoint where I am.

I’m so much on their radar that I was attacked again at the end of 2015.¹¹² Strangers rang us several times during the day. I was at home with my wife around 8pm. They forced open the door and I couldn’t see how many of them there were. They hit me. They had guns and other weapons and beat me up. My wife managed to call the police and they got there in about twenty minutes and took me to hospital. The men got away. I think they were Imbonerakure or maybe Documentation agents. Some of them spoke Kirundi. I know that the authorities are looking for me and want me dead. I’ve moved again, the third time in three months.”

Many people who fled Burundi and who were interviewed by FIDH and ITEKA disclosed that they were “terrified”, “unable to sleep at night” and unable to leave their homes.

Repression and alleged extrajudicial executions of soldiers and police from the Former Burundian Armed Forces

The Burundian authorities also seem to be involved in **scores of targeted assassinations, forced disappearances and arbitrary arrests of soldiers and police from the Former Burundian Armed Forces (BAF)**. The targets of these attacks are predominantly Tutsi, and are commonly known as the ex-Burundian Armed Forces. Many reports indicate that these agents they are considered “disloyal” elements in the army and likely to turn against President Nkurunziza because of their ethnicity.

The assassination of Lieutenant-Colonel Darius Ikurakure on the 22 March 2016 triggered a wave of repression against ex-Burundian Armed Forces officers. In his Report of the 18th of April 2016,¹¹³ the UN High Commissioner for Human Rights stated that “*soldiers held on National Intelligence Service premises claimed to have witnessed the murder of several of their colleagues. On the 10th of April 2016, the body of an ex-Burundian Armed Forces soldier who had been arrested the night before by the police was found in Gasenyi near Citiboke. At least five soldiers are said to have disappeared as well in the last few weeks following their arrest by the police or the army.*”

Since 16 April 2016, an ex-Burundian Armed Forces officer, Captain Didace Nizonkiza, who worked as a computer specialist at the Armed Forces Headquarters, has been reported missing. His family

112. See testimony above.

113. Report of the United Nations High Commissioner for Human Rights, 18 April 2016, <http://www.un.org/apps/newsFr/storyF.asp?NewsID=37041#.Vx-OZyZb9NH>

and associates have had no news of him and they fear that he has been killed. He had already survived one attempted abduction in March 2016.

A soldier and an ex-Burundian Armed Forces police officer were also killed on the 20 April 2016 in an attack blamed on elements of the national Defense forces on Kivumu hill in Mugamba commune, Bururi province. Various reliable sources state that these killings were in reprisal for the deaths of Lieutenant-Colonel Emmanuel Buzubona, ex-PMPA, and the motorcyclist who was transporting him. The latter were killed by unidentified armed men on the same day in the town of Kinama, Bujumbura municipality.

Ex-Burundian Armed Forces Major Alphonse Ntungwanayo, on secondment from the army to the United Nations Office for Project Services (UNOPS), has been missing since 22 April 2016. This Burundian army officer had been arrested two days earlier by members of the Presidential Guard working in the Office of the President of the Republic, located in the inner city district of Rohero in the center of the capital. His family has mounted fruitless searches trying to locate him and has little hope of finding him alive.

National Intelligence Service officer Savin Nahindavyi has likewise been missing since 1 May 2016. According to information conveyed to our organizations by members of his family, Savin Nahindavyi arrived at his office in the morning and talked to his wife on the phone around 5pm. The family has heard nothing from him since, and he is still listed as missing. Certain credible sources told our organizations that the victim was viewed negatively by senior representatives of the ruling party and the police.

On the 25 April 2016, Tutsi general, Athanase Karakuza (photo below), was killed in Gihosha, in the capital's north-east. The security and Defense advisor to the Burundian first vice-president, Gaston Sindimwo, and former second-in-charge of the African-led International Support Mission to the Central African Republic (MISCA) was killed early in the morning together with one of his bodyguards, his wife and his daughter while he was taking his daughter to Lycée du Saint Esprit. The group were targeted by a grenade and rocket attack from a group of heavily-armed individuals dressed in army uniforms, according to witnesses at the scene. Two army officers close to the case say that the driver and General Karakuza's second bodyguard were admitted to the Bujumbura Military Hospital but quickly left, fearing that they would be targeted again. One of these sources stated: *"There are good reasons for believing that General Karakuza was killed because he was a Tutsi. Witnesses saw soldiers firing on his vehicle even though he had loyally served the current regime. In the current context, I can see no reason other than an ethnic one, which shows the ethnic dimension to the crisis is just getting worse and worse."*

Another source close to ex-Burundian Armed Forces officers stated: *"Since the murder of Darius Ikurakure, Head of the Combat Engineering Battalion, ex-Burundian Armed Forces troops are panicking. The authorities are targeting them and they have no idea what to do. The situation is getting worse and there's a real manhunt on in the police force and the army."*

Alongside these measures taken against soldiers and police of the former Burundian Armed Forces (BAF), military sources indicate that the authorities are believed to be planning the forced retirement of around 700 ex-Burundian Armed Forces personnel from mid-April 2016, only 3 of whom are Hutu. This could continue to undermine the ethnic balance within the defense forces. In mid-April, 48 ex-Burundian Armed Forces' members of the Institution Protection Agency (IPA) were relocated from Bujumbura to the interior of the country.¹¹⁴ Forty-six of them were Tutsi.

¹¹⁴ Strategic positions are concentrated in Bujumbura.



General Athanase Kararuzza, on February 5, 2014, in Bangui. At the time he was second-in-charge of the International Mission in Support of Central African Republic (MISCA). © ISSOUF SANOGO / AFP

FIDH and ITEKA estimate the number of ex-Burundian Armed Forces personnel who have suffered targeted assassination or forced disappearance since the crisis began is at **several dozen**. This repression of Tutsi officers has been intensifying since March 2016 and the National Defense Force seems on the brink of a total breakdown, which could lead many ex-Burundian Armed Forces elements to join armed rebel groups. This can only deepen the crisis. These developments are a further worrying sign that the Burundian authorities are continuing to apply discriminatory policies, targeted policy of eliminating up to the commission of acts of genocide.

ATTACKS AND TARGETED ASSASSINATIONS BY ARMED REBEL GROUPS AND UNIDENTIFIED ARMED GROUPS

Since August 2015, targeted assassinations carried out by unidentified armed men suspected of belonging to armed rebel groups have been increasing. They generally tend to single out high-ranking officials of the ruling party, Defense and security forces. However, increasingly, more modest profiles have also been targeted: community and local representatives of the CNDD-FDD, members of the police and army, and more generally, people suspected of supporting the repression as *Imbonerakure* or police and National Intelligence Service informers.¹¹⁵ In Burundi, political figures now move around only with the protection of a praetorian guard and President Nkurunziza appears only rarely in public. Most of the time he lives in Gitega province in the center of the country, and only comes to the capital in exceptional circumstances. Armed and grenade attacks, sometimes with rocket launchers, have been claimed by armed rebel groups (mainly the

¹¹⁵. According to information compiled by our organizations since April 2015. Note particularly cases detailed below.

RFB Red-Tabara)¹¹⁶ and very often result in civilian victims, spreading terror in the population. An inhabitant of the Jabe area told our organizations: *"I hardly go out any more. We're afraid with all these grenades going off. Before we used to go to nearby bars. Now we come straight home from work and everyone is home by 7pm."* In Bujumbura, a *de facto* curfew exists and streets in the capital are empty from 6pm every night. Police and military roadblocks are set up at nightfall and vehicle checks and searches have become systematic. Since January 2016, attacks and targeted assassinations by men suspected of belonging to rebel groups have re-intensified, which marks a further murderous heightening of the violence and only leads the authorities to repress the Burundian population even more. According to their investigations, our organizations believe that since the beginning of the crisis, rebel groups have been responsible for **scores of assassinations**.

On the night of 10 October 2016, a group of unidentified armed men attacked a bistro on the Saga hill in the Ruteme zone, Rumonge province. Three people were killed in the attack: Romuald Bigirindavyi, director of the basic school Ruteme and member of the CNDD-FDD, Gregory Havyarimana, teaching at the elementary school of Saga, and Edward Sindatuma, living under the hill Saga. The attack was not claimed but a credible source told our organizations it probably was Romuald Bigirindavyi because of his membership in the ruling party.

3. 2. 1. Targeted attacks against top regime officials

On the 2 August 2015, Lieutenant-General Adolphe Nshimirimana, former right hand man to President Nkurunziza and head of internal security, was gunned down in an attack on his car by armed men in military uniforms. His car was hit by two rockets and a hail of bullets from automatic weapons. The former chief of staff of the ex-rebellion CNDD-FDD was one of President Nkurunziza's closest and most trusted associates. He was a key figure in the Burundian security services, the army and the *Imbonerakure*, with many members considering him their leader. Adolphe Nshimirimana had headed the National Intelligence Service for ten years, was presented as the regime's number two man and was believed to be one of the brains behind the repression of demonstrations and the thwarting of the *coup d'État* on 13 May 2015. His killing marks the beginning of a long series of targeted assassinations, both of persons in the Pierre Nkurunziza's camp, as well as those deemed his "opponents". Accordingly, on the 15 August 2015, Colonel Jean Bikomagu, a former Tutsi chief of staff and a symbol of the ex-Burundian Armed Forces, was killed by motorcyclists who fired on him before fleeing, outside his home in Bujumbura.¹¹⁷ Many, especially inside the CNDD-FDD, saw this assassination as a payback for the assassination of Adolphe Nshimirimana.¹¹⁸

On 11 September 2015, General Prime Niyongabo, chief of staff of the Burundian army, narrowly escaped death when his convoy was ambushed in Bujumbura, resulting in the deaths of seven people.¹¹⁹ On 15 September 2015, Joseph Bigirimana, head of the Kivago commune and a top official in the ruling party was killed in his home.¹²⁰ On the 27 November 2015, a high ruling party official, Zénon Ndaruvukanye, survived an attack in Bujumbura.¹²¹ This deputy is one of

116. Two rebel groups formed during the crisis: Republican Forces of Burundi (RFB) and Resistance for the Rule of Law (RED-Tabara).

117. Read the article published by TV5Monde, 16 August 2015, "Burundi : le colonel retraité Jean Bikomagu assassiné en plein Bujumbura" (retired Colonel Jean Bikomagu killed in downtown Bujumbura).

118. Following mission enquiries with representatives of international organizations there and local observers.

119. Read the article published in *Le Monde*, 11 September 2015, "Le chef-d'état major de l'armée réchappe d'une tentative d'assassinat" (army chief-of-staff escapes assassination attempt).

120. On this case and cases of arbitrary arrest more widely, read the article published by RFI, 17 September 2015 "Série d'arrestations massives dans le centre et le sud du Burundi" (Series of massive arrests in central and south Burundi)..

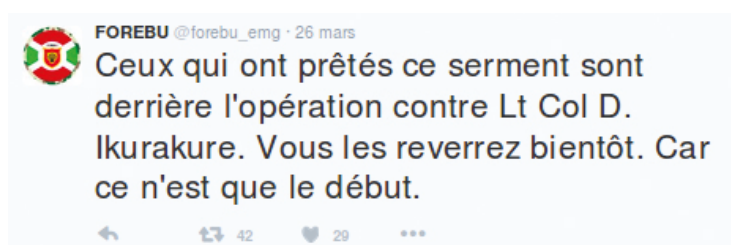
121. Following information compiled by FIDH and ITEKA at the time. See also RFI, "Burundi: a deputy in the ruling party survives attack", 27 November 2015, available at: <http://www.rfi.fr/afrique/20151127-burundi-depute-parti-pouvoir->

Nkurunziza's close advisers and an influential figure in the regime.

On 29 November 2015, Colonel Serge Kabanyura, commander of the 5th military region and highly placed in the army, was wounded in an ambush by armed men when he was caught in his car in the Nyabiraba commune, 20 kilometers south-east of Bujumbura.¹²² His driver along with four soldiers escorting him were wounded. One of them died of his wounds a few days later.

On the 4 December 2015, one of the highest officers in the Burundian police, Christophe Manirambona, *alias* "Wakenya" (the cripple) was also the alleged target of an attack. Although he was not on board at the time, one of his vehicles was hit by rocket fired in Avenue du Peuple Murundi, one of the busiest streets in Bujumbura, according to information compiled by our organizations. This former fighter in the previous NCDD-DDF rebellion is the head of Special Units in the National Police (IPA, ARS, RIMG, BRIJ¹²³), heavily involved in the repression, and one of President Nkurunziza's most trusted associates. Following this unsuccessful attack, *"three attackers were killed, two others arrested and weapons were seized"*, according to the police.¹²⁴

After a period of apparent calm, Lieutenant-Colonel Darius Ikurakure, head of the Combat Engineering Battalion (CEB) – a prime mover in the repression – was killed on the 22 March 2016 by an unidentified man in military uniform right inside army headquarters. This senior officer has been implicated in many cases of summary and extrajudicial executions, torture and arbitrary arrests and is thought to be the key figure behind the repression in the northern suburbs of the Burundian capital. His assassination was claimed in a tweet dated 26 March 2016 by the Republican Forces of Burundi (RFB), an armed rebel group formed in January 2016 and largely made up of rebel Burundian officers. As outlined above, the death of Lieutenant-Colonel Darius Ikurakure sparked a wave of reprisals in the army against officers of the ex-Burundian Armed Forces and widened divisions in the national Defense forces, triggering a new cycle of violence and targeted killings.



On Sunday 24 April 2016, the Human Rights Minister, Martin Nivyabandi, and his wife narrowly escaped a grenade attack when they were leaving mass in Bujumbura. The grenade exploded near their car as they were approaching it. The city mayor, Freddy Mbonimpa, condemned the incident as a *"terrorist attack carried out at a place of worship"* committed according to him by *"armed criminals"*.¹²⁵

echappe-attentat

122. Following information compiled by our organizations at the time. See also, RFI, "Burundi: un haut gradé de l'armée cible d'une embuscade?" (High-ranking army officer target of ambush?), 29 November 2015, available at: <http://www.rfi.fr/afrique/20151129-burundi-haut-grade-armee-cible-embuscade-bujumbura-rural-militaire-kabanyura>

123. IPA, Institution Protection Agency; ARS, Anti-Riot Squad; RIMG, Mobile Group for Rapid Intervention; BRIJ, Search and Judicial Intervention Brigade.

124. According to reports compiled by RFI, "Burundi: un haut responsable de la police visé par une embuscade" (Burundi: senior police official targeted in ambush), 4 December 2015, available at: <http://www.rfi.fr/afrique/20151204-burundi-general-christophe-manirambona-embuscade-bujumbura>

125. Also read RFI, "Burundi, le ministre Nivyabandi et son épouse échappent de peu à un attentat" (Burundi: Minister Nivyabandi and his wife narrowly escape attack), 24 April 2016, available at: <http://www.rfi.fr/afrique/20160424-burundi-ministre-nivyabandi-son-epouse-echappent-peu-attentat>

3. 2. 2. Widening attacks

Since January 2016, these attacks have intensified. FIDH and ITEKA have documented a number of these cases. The examples quoted below are not an exhaustive list of the crimes committed by individuals acting on behalf of armed rebel groups. Many attacks are not brought to the attention of human rights Defense organizations and are not the subject of any inquiry.

By way of example, on 31 December 2015, Jackson Vyankamvuga, the local head of the Kagazi sector in Rugombo commune, Cibitoke province, west of Burundi, was killed by unidentified armed men. Witnesses told our organizations that the killers of this elected official and member of the NCDD-DDF were thought to have fled across the Rusizi River into the neighboring Democratic Republic of Congo. According to local observers, these men are suspected of belonging to a rebel group whose members frequently cross the Congolese border in small groups of up to five men to carry out targeted attacks in nearby areas.

On the 21 January 2016, following the arrival in the Burundian capital of a delegation from the United Nations Security Council, a series of explosions and automatic gunfire was heard in several parts of Bujumbura, the city center, north and south. At least one teenager was killed when a grenade thrown by unidentified armed men exploded, with another person wounded. These acts of violence have not been claimed.

February 2016 saw an upsurge in violence and increasing attacks using mostly grenades in Bujumbura and elsewhere in the country. During the night of the 5th February 2016, in the Musaga area, four men were shot dead in an attack carried out by unidentified armed men. The victims were suspected of being *Imbonerakure* who made list of young people opposed to President Nkurunziza's third mandate in order to be arrest by the police and the National Intelligence Service. That same night, an outspoken headman in Cibitoke was killed when two grenades were thrown in his direction as he walked along the street in plain clothes.

Between 11 and 23 February, more than twenty grenades were thrown in the capital, resulting in at least ten dead and 90 injured. On the 14 February, an attack on a military post located on 12th Avenue in Mutakura district killed three soldiers and one civilian, with several wounded. In one day, on 15 February, six grenades exploded in the capital. One of them targeted a police post belonging to the Institution Protection Agency (IPA – presidential police) in the Ngagara 5 district, occasioning one civilian wounded. In the Buyenzi district, near the city center, a grenade explosion killed a ten-year-old child, and resulted in several others also wounded. In all, 60 people were treated for grenade injuries by Médecins sans Frontière (MSF) on 15 February, according to figures released by the NGO. On the night of February 22 to 23, ten grenades exploded in different parts of Bujumbura. Police sources reported that two grenades went off in the Ngagara 5 district, six in Musaga, with two injured including a soldier, and one further exploding in Kanyosha injuring ten. A man was allegedly shot by police as he got ready to throw a grenade in Kanyosha. Another grenade was reported to have gone off in the suburb of Mutakura, with two injured. **This was the first time since the crisis began that attacks by unidentified armed men occurred in the capital with such frequency.**

On the 13 February 2016, a woman known as Chantal was killed in Musaga between First and Second Avenue. According to local sources, this member of the CNDD-FDD was suspected of being a police informer and a member of the National Intelligence Service thought to be helping to identify young Musaga residents opposed to President Nkurunziza's regime. On the night of 19-20 March 2016, on Rukina hill in the commune of Mukike, Didier Sindakira, local head of the *Imbonerakure* militia, was killed in an armed attack while in the company of two soldiers from the Rukina post.

On 22 March, a policeman was shot and killed in the Kinama suburb of Carama, north of the capital Bujumbura by unidentified armed men.

During the night of 30 March 2016 at around 9pm, the second-in-charge of Mutwenzi camp, Major Nkwikiye, was attacked by armed men in Kirundo province, in the commune of Kirundo-center, on Nyange-bushaza hill. He survived the attack but his bodyguard died at the scene.

On the 16 April 2016, four militants belonging to CNDD-FDD were killed during armed attacks in Mugamba commune, Bururi province, in the south of the country. Local sources reported that the first of these attacks was carried out by men wearing hoods and army raincoats who targeted a pub on Nyatubuye hill. Léonidas Manirakiza, Jean Boco Havugiyaremye and Édouard Nzambimana died in the assault. Jean Japhët Karibwami was killed on the neighboring hill at Muyange-Kavumu by unidentified armed men suspected of belonging to a rebel group.

New grenade attacks took place during the night of the 17 April 2016 in the city of Bujumbura. The first attack targeted the Police Officers' Mess in district 9 of the Ngagara area. Witnesses reported three police officers were wounded. Three other people were wounded in a second grenade attack targeting the Masumbuko bar in the Ngozi quarter of Kinama district.

These attacks continue to increase, with daily alerts issued on social media. The increasing attacks in both Bujumbura and other provinces in the country show that **different armed rebel groups have strengthened their capacity to act**, which in the coming months could lead to **even more open military conflict possibly paving the way to a new civil war**.

At the same time, other armed groups formed before the crisis continue to mount attacks, which further blurs the situation. Our organizations are worried that the proliferation of these rebel groups will only further undermine the security situation in the country and the sub-region.

MASSIVE, SYSTEMATIC AND WIDESPREAD ARRESTS AND ARBITRARY DETENTIONS

Since the crisis began, arrests and arbitrary detentions have become a daily occurrence for Burundians. From information compiled by FIDH and the ITEKA, more than **8,000 people have been detained since April 2015 for political reasons**. This is a conservative estimate which nevertheless makes clear that a **widespread and systematic practice of arrests and arbitrary detentions** exists in the country, carried out by the security services, mainly in the capital but also in Bujumbura Rural and the country's other provinces. The provinces most affected by this development are those considered the most hostile to the government and where demonstrations have taken place, especially Bujumbura Rural, Bururi, Mwaro, Cibitoke, Rutana, Makamba, and to a lesser extent Ruyigi, Kirundo et Muramvya.

These arrests can take the form of **targeted arrests** or extensive round-ups and searches, with the authorities taking scores of individuals into custody at any one time. Since April 2015, there have been many eyewitness accounts.

A young demonstrator in his twenties from Musaga fled the country after being processed in the National Intelligence Service detention facility in November 2015. He told our organizations:

"After [the failed coup d'État] the authorities set out to identify the young people who had joined in the demonstrations and arrest them one by one. We came together to refuse to be arrested and to stop them getting us in our districts one by one. To resist arrest, we blocked the streets. I was living with other young people from Musaga who were fellow demonstrators. There were other young people who had not necessarily demonstrated but who wanted to protest against these arrests which could affect your brother, your sister, anybody. We blocked the streets with rocks, bottles and sometimes we tore up the roadway so that police vehicles and the Imbonerakure could not enter the neighborhood. Our resistance was spontaneous. I have never belonged to a political party."

There are daily social network alerts from credible sources reporting civilian arrests by the Defense and security forces. They are often corroborated by other sources.

**SOS Médias Burundi**
@SOSMediasBDI



Abonné

INFO - Muramba (Mugamba) : plus de 150 arrestations facebook.com/sosmediasburun ...
#Burundi #BurundiCrisis

RETWEETS
7

JAIME
1



04:12 - 21 avr. 2016



**SOS Médias Burundi**
@SOSMediasBDI



Abonné

INFO - Mukike (province de Bujumbura) : des arrestations dans la localité de Mutobo menées par des militaires **#Burundi**
#BurundiCrisis

RETWEETS
21



23:22 - 20 avr. 2016





SOS Médias Burundi

@SOSMediasBDI



Abonné

INFO - Gisuru (Ruyigi) : 3 personnes arrêtées dans une résidence appartenant à un frondeur du CNDD-FDD facebook.com/sosmediasburundi ... #Burundi

RETWEETS
21



04:06 - 20 avr. 2016



SOS Médias Burundi

@SOSMediasBDI



Abonné

INFO - Makamba : 6 policiers ex-FAB en détention facebook.com/sosmediasburundi ... #Burundi #BurundiCrisis

RETWEETS
28

JAIME
2



04:23 - 19 avr. 2016



SOS Médias Burundi

@SOSMediasBDI



Abonné

INFO - Cibitoke (Bujumbura) : 8 personnes arrêtées dans le cadre d'une fouille-perquisition facebook.com/sosmediasburundi ... #Burundi #BurundiCrisis

RETWEETS
18

JAIME
2



03:15 - 16 avr. 2016



3. 3. 1. Round-ups and victim selection

The identification of protesters

Since the outbreak of demonstrations in Bujumbura in April 2015, the security forces have sought to identify those who led the demonstrations and those who took part. As a result people arrested and detained, especially at the premises of the infamous “Documentation” (National Intelligence Service),¹²⁶ were systematically interrogated as to the identity of demonstrators photographed during the demonstrations. These systematic interrogations of thousands of detainees enabled the security services to compile extensive files and lists involving information on thousands of people considered rightly or wrongly to be opposed to the ruling regime. While this vast computer database and intelligence apparatus originally sought to identify demonstrators, the security machine now seems to have assumed a life of its own and today whole populations are the target of its massive database. To be the relative or friend of an individual classified today as a “troublemaker” or regime opponent leaves one open to arrest or torture designed to extract information as to the identity, whereabouts and activities of the “suspect”.

The security services therefore rely on **lists of names, files and photos**, *identifying* individuals to be arrested, imprisoned and sometimes executed. These records are used to carry out searches and track down “undesirables”. They are also used during identity checks carried out daily by the police throughout Burundian territory and at border posts. A mention on these lists is a guarantee of certain arrest. These lists were started in April 2015 by the intelligence service and the *Imbonerakure* mainly using videos and photos taken during the demonstrations and which circulated on the internet and social networks. Various testimonies also indicate that photo albums were illegally confiscated from some Bujumbura residents during searches and seizures by the police, the *Imbonerakure* and the National Intelligence Service. According to on-the-ground information, these lists are regularly updated.

A thirty-year-old man who was arrested in the Nyakabiga quarter and survived an extrajudicial execution on the 11 December 2015, told our organizations how he was hunted down by his assassins:

“They [the police] published photos far and wide that they had found in an album at my place. [...] So I crossed the border through the forest with another person who had fled like me, though I didn’t know him before. We had to cross the border via the forest since our photos had been put on display at border posts. I know that because even at the Documentation my photos were there for all to see. The police and soldiers always had photos with them when they went to arrest people.”

A resident of Ngagara quarter, aged 26, who didn’t take part in anti-third mandate demonstrations and belongs to no political party, told the mission:

“On the 12 January 2016, around 9 in the morning, I was heading off to school as usual. I was going to catch the bus, and as I got nearer the bus stop, a pick up stopped in front of me. There were two policemen in the front and four in the back. As they arrested me, they blindfolded me and immediately asked where we were hiding our weapons and ammunition for the fight against

126. The premises are those of the National Intelligence Service, formerly known as the Research and Documentation Service. The Burundian Intelligence Service, no matter what the regime, has long been known to practice torture of detainees. See FIDH reports: *Burundi - Les élections de 2010 : un test à ne pas rater pour consolider la paix*, <https://www.fidh.org/fr/regions/afrique/burundi/Burundi-Les-elections-de-2010-un> and *Burundi, : soutenir la société civile déjà en 1998*, <https://www.fidh.org/fr/regions/afrique/burundi/Soutenir-la-societe-civile>.

President Nkurunziza. They took me to quarter 6, between Ngagara and Kikore, near Lake Tanganika University for me to show them the arms caches. The two policemen grabbed me by the arms. There were two other young people arrested with me: a boy who was blindfolded and a girl. One of the policemen emptied my pockets of everything. They forced me to show them where the rebels were, and where the demonstrators were. But I told them I wasn't part of the system and that I hadn't demonstrated. They showed me a lot of photos: some looked like me, but I denied it was me; still, I recognized a few other faces. Then they tortured me trying to drag out my tongue and cut it off. They said that if I didn't start talking they'd keep torturing me. Then the pick up drove off and since I was blindfolded, I had no idea where they were taking me."

A member of the NCDD-FDD who left Burundi after being attacked by the security forces for his opposition to President Nkurunziza's third mandate told the mission how he left the country:

"I was forced to leave the country. I couldn't pass through the border posts since they had lists, so the priest with me worked out a little scheme. He was in our vehicle and we were travelling quite close to the border. They had the names of those who were against the 3rd mandate and had signed the petition. The priest said we were going to visit a parish over on the other side. We reached Rwanda."

While claiming to be carrying out simple identity checks and arms searches, the security forces regularly end up sealing off whole districts for hours on end, sometimes days – and particularly those in Bujumbura that are considered oppositional. At those times, all inhabitants are forbidden either to enter or leave the district, which leaves the way open to blunt and violent **searches and seizures**, almost always without a warrant, as well as **round-ups**, far from the scrutiny of national and international observers. An international observer working in Bujumbura told our organizations that *"during the round-ups, districts are sealed off and even we can't get into them or move around"*. The security forces are then able to cart away scores of people.

Following these search operations and round-ups, the security forces fall back on their lists to help them make **selections** and decide on the fate of the people arrested. A 35-year-old man living in the Mutakura district told our organizations how he had been arrested early in the morning at home as he was coming back from work. He was apprehended on a Wednesday in February 2016 by men belonging to Lieutenant-Colonel Darius Ikurakure's Combat Engineering Battalion (CEB).¹²⁷ He said he was arrested with ten other men before being driven to a military post in Bujumbura. He went on:

"That evening, around 6, Darius arrived with another group of youngsters in a pick up and with a list of names. He started to sort us out on the spot. I was lucky because my name wasn't on his list. He asked everyone their name and checked it against his list. We saw he had information about us. Since I wasn't on the list, he asked me to denounce the young people who had fired on the security forces and warned me by saying that if I was caught again, I would be executed. I told him I didn't know those young guys, as I was either at work or asleep, being a night watchman. He let me and two other men go. When I left, he passed me in his pick up with seven young fellows; I don't know where they ended up."

127. The Combat Engineering Battalion (CEB) is one agency very active in the repression, especially in the northern districts of Bujumbura. Darius Ikurakure, who was assassinated on the 22 March 2016 at Military Headquarters by an unidentified man wearing army uniform, was thought of as the district "executioner".

3. 3. 2. Systematic arrests: a practice now “impossible to document”

In February 2016, a local observer based in Bujumbura told our organizations: “Arbitrary arrests?! We’ve stopped keeping track of them! They happen every day, to the point where we can’t document them any longer. We’re completely overwhelmed”. He added that in February 2016, in the Bujumbura Mairie, 100 to 150 people were put under arrest every week. Bujumbura suffered an upsurge in grenade attacks by unidentified armed men in February. These attacks in turn prompted further massive waves of arrests in the various districts. Different credible local and international sources further state that these grenade attacks are thought to be carried out by men acting on behalf of the Burundian authorities, in order to justify the arrests. Our organizations were not in a position to confirm or deny these assertions.

The mission made numerous visits to the so-called opposition districts in the Burundian capital, mainly the Mutakura, Musaga, Ngagara, Cibitoke and Jabe districts. One immediate observation upon entering these districts was that there were hardly any men to be seen anywhere, except the elderly. Those who were no longer there have either left the country or been arrested and/or subjected to arbitrary detention for political reasons. Others have simply been executed.

Our organizations estimate that in March 2016, around 70 people were arbitrarily arrested each week in Bujumbura. Some were freed on the same day or a few days later, often after the payment of a ransom. According to local observers, this was similarly replicated in other provinces thought of as opposition territory. In April massive arbitrary arrests intensified further. On Thursday 21 April 2016, at least 120 people were arrested in downtown Bujumbura and different parts of the capital, according to information compiled by FIDH and ITEKA.

These arrests have also become systematic in other provinces in the country. On 21 April 2016, at least 150 people were arrested in Mugamba commune, Bururi province, east of Bujumbura following a vast search operation looking for weapons and fighters in the Mubira and Nyamugari hills.¹²⁸ Of the 150 people arrested, most were young people, civil servants and demobilized soldiers. They were taken to the police station in the Nyagasasa area. Six people were detained, one of them a male teacher from Fidèle Bizimana primary school. The others were released according to information obtained by our organizations.

On Thursday, 5 May 2016, early in the morning, heavily armed police fanned through the opposition districts of Musaga and Kamesa in many vehicles. According to residents, the security forces undertook scores of arrests in Bujumbura. Police spokesman, Pierre Nkurikiye, denied these arrests saying that no one had been stopped or arrested in Bujumbura on the 5 May. The arrests followed the overnight killing of a man in Musaga by unidentified individuals, a common law crime according to the police. However, residents claimed he was a police informant. Information gathered by our organizations shows that on 11 May 2016 alone, at least 100 people were arrested by police units in the Musaga district, including women and girls. On-the-ground information indicates that following these arrests, the Imbonerakure, police informers and the National Intelligence Service were mobilized to identify the “guilty”. As this report was being completed, **massive arbitrary arrests were occurring** at an ever more alarming rate.

128. Our organizations were informed of these human rights violations that same day by local observers.

ENFORCED DISAPPEARANCES

Following the 21 July 2015 re-election of President Nkurunziza, FIDH and ITEKA began to inventory cases of persons having gone missing after being arrested by the Defense forces and Burundian security and / or National Intelligence Service agents. These cases have increased since the beginning of 2016 and our organizations estimate that around 300 to 800 people have gone missing since April 2015. This practice aims in particular to conceal evidence of abuses by security forces, torture of detainees that can lead to death, and summary and extrajudicial executions.

According to FIDH and ITEKA information, victims usually receive phone calls from known or unknown individuals asking to meet them. Upon arrival at the meeting place, the victims are arbitrarily arrested, abducted, then taken to unknown locations in National Intelligence Service, police, or army vehicles, or else unmarked cars. From that moment, their families can obtain no information on their fate, often paying very high ransoms, usually to elements of the security forces, without being able to find their loved ones or having their bodies returned to them. Family members often undertake procedures at police stations and with the National Intelligence Service but are generally unable to locate the victim.

Various people with whom the mission met have stated that they knew several people who disappeared among their relatives or their family circle. An 18-year old student stated:

"I have two friends who disappeared that I haven't heard from. The first disappeared in November and the second was taken in early December, before December 11. Since that time, I have never heard from them. They were students like me, and had participated in the demonstrations. They are still missing."

On 16 September 2015, Elvis Rukundo, aged 23, a native of the Kinama area of Bujumbura Mairie, was taken from the police detention center in Muramvya where he had been detained since 14 September, and put into a police vehicle. According to witnesses, this was the car of **Provincial Police Commissioner Donatien Barandereka**, who happened to be on board. The vehicle set out for an unknown destination. Since that time, no information can be obtained by our organizations on the fate of Elvis Rukundo who, according to local sources, was accused by the authorities of participating in the "insurrectional movement."

In September of 2015, Nestor Ndayizeye, an elected hillside official of the CNDD-FDD and former member of the UPRONA opposition party (Union for National Progress), was arbitrarily arrested in the Kiyonza area, on the Kirundo hill in Kirundo Province. According to investigations conducted by our organizations, he was ordered to board a non-registered vehicle belonging to the National Intelligence Service by individuals dressed in police uniforms.

Marie-Claudette Kwizera : ITEKA Treasurer, still missing

On 10 December 2015 at approximately 6:00 p.m., Mrs. Marie-Claudette Kwizera, ITEKA Treasurer, was arrested without a warrant in downtown Bujumbura by National Intelligence Service elements who forced her into a service vehicle. She was taken to National Intelligence Services offices. However, despite a search reportedly conducted by National Intelligence Service agents of the Service's detention cells, Marie-Claudette Kwizera remains missing. No information on her situation has been obtained to date and she remains missing from that day.¹ During its mission to Burundi, FIDH met with Burundian authorities, including the Permanent Secretary for Foreign Affairs, who stated that he knew nothing of the case of Marie-Claudette Kwizera and did not know whether an investigation had been opened. FIDH and ITEKA have nevertheless made several appeals to the authorities to agree to open an independent and impartial investigation in order to locate her. In the absence of any reaction from them, FIDH decided to engage the UN Working Group on Enforced or Involuntary Disappearances (WGEID) on 22 January 2016.²



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Join the campaign #SaveMarieClaudette

1. FIDH, "Burundi: With no news from Marie-Claudette Kwizera since her kidnapping, l'Observatoire brings the matter to the United Nations", January 22, 2016, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-sans-nouvelle-de-marie-claudette-kwizera-depuis-son>
2. FIDH, "With no news from Marie-Claudette Kwizera since her kidnapping, l'Observatoire brings the matter to the United Nations", January 22, 2016, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-sans-nouvelle-de-marie-claudette-kwizera-depuis-son>

Since January 2016, alerts from credible sources on social media reporting cases of abductions and possible enforced disappearances have increased. Our organizations have also registered an increase in disappearance cases of soldiers and ex-FAB police following the murder of Lieutenant Colonel Darius Ikurakure.



#Burundi "Une dizaine de jeunes arrêtés par le SNR à #Ngozi portés disparus depuis dix jours" via @radio_rpa rpa.bi/index.php/2011

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RETWEETS

21

J'AIME

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Since 19 January 2016, George Bernard Baran, an influential member of the MSD party (Movement for Solidarity and Development) in Bujumbura Mairie, has been missing. Our organizations were able to speak with members of his family. According to the victim's wife:

"He was at home around 6:00 p.m. when he received a phone call from a friend who goes by the nickname, Mirindi, telling him to join him in a bar in Bujumbura. As this was his friend since the demonstrations, he went without hesitation. I told him it was night [...] and he promised not to stay out too long. Around 7pm, Mirindi phoned and informed me that Bernard had been arrested by the police in a bar owned by an army general in Kigobe. I informed my father-in-law [...] and we started looking everywhere for him. Some persons said he was in SNR jail [National Intelligence Service], others, at the SRB [Special Research Bureau of the Judicial Police]."

The following day, Bernard Baranjoreje's family continued their search and traveled to various Bujumbura prisons in search of information, but failed to locate him. Bernard Baranjoreje's father finally reported the disappearance of his son to the Independent National Commission on Human Rights (INCHR). He says that INCHR officers told him they would "follow up on the case" without giving an further details. So far, the family has not been informed of any result.

Three days after the victim's disappearance, his wife received a phone call from police indicating that Bernard was being held at the Iwabo Do Abantu bar belonging to General Adolphe Nshimirimana. According to many allegations, the bar has been used as a place of illegal detention by National Intelligence Service agents since April 2015. On 7 February, a tweet posted by one Désiré Nduwarugira (@nduwarugira) warned that a witness saw Bernard Baranjoreje in front of the IWABO W'ABANTU bar in the presence of National Intelligence Service Agent "Kazungu," Joseph Mathias Niyonzima, and "Emmanuel," the Cibitoke area manager. Mirindi also indicated that SNR agents were behind Bernard's kidnapping.



Désiré Nduwarugira

@nduwarugira

Alerte

Baranjoreje Bernard vu au bar Iwabo wabantu devant Kazungu, Jonas SNR, Emanuel ex Admicom Risk d'execution. Un témoin qui vient au bar

[Traduire depuis une source en roumain](#)

2013 - 07 févr. 16

The officer who contacted Bernard's wife then sought to negotiate the victim's release in exchange for a ransom of 150,000 Burundian francs (about 80 euros), which the family resolved to pay. However, Bernard remains missing. His wife explained:

"I'm exhausted by this situation. At least, if I had buried him, I could be at peace. I try to forget but it is impossible now because the children ask me, 'Where is Daddy?' And that reminds me of many things ... Our little son takes his father's clothes and calls to him, 'Daddy, Daddy,' and it makes me cry."

Bernard's mother also stated:

"I'd like to see him alive. If he is guilty, justice will decide. These days, people are accused of being 'rebels' but I never saw my son with a gun, even if he was demonstrating."

A few weeks after her disappearance, the police returned to conduct a search of the family's home. Bernard's wife stated:

"They woke us with guns and the children were crying. They were asking me where my husband was and that deeply shocked me. I told them I no longer had a husband."

The case of Bernard Baranjoreje is emblematic of the *modus operandi* of the security forces and the National Intelligence Services: namely, arbitrary arrest, kidnapping, arbitrary and unlawful detention at places that are sometimes kept secret, soliciting ransoms from families and probable extra-judicial summary execution.

On the evening of 11 April 2016, ten young people were arrested by National Intelligence Service agents on Kimenyi Hill in the Mugomera area of Ngozi Municipality and Province (in the north). Since that time, their families have had no news. They have informed the administrative and police authorities of these disappearances as well as the governor of Ngozi Province and the administrator of the township, all of whom claim to know nothing of these arrests. The families went to Ngozi prison in an attempt to locate their relatives, without success. Some of the victims' family members reported that the National Intelligence Service agents' vehicles were from Bujumbura and that it was possible that their relatives were being held in the capital. To date, our organizations have been unable to locate these young people, who are around 20 years old. They had formerly lived in neighborhoods in the capital perceived as sympathizing with third term protesters and had returned to live in their home provinces to escape the crisis-related violence. It is presumed that they were kidnapped because of their former residence in neighborhoods perceived as hostile to the third term.

On 17 April 2015, Rémy Matabura and Prosper Sinzinkayo were arrested at their homes on Mugomera Hill in the town of Mugamba, Bururi Province. According to information gathered by FIDH and ITEKA, men in military uniforms and police in a vehicle bearing no registration number kidnapped them and set out on the road leading to the border town of Matana. The family and relatives of these disappeared have had no news of their fate since that time.

These cases continue to multiply. Our organizations reiterate that the widespread or systematic practice of enforced disappearances in the context of attacks against a civilian population potentially constitutes a crime against humanity under the provisions of the Rome Statute, which created the International Criminal Court (ICC), and to which Burundi is a state party. FIDH and ITEKA call on the authorities to urgently open impartial and independent investigations into the aforementioned cases, as well as every time an enforced disappearance is brought to their attention.

WIDESPREAD PRACTICE OF TORTURE BY BURUNDIAN SECURITY FORCES

3. 5. 1. “They would torture me morning, noon and night”

Since the beginning of the crisis in Burundi, a great number of sources have reported the use of torture and ill-treatment by the police, the National Intelligence Service, the *Imbonerakure*, and to a lesser extent the army. In some cases, these acts of torture have led to the deaths of detainees.¹²⁹ While torture is not a new practice in Burundi, and had already intensified since April 2015, since the beginning of January 2016 it has become **widespread and systematic**,¹³⁰ particularly in places of National Intelligence Service, police, and, to a lesser extent, army, detention. Various testimonies of victims and local and international observers attest that **Tutsis are more severely beaten and tortured**. The report of the United Nations Independent Inquiry into Burundi (UNIIB) states that “*the use of torture or other cruel, inhuman or degrading treatment against opponents of the third term and against targeted members of the opposition or their relatives to extract information or as punishment was characteristic of the crisis.*” It states that experts had conducted 65 interviews with witnesses or victims of torture and ill-treatment, and that, “*the elements of the SNR, of the National Police of Burundi (PNB), the Imbonerakure, and to a lesser extent, the National Defense Force (FDN) were identified as the authors, and certain others, including senior members of the security force system, have been cited over and over.*”¹³¹

Generally, acts of torture and ill-treatment are often committed at the time of the arbitrary arrest, on arrival in the place of detention and during the detention period.

Indeed, all the victims of arbitrary arrests that were surveyed by our organizations said they had been “beaten up” at the time of their arrest. They reveal that they were beaten all over their bodies, often with rifle butts, sticks, iron bars or belts. They were sometimes undressed in order to inflict greater suffering. Imbonerakure regularly take part in these beatings. Those arrested often have their arms tied up behind their backs with thick ropes, inflicting additional suffering on the victim. Our organizations were able to pinpoint where, among the principal places of detention, acts of torture were regularly committed in Bujumbura:

- In police stations of various neighborhoods in the capital, in particular in Nyakabiga, Cibitoke, Mutakura and Musaga;
- On the premises of the Special Research Bureau (SRB) of the judicial police in the Buyenzi area, Commune of Muha;
- In the Judicial Police locale of the Bwiza area, Jabe neighborhood, Commune of Muha;
- In National Intelligence Service locales, notably those situated downtown and in Ngagara’s 10th neighborhood.

129. Interviews with various witnesses, victims and observers.

130. See also the Concluding Observations of the United Nations Committee against Torture, available at: http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_COC_BDI_24871_F.pdf

131. Final report of the mission of independent experts to Burundi, A/HRC/33/37, 20 September 2016, available at: <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>



Alain Christal Dushime, arrested and "tied up like an airplane" on 19 June 2015 by soldiers of the Combat Engineer Regiment (CER) in the Mutakura district, Bujumbura, Burundi. Photo taken by a local observer and circulated on social networks at the time of the arrest.

Torture is also common on police and National Intelligence Service premises located in the provinces and in places of detention that are held secret (see below).

One UN source told our organizations: *"Everyone arrested in these neighborhoods [Cibitoke, Musaga, and Nyakabiga] goes through these detention centers, and is then transferred to the SNR, interrogated, and systematically tortured."*

Our organizations have been able to converse with a dozen torture victims during the FIDH mission. Louis,¹³² a 32-year old teacher who participated in the anti-third term demonstrations and lives in the neighborhood of Nyakabiga, recounts the night of 11 December 2015:

"It started on December 11, 2015. We stayed inside all day in a Nyakabiga cafeteria with my younger brother. At 6:00 p.m., when the fighting stopped, we went out to go home. When we reached 9th Avenue, we were stopped by a group of police and Imbonerakure. We put our hands up and shouted, 'We are not criminals, we live there, just nearby.'

They tied our arms behind our back with ropes, and started beating us hard. They stripped our upper bodies, tore our T-shirts off and put the barrels of their guns in our ears telling us, 'If you scream, we'll shoot!' So we kept quiet, stunned. Léonidas [Ningaza, an MGRI commissioner (Mobil Group for Rapid Intervention)] was there and participated in the beating. He gave the order to remove our shoes so they could also hit us on our feet. They beat us with sticks, belts, and the barrels of their rifles. We were on the ground with our hands in back.

They began asking us questions: 'Are you rebels? Fighters? Tell us where those rebels are!' We said we did not know. They asked: 'What ethnicity are you?' 'What is your political affiliation?' [...] We said we were Tutsi. They then asked us for our full identity. This went on until dawn. Leonidas gave us the order to go home; it was December 12th. It took us 45 minutes to go twenty meters and reach the house by crawling.

After two weeks, a Burundian human rights defender came to my home to photograph my wounds and scars. These images were shared and Leonidas found out that we were still alive. He started searching for us. He came to my house in February, with some of his men, but I was already gone."

Other testimony from 11 December victims, as well as pictures of bodies found on Bujumbura's streets on 12 December and that were analyzed by our organizations, showed that certain victims had had their arms and legs tied behind their backs. This technique, called *"uwindege"* in Kirundi (which means "tied up like an airplane") is used to completely immobilize a victim and inflict pain in the chest and back. Numerous reports indicate that this practice is frequently used by Burundian security services.

The abuse inflicted upon detainees is terrible and systematic. In National Intelligence Service facilities, for example, a "correction" session is imposed on each new prisoner. A well-informed and credible source who testified on the condition of anonymity says, *"This is a session in which the detainees are 'corrected'. They are tied up and beaten. It is systematic with each new entry into the premises."*

An international observer who was able to visit National Intelligence Service premises added, *"It's a horror. We see detainees covered in blood, and we know they hide very serious cases."* This testimony is

132. The name has been changed.

confirmed by the 18 April 2016 report of the UN High Commissioner for Human Rights, indicating that some detainees *“reported that the intelligence services had hidden them in the latrines for several days so that injuries resulting from the torture they had endured could heal before returning them to the cell with other inmates.”*

According to testimony collected by our organizations, National Intelligence Service **detainees are burned with flaming plastic bags, struck with reinforcement steel, belts, sharp objects or firearms.** Some detainees testified to having heavy pressure applied to their eyes and then having to stare at the sun. During sessions of beating, the body areas that are struck are targeted in order to inflict long-term damage: for example, **bones of the hands or feet are sometimes crushed with pliers.** One international observer who visited National Intelligence Service jails told our organizations that, *“They crush the bones of their hands, some are almost paralyzed.”* Former detainees also claimed to have had their **heads smashed against a wall or face stepped on** by agents of the service. One victim testified that he was **forced to lie down in acid and he lost consciousness.** Several victims also claimed to have had their genitals abused using pressure, trampling, or having heavy objects suspended from the testicles. According to one credible source: *“There are service agents who specialize in the torture of detainees. They usually arrive at the SNR facilities late at night.”*

Paul,¹³³ the leader of a political opposition party who testified on the condition of anonymity, told the mission:¹³⁴

“I was arrested in 2015.¹³⁵ They tied me up and blindfolded my eyes with a piece of cloth and they beat me until I lost consciousness. When I woke up, I found myself in the SNR jail. I was there for approximately one month. I was tortured morning, noon, and night and I almost died. They tortured me to death many times; I was stabbed with knives on my toes, in all my ribs, and on the neck. They almost cut off my toes. They trampled on my chest, my back and my genitals with heavy boots. But God preserved me. Then, I was transferred to a prison. My body was covered with wounds and I couldn’t even sit down as a result of the tortures I had suffered. I never received treatment. [...] After that ordeal, it was thanks to some high-placed officials in the national Defense force and the police that I was able to escape prison and cross the border to leave the country.”

Most tortured or abused people are **denied access to medical care**, as indicated in Paul’s testimony. According to consistent reports, in mid-March 2016 between 20 and 37 National Intelligence Service detainees were in a critical state of health resulting from acts of torture inflicted by agents of the service, and which required urgent medical attention. It would seem that these individuals never received the care they needed and that their names were not on lists of prisoners held by the National Intelligence Service. The supposed intent of this was to prevent teams from the International Committee of the Red Cross (ICRC) or from the Office of the United Nations High Commissioner for Human Rights, the only organizations still allowed to visit places of detention, to identify these cases and follow up on them.

In his April 2016 report, the United Nations High Commissioner for Human Rights stated that during visits made by his teams to the Intelligence headquarters between 11 and 15 April 2016: *“30 of the 67 detainees showed signs of physical torture.”* This is only slightly less than half of the observed detainees.¹³⁶

133. The name has been changed.

134. Testimony previously cited.

135. For reasons of security, our organizations indicate neither the location nor the date of his arrest.

136. United Nations High Commissioner for Human Rights, Cases of torture and illegal detention on the rise in Burundi, 18 April 2016, available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews>.

Between April 2015 and April 2016, the Office of the United Nations High Commissioner for Human Rights in Burundi (BHCDH-B) identified **651 cases of torture**.¹³⁷ This can be considered a low estimate since many acts of torture are committed in secret places of detention that are not officially recognized and to which observers do not therefore have access. Moreover, some inmates succumb to injuries inflicted during torture sessions, and other detainees are hidden during international observer visits, in isolation cells or latrines for example.¹³⁸ Between January and April 2016, the BHCDH-B recorded **345 new cases of torture and abuse**. This means that more than half of the cases of torture recorded by the OHCHR-B between April 2015 and April 2016 were committed during the first four months of 2016. As stressed by the High Commissioner, *"[t]hese shocking figures clearly show the widespread and growing use of torture and ill-treatment by government security forces."*¹³⁹

3. 5. 2. Unofficial and secret places of arbitrary detention and torture

Our organizations were able to collect testimony from various individuals who had been detained and tortured in secret unofficial places of detention. They corroborated the belief that acts of torture are committed within these places on a quasi-systematic basis. According to investigations conducted by our organizations, once these places of secret detention are identified by neighboring residents and human rights organizations, they are often abandoned and new secret places of detention opened to replace them.¹⁴⁰

Detention and torture of civilians at army, police and National Intelligence Service posts

Many accounts and field reports indicate that dozens of people have been and are arbitrarily detained and/or tortured in the following army, police and National Intelligence Service posts:

- **Anti-Riot Squad Headquarters (ARS) in the urban area of Mukaza;**
- **Military position located on 3rd Avenue in Quarter 3 of Mutakura, in the urban area of Cibitoke;**
- **Muha Military Camp, near 1st Avenue in the Musaga neighborhood of the town of Muha;**
- **Containers used as military posts near the Board of Production and Distribution of Water and Electricity (REGIDESO) building in the area of Kigobe (see below);**
- **REGIDESO building in Ngagara;**
- **National Intelligence Service post basements;**
- **National Intelligence Service secret cells.**

aspx?NewsID=19835&LangID=F

137. Report of the United Nations High Commissioner for Human Rights on the Human Rights situation in Burundi, 17 June, 2016 (A/HRC/32/30), available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ListReports.aspx>

138. Interviews with international observers.

139. United Nations High Commissioner for Human Rights, Cases of torture and illegal detention on the rise in Burundi, April 18, 2016, available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=19835&LangID=F>

140. Interviews led by the FIDH with Human Rights defenders in the field, March 2016, Bujumbura, Burundi. To consult examples, refer to the following paragraphs and in particular the case of the military post situated in the REGIDESO local in Kigobe.

Antoine,¹⁴¹ for example, was detained in a container occupied by the military post situated in the REGIDESO installation of the Kigobe urban zone in Bujumbura. He was arrested in the Mutakura neighborhood in February 2016 by police and soldiers carrying out mass arrests and searches in that area following the explosion of a grenade in the night. He explains:

“Around 7:00 a.m., I heard soldiers come into my home insisting that any male person come out. I came out thinking they were not going to arrest me. I had not spent the night in the neighborhood and I thought they could not accuse me of being linked to the explosion that night. I did not know Darius [Ikurakure] and I saw a man who said, ‘Tie up this dog that’s making a lot of noise’, and his officer guards tied me up.

They gathered up more than ten of us and while waiting for the pickup that was to take us to the jail, those soldiers and police beat us. Darius’s pickup drove us to the REGIDESO installation in Kigobe. It seemed to me that they must have been waiting for us because as we arrived, they opened the gate and we entered. Darius told ‘Keep’, the young boy who was there for us, that he would come back for us at night. This youth opened a container and Darius closed the door of the container before leaving. The container was hot and windowless; we were all inside and suffocating.

We spent the entire day in the container and in the evening around 6:00 p.m., Darius came with another group of youths in a pickup. I was released since my name was not on the lists that Darius had and he told me that if I was ever caught again, I would be executed. Then half the youths with me were taken off by Darius in his pickup and they left for an unknown destination. When I left, another group arrived at the REGIDESO local.”

This military position was set up at the time of the demonstrations to protect the REGIDESO premises. It was then transformed into an illegal center of detention and torture. Residents repeatedly reported hearing people inside the two containers shouting and banging on the container walls.

Private homes

According to FIDH and ITEKA investigations, these illegal places of detention are abandoned once “spotted” – identified mainly because of the many coming-and-goings, and the positioning of security service elements outside. The military position located on the premises of REGIDESO in Kigobe, for example, seems to be less frequented since March 2016 and is probably no longer being used as a secret detention center.

New secret arbitrary detention and torture locations are usually subsequently established. **Some people have, for example, been detained and tortured in private homes.** In March 2016, several reliable sources identified a house situated in the Kigobe area of Bujumbura. This house belongs to members of the Institution Protection Agency (IPA). One internal National Intelligence Service source told a local observer that during this period this house was being used as a “*place of torture and execution*” and neighbors reported hearing cries coming from inside the residence. A member of the Moto-Taxi Association of Bujumbura was assassinated there during the first semester of 2016, according to one credible source. The place was at that time under the guard of the *Imbonerakure*. Our organizations were not informed of any new cases of detention or torture having taken place in that house since March 2016. Another private home was used as a place of arbitrary detention

141. The name has been changed.

and probable torture in the Kamenge neighborhood of Bujumbura. Other reports dating from September 2016 indicate that an uninhabited pink house in the area of Mutakura on 3rd Avenue is also being used for these purposes. First and second-hand information also reveals that houses belonging to General Bunyoni, Minister of Public Safety, in Gasekebuye and Kinanira are used as arbitrary detention and torture locations. One witness notably relates that on 12 December 2015, six young individuals were brought into the house located in Gasekebuye. No news of their situation has been obtained since that time.¹⁴²

The report of the United Nations Independent Investigation on Burundi, published on 20 September 2016,¹⁴³ identifies two other homes in Bujumbura as being used for detention and possible torture: a “green house near the office of the apostolic nuncio” and “an uninhabited house in the Mutakura zone located between 8th and 9th Avenues.” The report also mentions: “the homes of President Nkurunziza in town of Mwumba.” In its January 2015 report, the United Nations High Commissioner for Human Rights emphasized that:

“A man arrested at the end of March by unidentified armed men reported being blindfolded and brought to a building under construction located in an unknown place, where nine other persons were being held. The victim reports having witnessed the execution of two of them before he was able to escape. Information was also received about another place of illegal detention that was set up by the police with the help of the Imbonerakure militia in Ngozi, a town located in the northern part of the country.”

These reports confirm the fact that acts of torture and ill-treatment are also widespread in the provinces of the country and that illegal detention centers where torture is practiced exist outside Bujumbura. The testimony of Ferdinand Niyonkuru (see above), who was detained in a house in Kayanza Province also serves to confirm this.

In its concluding observations on the special report of Burundi, the United Nations Committee against Torture has also expressed concern “about reports of a recent increase in cases of torture linked to the political crisis.”¹⁴⁴ It added that: “Torture and ill-treatment take place mainly inside the National Intelligence Service near the Bujumbura cathedral but also in **unofficial places of detention** such as the jail referred to as *Iwabo W’abuntu* and in the police operational command center referred to as At Ndadaye’s to which national and international observers would not have access.”

The example of Iwabo w’Abantu Bar

Since April 2015, numerous allegations have indicated that the bar belonging to General Adolphe Nshimirimana, located in the urban zone of Kamenge on the northbound side National Route No. 1, is being used as a center for arbitrary detention and torture, and sometimes for summary and extrajudicial executions. In front of this bar, located on one of Bujumbura’s access roads, the FIDH mission was able to see first hand that police and *Imbonerakure* roadblocks (barriers) are regularly in place there.¹

FIDH and ITEKA were able to identify ten confirmed cases of individuals who have been detained in this bar. Our organizations have received numerous additional reports that dozens of other people

142. See Final report of the mission of independent experts to Burundi, A/HRC/33/37, 20 September 2016, available at: <http://ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>

143. *Ibid.*

144. Concluding observations of the Committee, Special Report on Burundi, requested pursuant to Paragraph 1 in fine of Article 19 of the Convention, available at: http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_COC_BDI_24871_F.pdf

were also detained there. For example, Ernest Niyungeko, president of the opposition party (MSD) in Karusi, was arrested on the morning of 31 October 2015 at the police checkpoint situated on National Route No. 1 in the urban area of Kamenye, at the north exit of the city of Bujumbura. According to information provided by his family and witnesses, he was ordered to get off a bus on his way to Karusi by National Intelligence Service agents and taken to the Iwabo w'Abantu bar before being taken to an unknown destination. This information was confirmed in the 2015 Annual Report of the National Independent Commission on Human Rights (CNIDH).¹⁴⁵ Ernest Niyungeko is still missing and no information about his situation could be obtained by our organizations.¹⁴⁶

On 19 January 2016, Bernard Banranjoreje, member of the MSD opposition party, was arrested by police in the Kigobe neighborhood, according to investigations led by our organizations. According to internal police sources, he was also detained in Iwabo w'Abantu.

Schools

Schools, much like residences abandoned by persons fleeing the city or the country, are also requisitioned by security forces to serve as military posts (see above). They serve mainly as primary **locations for the transit and regrouping of individuals** who have been arrested, especially following the numerous "sweep" operations in the neighborhoods, and before those individuals are redirected towards an official or unofficial place of detention. The Mission was able to observe these military positions in the following schools:

- **The Municipal Lycee located on 1st Avenue in the Musaga neighborhood (police post);**
- **The Municipal Lycee located in Cibitoke (police post);**
- **The Basic School of Ngagara 3 (military post);**
- **The Primary School of Ngagara 5 (military post).**

A reliable source also told our organizations that, "[a]ccording to their place of detention, individuals can be held in schools requisitioned by the security services or in abandoned buildings."

A great deal of information has been collected by our organizations on civilian buildings (former hotels, bars, private houses, businesses, schools, etc.) that are used by the security services or the Imbonerakure as operational bases, places of arbitrary detention, torture, and sometimes summary and extrajudicial execution.

The proliferation of illegal detention and torture sites is extremely alarming and suggests that the Defense and security services are trying to hide evidence of human rights violations (arbitrary detention, torture, summary and extrajudicial executions). This "privatization" of detention and abuse also demonstrates two important elements: firstly, **the largely extrajudicial nature of the repression and the increasing involvement of civilians in it** (including *Imbonerakure* militias); and secondly, the **tightening of territorial and geographical coverage by the security forces and their auxiliaries** to control and repress the population more tightly. Given the available information, it appears that this mesh, particularly closely woven in Bujumbura, is also present in all towns, villages and hills of Burundi.

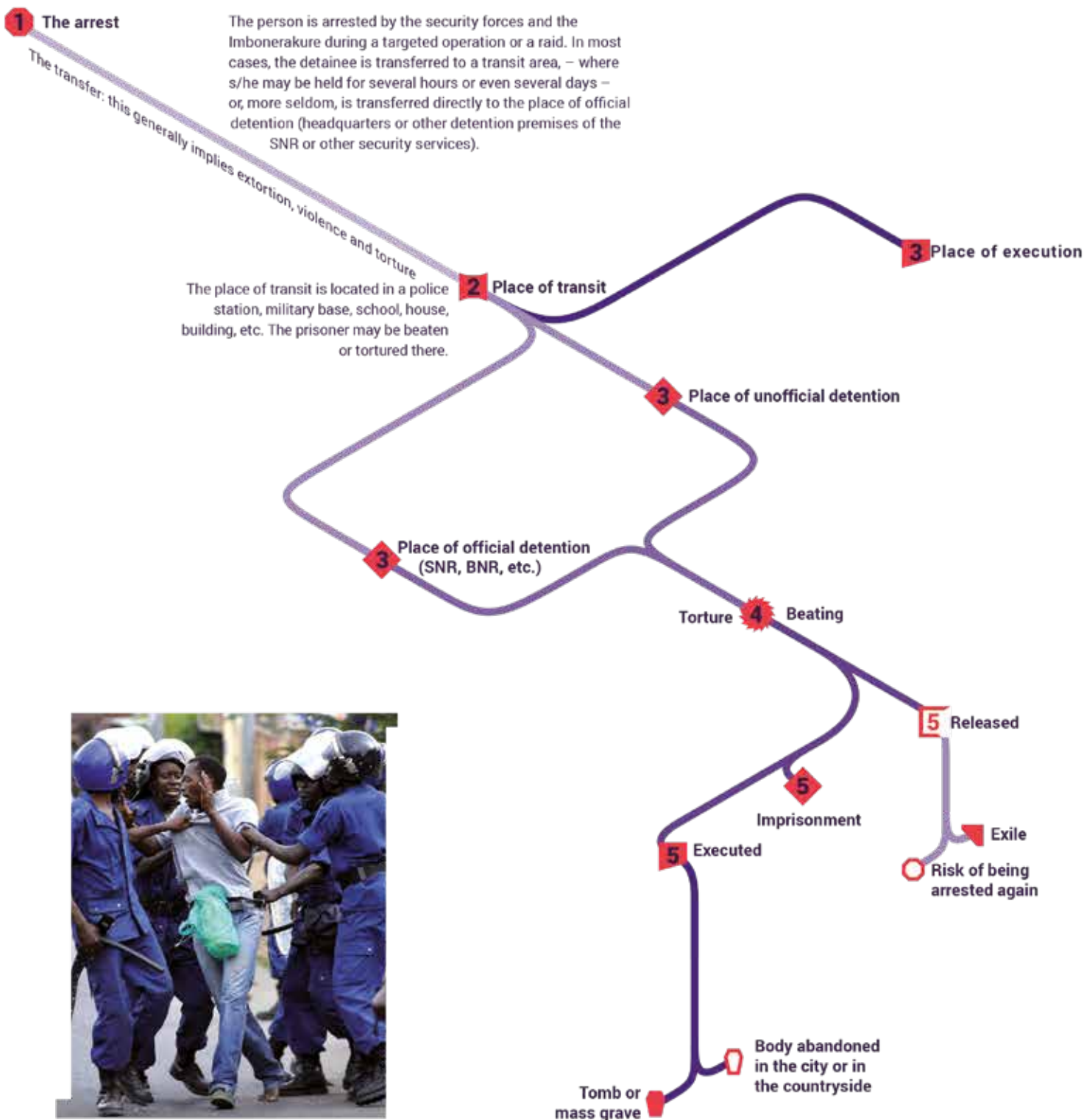
145. 2015 Annual Report of the National Independent Human Rights Commission (CNIDH/NIHRC), March 2016, available at: http://cnidh.bi/sites/default/files/CNIDH_Rapport%20annuel%202015%20.pdf

146. See also Forum pour la conscience et le développement (FOCODE), Declaration of the FOCODE n°009/2016 of the 26 May 2016, available at: <http://www.focode.org/declaration-du-focode-n0092016-du-26-mai-2016/>

Our organizations reiterate that the detention of civilians at military positions is illegal, and we are concerned that acts of torture committed by Burundian Defense and security forces since the beginning of the crisis already comport the elements that constitute crimes against humanity.

BEING ARRESTED IN BURUNDI: THE JOURNEY OF TERROR

This infographic illustrates the typical ordeal of a person arrested in Burundi. It is based on dozens of testimonies compiled by FIDH and ITEKA.



MASS GRAVES

Since the events of 11 and 12 December 2015, concealing evidence of abuses by state agents has become characteristic of the Burundian security forces' *modus operandi*. The burial of the bodies of those executed by Burundian security services in **graves or mass graves** is, since the beginning of 2016, a **widespread practice**.

3. 6. 1. Mass graves of 11 and 12 December 2015

The independent United Nations investigation on Burundi indicates that *"allegations of collective burial of those executed during these incidents were widely reported"* and that *"satellite images suggest that the bodies were buried in mass graves during this period, including in Bujumbura (in Kanyosha and Mpanda) and Bubanza"*.¹⁴⁷ It adds that, *"the UNHCR received evidence corroborating the existence of mass graves"* and that *"cases of intimidation of persons in possession of information on this subject by members of Imbonerakure and of the SNR have been reported to the UNHCR and gives even more credibility to the evidence in question."*¹⁴⁸

In its 15 January 2016 report, the United Nations High Commissioner on Human Rights affirmed that, *"[w]itnesses have reported that at least nine mass graves exist in and around Bujumbura including within a military camp, and that they contain at least 100 bodies, all of persons allegedly killed on December 11, 2015."*¹⁴⁹

According to information gathered by our organizations and confirmed by satellite images published by Amnesty International on 29 January 2016, five mass graves, apparently dug on 12 December 2015, were identified in Buringa in the area surrounding Bujumbura, and five bodies were buried in each grave, thus totaling **25 bodies**.¹⁵⁰

According to surveys conducted by our organizations in December 2015 and during the mission in March 2016, five pits were dug with five bodies buried in each pit, in the cemetery of Mpanda, in the municipality of Gihanga. According to witnesses, among these **25 bodies** may be those three young men executed on the spot before noon on Saturday, 12 December, by men in police garb and youths identified as *Imbonerakure*. According to several concurring sources, the burial of bodies in the pits at Buringa and Mpanda cemetery was overseen by Joseph Niyonzima, *aka* "Kazungu", an agent active in the government repression, as well as police commissioner Ayub Sindayigaya.

Witnesses and local sources also confirmed that three mass graves were dug in Kanyosha cemetery. **Twenty eight bodies** were buried in these mass graves, which are seemingly permanently guarded by individuals suspected of being *Imbonerakure*.

A witness claims to have seen men bury three corpses on 11 December 2015 in a mass grave behind Mpimba prison, in the district of Musaga. According to concurring reports, **three bodies** were reportedly buried in a cornfield in Musaga near a Protestant church. Other sources have

147. Refers to satellite images published by Amnesty International.

148. UNHCR report, *op. cit.*

149. See report of the United Nations High Commissioner on Human Rights, 15 January 2016, available from: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=F>

150. Amnesty International, "Burundi: Suspected mass graves of victims of 11 December violence", 29 January 2016, available at: <https://www.amnesty.org/en/documents/afr16/3337/2016/en/>.

also said that in the Musaga area in Gasekebuye, an unknown number of mass graves were dug. Bodies were buried there under the supervision of bodyguards close to General Bunyoni.

An unknown number of bodies, mostly of young men and soldiers, were also reportedly buried within the confines of the Muha military camp in Musaga. In the province of Bubanza, in Mitakataka, local sources reported seeing two military trucks unload bodies on Saturday, 12 December 2015. The bodies were buried on a site in that locality. Even though **witnesses are afraid of being arrested, tortured or executed**, other mass graves were reported, some dating prior to 11 December 2015. According to sources close to the dossier, a witness who made revelations about Buringa mass graves is currently, at time of writing, being held in detention in Mpimba prison.

On 17 December 2015, the Attorney General of the Republic of Burundi, Valentin Bagorikunda announced that an investigation would be launched into allegations of extrajudicial executions and mass graves. On 10 March 2016, he presented the main findings of that investigation,¹⁵¹ stating that 79 fighters had been killed, 87 captured, and that *“the administration [had] conducted the burial [of combatants’ bodies] who were not identifiable in the cemeteries known in Kanyosha and Mpanda. The bodies of those who [had] been identified [had] been handed over to their families.”* He went on to state that, *“no cases of torture were reported”*, stressing that allegations of mass graves *“are unfounded”*. He went on to state: *“Indeed, after investigation no mass grave was discovered in the places mentioned in the reports of some NGOs. On the other hand, a mass grave in which the insurgents have buried those they killed in the insurgency was discovered Mutakura on the date of February 29, 2016.”*¹⁵² [...] We may recall that the existence of this mass grave had not been mentioned in the reports of ITEKA and Amnesty International.”¹⁵³

3. 6. 2. A practice that is spreading

After the events of December, the use of mass graves to hide the bodies of those killed has become widespread. According to investigations conducted by our organizations, some members of the Defense and security services are mandated to execute people and **remove their bodies, in particular by burying them in graves or mass graves** inside and outside the capital, by order of the authorities.

For example, witnesses and well-informed local and international sources have confirmed that security services generally **bury victims’ bodies in cemeteries**, where they are placed in common graves that contain a maximum of five bodies. According to one local observer: *“Their [the security services] main technique is to dig graves in the cemetery where they bury up to five bodies so as not to be too visible.”* In Bujumbura, this practice is common in Kanyosha and Mpanda cemeteries.

On 12 April 2016, a mass grave was discovered in the area of Mihigo, in the town of Busiga in Ngozi province. It contained three male bodies according to sources on site. On 10 April 2016, unidentified men on board a vehicle are said to have deposited the bodies at the scene before leaving. The mass grave is near a police post in the locality.

151. Footage: “Résultats d’enquête par une Commission ad hoc sur les allégations d’exécution extrajudiciaire” (Results of investigation by an ad hoc committee on allegations of extrajudicial execution), RTNB Burundi, 10 March 2016, available at: <https://www.youtube.com/watch?v=048rl7c0vgw>

152. On the subject of the Mutakura mass grave, see the section of the report entitled, “Disinformation as a propaganda tool: Suspicious mass graves” On the subject of the Mutakura mass grave, see the section of the report entitled, “Disinformation as a propaganda tool: Suspicious mass graves”

153. *Ibid.*

The existence such clandestine burials is supported by the stories of various relatives of missing persons who told FIDH that they “*no longer have hope*”, that “*it’s already over*”, or that have already sought to claim the body of the victim “*for a dignified burial*.” It raises the question of where the bodies of hundreds of these missing persons currently are? It seems likely that they have been buried by their killers in individual graves or mass graves.

Ferdinand Niyonkuru (see testimony above), who was abducted in April 2016, said that his captors said to him: “*Dirty dog Tutsi, you did you think we wouldn’t catch up with you? We will kill you and no one will know where your remains are.*” Presumably they intended make his body disappear, most likely by burying it in a grave or a mass grave. This testimony illustrates a widespread practice of which the intentionality seems obvious.

According to numerous testimonies of inhabitants and members of national and international human rights organizations, many **bodies were also found in lakes and rivers** in the different provinces of the country. One local observer recently noted that in Muyinga province in the north, bodies were regularly found in the Kagera and Ruvubu rivers.

Several credible local observers also reported that information provided by members of the National Intelligence Service indicated that it had experimented with a technique of **dissolving bodies in acid**. However, our organizations have been unable to either confirm or deny this information.

GENDER-BASED SEXUAL VIOLENCE

"In Burundi, we have witnessed the emergence of targeted sexual assault cases motivated by actual or presumed political affiliation of the victim."

Report of the Secretary-General of the United Nations on conflict-related sexual violence, 22 June 2016

3. 7. 1. Sexual violence: a political weapon in the service of repression

The current crisis has dramatically aggravated a scourge of sexual and gender-based violence that already existed in the country. Sex crimes were notably committed during attacks on 11 and 12 December 2015, and at the time of reprisals on Bujumbura neighborhoods considered sources of dissent. In these instances, they were perpetrated by members of the security services, police or men in military uniforms, as well as by *Imbonerakure*.¹⁵⁴

The United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, said on 15 January 2016:¹⁵⁵ *"We have documented 13 cases of sexual violence against women, which began during research and arrest operations that took place after the events of December in neighborhoods perceived as supporting the opposition. The scenario was similar in all cases: Security forces reportedly entered the house of the victims, separated the women from other family members and raped them, subjecting them, in some cases, to gang rape. [...] New cases of sexual violence have continued to emerge since mid-December, with five rape cases reported in a house during a search operation in the province of Bujumbura Mairie."*¹⁵⁶

The report of the United Nations Secretary-General on conflict-related sexual violence relates the following case: *"A striking incident occurred on 11 December: officers from the special police unit entered a house in Mutakura, ordered the father to leave and then forced the three girls to 'undress,' a euphemism for rape. On 14 December, the police returned and again 'undressed' the girls. After that, the family fled the region. [...] at least one rape victim was arrested after talking to a reporter [...]."*

The report stresses that: *"In the wake of the political crisis, the UNHCR recorded **323 cases of sexual violence** that were committed on 264 women and 59 girls and that occurred either in Burundi or during the flight of the victims. [The report also highlights the fact that...] a number of women and girls who attempted to flee were abducted, taken to the military camp in Nyabisindu Marembo and sexually assaulted by Imbonerakure."*¹⁵⁷

The phenomenon of sexual and gender-based violence is not confined to 11 and 12 December events. According to some reports, this phenomenon particularly concerns the dissenting districts of the capital where most men have fled for fear of repression, have been arrested, or sometimes killed. With the men gone, women in these neighborhoods are more vulnerable to being abused, especially during searches and raids by security forces.

Radio France International (RFI) special envoy to Burundi, Sonia Rolley, was also able to obtain the testimony of a victim who had initially refused to talk and asked her friend to write in French

154. Report of the Secretary-General on conflict-related sexual violence, S/2016/361/Rev.1.

155. Report of the United Nations High Commissioner on Human Rights, 15 January 2016, available from: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=F>

156. See also, Report of the Secretary-General on conflict-related sexual violence, S/2016/361/Rev.1, 22 June 2016, available at: <http://reliefweb.int/report/world/report-secretary-general-conflict-related-sexual-violence-s2016361rev1-enar>, at paragraph 84.

157. Report of the Secretary-General on conflict-related sexual violence, S/2016/361/Rev.1, par. 84, *ibid*.

on a piece of paper what she had experienced. “Imbonerakure youth come home to rob and rape the women. The police are outside.” Regarding her own situation, she then confided that, “[t]hey knocked. I was behind the door and I opened it. One of them took ahold of me and threatened me with his gun. He asked me to go into the house and into the room. I told him to go and see it himself. He said, ‘Lie down, take off your dress.’ There were three of them. They were on top of me with guns.” The RFI article states that “this young woman affirms that the three gunmen only undressed her”, again a euphemism for rape.¹⁵⁸ Such testimony is not isolated.¹⁵⁹

The United Nations Office of the High Commissioner for Human Rights in Bujumbura has also gathered testimony from a female rape victim who reported that “*her aggressor told her that she was paying the price for being Tutsi*”.¹⁶⁰ This testimony would suggest that Tutsis are prime targets for the Burundian security forces because of their ethnicity, corroborating other evidence gathered by the FIDH mission and indicating that rape was used on 11 and 12 December as a political weapon in the service of repression.

The report of the United Nations Independent Investigation on Burundi, published 20 September 2016,¹⁶¹ that, also states: “[s]exual violence is one type of the prevalent violations that emerge from the UNHCR investigations,” and that, “the witnesses and victims have reported to the UNHCR that many women who fled the country have been subjected to sexual violence during their flight by Imbonerakure, by unidentified armed men, and by border guards, including violence inflicted as punishment because they were leaving the country ‘when there is no war’.”¹⁶² It adds that “many women and Burundian girls with ties to men who opposed the third term, or who are perceived as political dissidents were targeted and subjected to physical and sexual violence by members of the security forces.”¹⁶³

Other sources also indicate that the **rape of women in the presence of children** is a practice of torture used by the Burundian security forces.¹⁶⁴

If **several hundred cases of sexual crimes** have been recorded since the beginning of the crisis by several organizations including the United Nations, this is, according to many observers, an estimate that greatly minimizes the extent of the phenomenon.¹⁶⁵

3. 7. 2. Sexual violence committed against men

A credible source present in the field told the mission that **forty cases of male victims of sexual violence** have been recorded since the beginning of the crisis, mostly in the south of the country. This source referred to such assaults as being a “*specific trend of the crisis*.” Our organizations have been unable to obtain precise information on the cases or independently confirm their existence.

158. See also, Report of the Secretary-General on conflict-related sexual violence, S/2016/361/Rev.1, 22 June 2016, available at: <http://reliefweb.int/report/world/report-secretary-general-conflict-related-sexual-violence-s2016361rev1-enar>, at paragraph 84.

159. See RFI, “Crisis in Burundi: Resurgence of sexual violence in Bujumbura”, 3 January 2016, available at: <http://www.rfi.fr/afric/20160103-burundi-recrudescence-viols-quartiers-contestataires>

160. Report of the United Nations High Commissioner for Human Rights, 5 January 2016, available from: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=F>

161. Report of the United Nations High Commissioner for Human Rights, 5 January 2016, available from: <http://ohchr.org/EN/HRBodies/HRC/UNHCR/Pages/UNHCR.aspx>

162. For exact cases, see Final report of the mission of independent experts to Burundi, A/HRC/33/37, 20 September 2016. Available at: <http://ohchr.org/EN/HRBodies/HRC/UNHCR/Pages/UNHCR.aspx>

163. *Ibid.*

164. *Ibid.*

165. See for example, Report of the Secretary-General on conflict-related sexual violence, S/2016/361/Rev.1, 22 June 2016, *op. cit.*

The independent experts leading the UNHCR also indicated in their report that they have “identified allegations of first and second-hand sexual violence against men, particularly during their detention.” The following event was reported:

“In May 2015, a man who was held by the SNR for 18 days was forced to spread his legs and severely beaten on his genitals, thus sustaining permanent erectile dysfunction. A student who refused to join the Imbonerakure was kidnapped by his classmates and taken to a house, where he was handcuffed and raped by three men while others watched.”¹⁶⁶

The report also states that experts have gathered evidence to suggest that the security forces use other forms of torture, including “**the injection of a yellow liquid in the testicles and other parts of the body, inducing paralysis**”, “**attaching a weight to the testicles**” or “**pulling on a cord attached to the testicles.**”

Our organizations have also documented torture specifically targeting the sexual organs of detained persons, mostly men. One man, who was detained and tortured at the SNR in June 2015 and who testified anonymously, told our organizations that service agents hung a 5-liter container filled with sand from his testicles for a prolonged period. After several days of this, his testicles were so swollen that they had quintupled in size. The victim stated that he had also been forced **to walk a nail-studded plank** as the container was still hanging from his genitals and had **to lie naked in acid** and had subsequently lost consciousness.



Testicle of the victim, June 2015,
Bujumbura

166. Final report of the mission of independent experts to Burundi, A/HRC/33/37, 20 September 2016. Available at: <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>

3. 7. 3. Incentives to rape and forcibly impregnate

According to investigations conducted by our organizations, **misogynist propaganda** targeting women who are actually or supposedly linked to the opposition has been distributed by state-affiliated agents since April 2015.

Based on field information, Imbonerakure representatives and CNDD-FDD partisans, as well as members of the Burundian Defense and security forces have incited and continue to incite to the rape and **forcible impregnation of women** perceived as opposing the regime (i.e. perceived to be Tutsi or to have links with “opponents” of power).

During the April 2015 events, *Imbonerakure* sang the following refrain: “*Terinda Abakeba Bavyare Imbonerakure*” (“Knock up opponents so that they give birth to *Imbonerakure*” in Kirundi). This tune is regularly sung by groups of *Imbonerakure* or members of the ruling party during demonstrations or *Imbonerakure* sports activities.

During their fact-finding mission in Bujumbura, our organizations spoke with an international observer who declared, on condition of anonymity, that witnesses told him that *Imbonerakure* were encouraged to rape Tutsi women to “*give birth to little Imbonerakure Tutsi*.” These remarks were also made on 11 and 12 December 2015 by members of the Burundian security services and *Imbonerakure* militia, according to witnesses. Other information indicates that these incentives are not limited to the December 2015 events.

On 16 April 2016, during the community work that took place in the southern part of the country in the area of Nyagasasa, in Mugamba town, Bururi province, many members of the CNDD-FDD sang songs and made speeches also inciting compatriots to “knock up opponents so they’ll give birth to *Imbonerakure*,” witnesses said. Local observers reported hearing CNDD-FDD sing the same tune on 17 September 2016 in the Kinanira neighborhood of Bujumbura, indicating that this extremely disturbing phenomenon is on-going.

The United Nations Secretary-General’s report on conflict-related sexual violence also confirms this trend, stating that, “*in Burundi, women related to the political opposition are represented as prostitutes in caricatures in the press.*” It adds that, “*this practice is reminiscent of the Rwandan genocide of 1994, when the media incited violence against women, to the resumption of the South Sudan conflict in April 2014, when Bentiu FM Radio called out for ethnic rape.*” It concludes that “[...] history shows that misogynist propaganda in the media and violations of women’s rights and freedoms have often been the **prelude to the use of sexual violence as a tactic of war, terrorism and political repression.**” The report therefore advises all relevant actors to “*take into account the dimension of gender in all initiatives for the prevention of atrocities*”.¹⁶⁷

Our organizations are extremely alarmed by the spread of such propaganda, which could lead the security forces and their auxiliaries to use sexual violence as a weapon in the service of repression or even mass violence.

167. Report of the Secretary-General on conflict-related sexual violence, S/2016/361/Rev.1, 22 June 2016, available at: http://www.un.org/ga/search/view_doc.asp?symbol=S/2016/361/Rev.1&Lang=F.

3. 7. 4. Intimidation of victims in the political climate

The exact number of sexual violence victims connected to the ongoing crisis is unknown. Collecting such testimony is an extremely delicate process in Burundi, where rape is considered an individual and family dishonor. It often renders women unmarriageable, or condemns them to abandonment or stigmatization. This taboo is a barrier that discourages victims from testifying or from turning to their relatives or service centers for help. Most live in fear of reprisals in a context where perpetrators enjoy almost total impunity and victims are denied their right to truth, justice and reparation. As such, the work of documenting these serious human rights violations is grossly hindered, as is access to medical and psychosocial care for victims.

Notably, and for these reasons, national and international organizations that support women victims of sexual violence in Burundi believe that the magnitude of this phenomenon, since the outbreak of the crisis, is largely under-evaluated.

Especially since 11 and 12 December 2015, the authorities have sought to **dissuade certain victims from revealing the abuses they have suffered**. Staff at some centers specialized in assisting victims of gender-based violence in Bujumbura have been intimidated in order to keep sensitive information confidential. Members of the National Intelligence Service have monitored some of these centers. One source within an organization in charge of women's rights issues said that authorities had become "very aggressive" on the issue of sexual violence and that "SNR agents went to the counseling centers to identify women and intimidate them."

According to partners on site in Bujumbura, the number of reported cases of sexual violence has drastically declined since April 2015 compared to the previous year. One credible source stated:

"It's a paradox that in times of crisis and when impunity is so strong, and the number of cases [of sexual crime] should necessarily increase, here it's the opposite, it's decreasing. This means that victims will not or no longer come to the health centers or specialized centers. This is extremely problematic because we know there are a greater number of victims, but they are afraid to come to us."

According to one source who testified anonymously, half of the women supported by the SERUKA center (center for assistance to victims of gender-based violence in Bujumbura) no longer come to their appointments since January 2016. This reflects the fear and intimidation suffered by these women.

According to concurrent reports, it seems that **several hundreds of women have been victims of sexual crimes** of a political nature since April 2015.¹⁶⁸ These cases are in addition to all the cases of sexual violence in Burundi that occur on a daily basis and that are unrelated to the current crisis. Overall, the total climate of impunity in Burundi is helping to amplify their phenomenon. Our organizations recall that rape, committed as part of a widespread or systematic attack against a civilian population, potentially constitutes a crime against humanity.

¹⁶⁸ The United Nations has said that there were at least 300 cases, *ibid*.

LOOTING, RANSOMS AND CONFISCATION OF PRIVATE PROPERTY BY THE SECURITY FORCES

3. 8. 1. Looting

In the absence of young men and fathers of families, and with the total impunity enjoyed by the security forces and the *Imbonerakure*, looting regularly occurs in the opposition areas of the capital and elsewhere in the country. Many witness accounts compiled by our organizations state that during searches and seizures, the police, accompanied by the *Imbonerakure* and sometimes by agents of the National Intelligence Service, loot houses, carting away computers, money, electrical appliances, phones, clothes and other valuables. This practice has intensified since the events of 11 and 12 December 2015 and seems to be increasingly common.

For example, corroborating testimony from several witnesses indicates that on 11 December 2015, security forces looted many houses. Ndikumana,¹⁶⁹ a 28-year-old inhabitant of Nyakabiga described the “terrible” scenes of looting he witnessed there on 11 December, when Defense and security forces engaged in reprisals against the population following attacks by armed rebels on four military camps, three of them located in Bujumbura Mairie commune. He continued:

“They were going into houses. If doors were closed, they forced their way in or shot up the doors with their rifles. Then they asked where the weapons and the rebels were, they also demanded money in exchange for your life. I saw them take phones, computers, clothes and valuables.”

A local observer also explained that “when they [the security forces and the *Imbonerakure*] stop people, they demand they put their phones and money on the ground. Then, sometimes, they let them go.”

On the 6 April 2016, different sources reported to FIDH and ITEKA that houses and businesses were looted by men suspected of being policemen and/or soldiers. Men in uniform entered district 6 in the Ngagara area, in Bujumbura, and looted houses, carting away different items in police and National Intelligence Service vehicles. Our organizations compiled multiple witness statements from inhabitants of the area, who admitted they were living in fear and did not understand these actions on the part of state agents.

3. 8. 2. Ransoms

Furthermore, the **practice of ransoming** detainees or their families, current since April 2015, has become **widespread and near-systematic** since the start of 2016. In exchange for freeing people under arrest, the police, the *Imbonerakure*, the army and in particular the National Intelligence Service, demand ransoms ranging from 100,000 to 300,000 Burundian francs (from 54 to 161 euros)¹⁷⁰ for individuals detained in police cells or military posts. These ransoms can range from 300,000 to 5 million Burundian francs (from 161 to 2,680 euros) to obtain the release of prisoners held in National Intelligence Service jails. The payment of a ransom may also enable the transfer of detainees from the Intelligence Services to the main Mpimba prison in Bujumbura. These amounts are crippling for Burundians and families often find them impossible to pay or are forced to borrow money or pawn valuables. The average wage, (assuming people earn a wage, which is not the

169. The name has been changed.

170. All conversions were done in October 2016.

case for 90% of Burundians who are farmers)¹⁷¹ – is around 150,000 Burundian francs per month (around 80 euros). An average monthly income however is around 40,000 Burundian francs per month (about 20 euros).

Pierre,¹⁷² a young man aged 18, who took part in demonstrations in the Musaga district, told us of his arrest in November 2015, his arbitrary detention at National Intelligence Service headquarters and his release several hours later:

“In November, I was arrested in the city center. I was in the street walking back to my car and an Imbonerakure well known in our district we call “Musaga” called out my name. He said “Pierre ! Come here! We’ve gotta talk”. I asked him what he wanted to talk about. Then suddenly five policemen arrived accompanied by a superintendent. The superintendent asked him “Is he the one?” and “Musaga” answered “That’s him”. They seized me and hit me with their rifle butts across the back. I tried to resist, to give my family a call but they beat me up and shoved me into a police car. In the car they threatened me saying “show us the grenades you toss and the guns; we know you shoot at the police”. I told them I didn’t know anything about it. They took me to the Documentation.¹⁷³ There, another policeman came over and said “You just want to show how strong you are, we’ll cook you like a dinner and shoot the lot of you”. I stayed there until 11pm. Then I saw the superintendent who had arrested me answering the phone; he came over and ordered they take off my handcuffs. My parents were right near the Documentation and they let me go. When I was released my mum told me they had paid a ransom of 2 million Burundian francs [more than 1,000 euros]. A friend had advanced the money and mum had put my car up as a guarantee until we got the money together and paid him back.”

A few days later, Pierre was told by a police source that it was “Kazungu”, Joseph-Mathias Niyonzima, head of operations at the National Intelligence Service, who collected the ransom money:

“A policeman friend of our family told us that the police superintendent who arrested me and Musaga wanted to bump me off. They were really annoyed not to get any of the ransom money. Two days after my release, Musaga and the superintendent came to our place to conduct an illegal search and seizure. But I wasn’t there. When I heard that, I was afraid and so decided to leave Bujumbura. The policeman family friend told us, ‘if the boy stays, he will die; they’ve decided to kill him’.”

The payment of a ransom does not always guarantee a relative’s release and the families of detainees are often held to ransom on the false promise of a release. On 10 December 2015, Marie-Claudette Kwizera, the treasurer of ITEKA, was arrested without a warrant in the city center and ordered into a vehicle belonging to the National Intelligence Service.¹⁷⁴ On the evening of

171. See especially *Le Nouvel Observateur*, Rue 89, “Patrice, gardien au Burundi pour 30 euros par mois” [Patrice, a watchman on 30 euros per month] 24th January 2015, available at: <http://rue89.nouvelobs.com/2015/01/24/patrice-gardien-burundi-30-euros-mois-257277>

172. The name has been changed.

173. Premises of the National Intelligence Service.

174. Voir les différents communiqués de la FIDH et de l’Observatoire pour la protection des défenseurs des droits de l’Homme, programme conjoint entre la FIDH et l’Organisation mondiale contre la torture (OMCT) (ci-après L’Observatoire) : « Burundi : Sans nouvelle de Marie-Claudette Kwizera depuis son enlèvement, l’Observatoire saisit les Nations unies », le 22 janvier 2016, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-sans-nouvelle-de-marie-claudette-kwizera-depuis-son> ; « Burundi : Détention arbitraire de Mme Marie Claudette Kwizera, trésorière de la Ligue ITEKA », le 14 décembre 2015, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-detention-arbitraire-de-mme-marie-claudette-kwizera> ; « Burundi : Enlèvement de la trésorière de la Ligue ITEKA, Mme Marie Claudette Kwizera », le 11 décembre 2015, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-enlevement-de-la-tresoriere-de-la-ligue-iteka-mme-marie>

12 December 2015, Dieudonné Bigirimana *alias* “Taison”, an agent of the National Intelligence Service, informed Mrs Kwizera’s family that she was detained on National Intelligence Service premises and demanded a sum of 3,500,000 Burundian francs (around 1,875 euros) in exchange for her release. Once the ransom was paid, no further information as to where and how Mrs Kwizera was held was received. At the time of writing, no additional information as to the fate of Marie-Claudette Kwizera had been received; she is still listed as missing.

On 2 April 2016, two grenades were thrown just before midday by unidentified armed men on 1st Avenue in the Musaga area, according to information compiled by our organizations. It seems that the attack was mounted against a meeting about security which was being held in the Musaga municipal lycée attended by area and district leaders, members of the administration, the police and local inhabitants. The grenade did not reach its target but did cause the death of a bus driver who lost control of his vehicle, as well as injuring several people, including a policeman. Arrests then took place in Musaga. Some of those subsequently released claim to have paid ransoms to the police so as to regain their freedom. Extensive information confirmed by our organizations indicates that this systematic practice is increasingly seen throughout Burundian territory.

3. 8. 3. Confiscation of private property

Furthermore, since the start of 2016, **operations aimed at requisitioning certain uninhabited dwellings** have been carried out to enable the establishment of police and military posts, especially in Bujumbura. In February 2016, Freddy Mbonimpa, the capital’s mayor, issued a statement in which he demanded that *“uninhabited houses be identified”* along with their owners, *“if necessary”*, so that they *“might be used for the setting up of police and military posts”*. He stated that this was because, *“in these houses you find hidden weapons”*. On 19 February, he denied making these comments, saying they had been distorted and that no house would be requisitioned without the owner’s consent.¹⁷⁵

However, on-the-ground information confirms that uninhabited houses have indeed been taken over by police and military units, especially in Bujumbura Mairie, but also certain other provinces in the country. These houses belong to families who are thought to have fled the capital, possibly seeking refuge in other countries. This practice seems to be used **to criss-cross so-called opposition districts of the capital or establish illegal detention sites**. Other property has been illegally confiscated by the police, the National Intelligence Service or the army to further their operations.

The cases of Christa Bénigne Irakoze, leader of the women’s branch of the SAHWANYA-FRODEBU Party in Bujumbura Province, and Eddy Claude Ndabaneze, a former officer in the ex-Burundian Armed Forces, confirm the practice. On 29 December 2015, these two individuals were arrested in Rubirizi at around 11.30am by soldiers led by Lieutenant-Colonel Darius Ikurakure, former Commandant of the Combat Engineering Battalion (CEB) in Muzinda. The Forum pour la Conscience et le Développement (FOCODE), a Burundian human rights organization, was informed by a National Intelligence Service whistleblower that they were initially detained in a National Intelligence Service jail located in district 10 in Ngagara, where they were being subjected to torture. They were then taken to a house rented by the National Intelligence Service in north Mutanga, before being taken to Muberure, Benga area of Bujumbura province. Here, they were executed by two policemen. FOCODE states that, *“according to the victims’ families, the vehicle that Mrs Christa Bénigne Irakoze was driving on the day of her arrest (a grey Toyota Allion, licence plate IA 1878) is being used by an employee of the National Intelligence Service. A house belonging to Mr Eddy*

175. RFI, « Burundi : polémique au sujet des maisons inoccupées de Bujumbura », 19 février 2016, <http://www.rfi.fr/afrique/20160218-burundi-polemique-requisition-maisons-inhabitees-freddy-mbonimpa>

Claude Ndabaneze situated in Kinyankonge has been turned into a military post following its owner's disappearance".¹⁷⁶

FIDH and ITEKA also received the testimony of Jean,¹⁷⁷ a student at the University des Grands Lacs, and an inhabitant of Mutakura. He reported having been arrested mid-January 2016 around midday by soldiers of the CEB when he was coming home from campus. After asking him the usual questions, ("Where are the rebels?" "Where are the arms stashed?"), he said he was transferred and detained in a private house on an unoccupied property converted into a military post under the command of Lieutenant-colonel Darius Ikurakure **at number 19 on 3rd Avenue, Cibitoke quarter**. His statement is corroborated by other statements from several residents of Cibitoke quarter. Jean stated he had been detained with at least eleven other men. He was released that same day after his family paid a ransom of 300,000 Burundian francs (about 160 euros).¹⁷⁸

PREVENTING THE DOCUMENTATION OF HUMAN RIGHTS ABUSES

The climate of intimidation prevailing in Burundi is part of a broader strategy of preventing the documentation of crimes committed by the Burundian security forces. Numerous testimonies confirm that the security forces engage in illegal practices in order to limit or **prevent the documentation of human rights abuses**. For instance, journalists' access to the scene of a homicide is often denied or restricted. Whole districts are sealed off to ensure that there are no potential witnesses in the streets.

State agents attempt to **prevent the population from taking photographs or videos when crimes are committed. They seize mobile phones** during search operations, in order to prevent the gathering of incriminating evidence. Neighbors are prevented from coming out to watch body searches, so as to limit the number of witnesses. A young man arbitrarily arrested in the street by the police in February 2016 in the Nyakabiga district of Bujumbura told the mission that the one of the policemen "struck a neighbor who had come out to watch the scene". The man was told to go back home, after having been struck in the face.

Several victims questioned by our organizations said that they had been blindfolded when they were arrested, to prevent them from being able to identify where they were being taken or who their possible torturer might be. Surviving victims are therefore unable to provide incriminating evidence.

The use by state agents of cars without number plates also seems increasingly frequent. According to concurring sources, tortured detainees have been hidden during prison visits of the International Committee of the Red Cross (ICRC) and the OHCHR. Whilst formerly APRODH and ACAT-Burundi¹⁷⁹ used to monitor the situation of prisoners regularly, since the crisis began **access to places of detention has been denied to all national human rights NGOs**. Likewise, no national or international organization has access to unofficial places of detention, where serious acts of torture and ill-treatment are committed. The activities of the main Burundian human rights NGOs

176. FOCODE, Déclaration du 10 février 2016, <http://www.focode.org/declaration-du-focode-du-10-fevrier-2016/>

177. The name has been changed.

178. October 2016. See also below – "Illegal and secret detention sites".

179. Association for the Protection of Human Rights and Detainees (APRODH) and Action by Christians Against Torture (ACAT).

have been suspended¹⁸⁰ and their assets frozen.¹⁸¹ Nearly all their executives have left the country. Human rights defenders are harassed, intimidated, threatened, and are even victims of violence aimed at preventing them from carrying out their legitimate activities in Defense of human rights.¹⁸² (see below - "Wholesale repression of human rights defenders")

On 11 October 2016, the Burundian government announced that it was suspending all *"cooperation and collaboration in all its structures"* with OHCHR *"and until further notice."* The reason given is *"complicity played by the Office of the Office of the High Commissioner for Human Rights in Burundi [OHCHR] in the preparation of false and controversial report of the Experts of the alleged UN Independent Investigation in Burundi (EINUB)".*¹⁸³ From that date, the United Nations are no longer allowed to conduct visits to prisons or to conduct monitoring activities of human rights violations. This decision is a deliberate attempt by the authorities to prevent the documentation work of the OHCHR and alert and appears to be a confession of responsibility for the crimes committed in the country.

DISINFORMATION AS A PROPAGANDA TOOL

In addition to preventing the documentation of crimes, since January 2016 the Burundian authorities have engaged in a **campaign of disinformation**. The campaign aims in particular at accusing the armed opposition of serious crimes on the basis of false evidence, and at **discrediting the work of human rights organizations and journalists** documenting abuses in Burundi.

3. 10. 1. Suspicious mass graves

On 29 February 2016, a mass grave was opened by the Burundian authorities between 8th and 9th avenue in the Mutakura district, Ntahangwa commune, northwest of Bujumbura.¹⁸⁴ The mission visited the site of the grave in the middle of March 2016, and found that it was a well, used as latrines, about 10 meters deep. It is located on an uninhabited plot of land in this oppositional district of the capital city.

According to the mayor, Freddy Mbonimpa, speaking on the same day, *"three bodies in sacks"* were

180. Observatory for the Protection of Human Rights Defenders, "Burundi : Temporary suspension of the activities of 10 Human Rights NGOs", November 25, 2015, available at: <https://www.fidh.org/en/region/Africa/burundi/burundi-temporary-suspension-of-10-ngos-defending-human-rights>.

181. Observatory for the Protection of Human Rights Defenders, "Freezing of assets of three new human rights organizations", 11 December 2015.

182. See 1998 UN Declaration on Human Rights Defenders, A/RES/53/144, in particular, Article 6: *"Everyone has the right, individually and in association with others: a) To know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems; b) As provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters."* Declaration is available at: <http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf>.

183. Burundi government statement on collaboration and cooperation with the Office of the High Commissioner for Human Rights in Burundi on 11 October 2016, <http://www.burundi.gov.bi/spip.php?article1538>

184. See for instance RFI, "Burundi: découverte d'une fosse commune à Bujumbura", (Burundi: Discovery of a mass grave in Bujumbura), 29 February 2016, available at: <http://www.rfi.fr/afrique/20160229-burundi-decouverte-une-fosse-commune-quartier-bujumbura>; "Burundi : nombreuses interrogations sur la fosse commune de Mutakura", (Burundi: numerous interrogations over mass grave of Mutakura), 3 March 2016, available at <http://www.rfi.fr/afrique/20160303-burundi-bataille-communication-question-fosses-communes>.

exhumed by order of the Burundian authorities. The sacks contained bones. Mr Mbonimpa told the journalists present at the scene that the well had been *“a mass grave into which the armed insurgents threw the bodies of thirty people who did not adhere to their ideology. They [the victims] were Imbonerakure in particular.”*

According to official accounts, two men, Jean Butoyi and Venant Ndagijimana, assassinated these three individuals and buried the bodies in the mass grave – a matter that they themselves had purportedly confessed. According to local inhabitants, the two men were taken to the mass grave on the day that the bodies were exhumed in order to make their revelations to the press.

Our organizations questioned witnesses, local inhabitants and journalists present at the time. These interviews established that the official version of events was a total fabrication on the part of the Burundian authorities. According to Jean Butoyi’s testimony, as confirmed by local sources, he was arbitrarily arrested on 29 February 2016 at his shop in the Kinama market by policemen and men in plain clothes. They took his money and mobile phone, bound his arms and legs and packed him blindfolded into a police pick-up van. He was then accused of having killed 30 people and of supporting the rebel groups. He was beaten and taken to the site of the mass grave with another man, Venant Ndagijimana, whom he did not know. As for Venant Ndagijimana, he was reportedly arrested by police whilst he was rebuilding a fence on 10th avenue in the Mutakura district, in the Cibitoke area.

At the site of the mass grave, both these accused were tied to a tree and beaten. One local inhabitant who witnessed the scene told the mission: *“They were repeatedly beaten. They were attached to that tree [indicating the tree] and struck. People shouted ‘speak, speak’. There were a lot of police and Imbonerakure. They were all beating them, with sticks.”* Following this ill-treatment, Venant Ndagijimana ended up by “denouncing” Jean Butoyi, saying that it was indeed he who had killed and buried the 30 corpses.

The two men were removed from the tree when the journalists from the national radio-television network (RTNB) arrived. They were subsequently taken to a cell in the Cibitoke police station, and forced to sign a statement presented to them by a police officer, without having read the document. On 1 March they were transferred to the criminal police special research bureau. They appeared before a representative of the Public Prosecutor (OMP) on 20 March 2016. Venant Ndagijimana then withdrew his statement and denied knowing Jean Butoyi, or knowing anything about the Mutakura grave. They were then taken to the Mpimba central prison. Jean Butoyi, who suffers from a chronic neurological disease, was taken to the Kamenga neuropsychiatric center in Bujumbura because of the deterioration of his health. Venant Ndagijimana is still detained in the Mpimba central prison.

Moreover, although the authorities claim that *“thirty persons”* were buried in the mass grave, only three bodies were exhumed. Additionally, whilst Freddy Mbonimpa declared that Imbonerakure were among the victims, none of these bodies has yet been identified, rendering such an assertion apparently unfounded.

As such, it would appear that State agents have compelled **individuals to make “forced” confessions under torture and other forms of ill-treatment** in order to fabricate a story. Such acts are forbidden both by the Burundian Constitution and the regional and international instruments ratified by Burundi.

Such fabrications would appear to be designed to put crimes perpetrated by state affiliated actors at the door of the opposition, as pointed out by a diplomat interviewed by the mission.

A secondary aim would also appear to be to discredit international human rights organizations. For example, referring to the satellite images published by Amnesty International, police spokesman, Pierre Nkurikiye, declared in the wake of one mass grave “revelation” that *“it is not normal that a mass grave containing a large number of bodies should not be seen by their [the international human rights organizations] satellites. If they really do see mass graves!”*¹⁸⁵ International NGOs are therefore accused of spreading misinformation on crimes committed in Burundi, of only denouncing so-called crimes committed by the regime, and therefore implicitly of supporting the rebels, to quote the authorities’ own rhetoric. All this seems to show that the Burundian authorities are waging a **campaign of disinformation** aimed at making the opposition responsible for certain crimes, in the absence of any independent, impartial and effective enquiry, whilst simultaneously **accusing NGOs of partiality, supporting the opposition, and interference.**

Regardless, it is important to view revelations about mass graves with caution, whether by the authorities or the armed opposition groups. In a country that has suffered a civil war that took at least 300,000 civilian lives since early 1990s,¹⁸⁶ there are many mass graves dating from that period that have not been properly identified. They could well be used to add to the disinformation targeting public opinion.

3. 10. 2. “Revelations” by repentant rebels

Since the beginning of 2016, several “repentant rebels” have made “revelations” on the TV or radio,¹⁸⁷ accusing rebel groups of having committed crimes. They also accused a number of organizations, in particular those that had denounced state repression, of supporting the “armed criminals”, of working with them, and of spreading disinformation.

These repentant rebels are individuals who have formerly belonged to young armed groups and who have supposedly given themselves up to the authorities, confessing to crimes incriminating the opposition. According to investigations carried out by our organizations, some of these young men were actually working for the National Intelligence Services. Well-informed sources told the mission in confidence that in March 2016, two widely publicized repentant rebels, Epitace Ningabire and Clovis Kwizera, alias ‘Désiré’, had been arrested, tortured and paid by security agents or the National Intelligence Services. In this manner, these individuals had apparently abandoned their cause, and become informers.¹⁸⁸ Thus, on 19 March 2016, during FIDH’s mission to Bujumbura, a program that stirred up considerable interest was broadcast by the national Radio-TV network, RTNB. It focused on the two “repentant” rebels, Ningabire and Kwizera, who had purportedly “confessed” to having taken part in numerous crimes that public opinion had attributed to the security services. These “confessions” were framed as exonerating the security services from these crimes, despite many inconsistencies in their content. Moreover, the “confessions” effectively sought to discredit those who are still trying to bear witness to the true facts of these crimes, including human rights organizations, journalists and humanitarians.

Clovis Kwizera, who was the first to speak, stated, with many hesitations and approximations, in a story full of factual inaccuracies, that he had committed various crimes ordered by Alexis Sinduhije, founder of the MSD opposition party and viewed as a nemesis by the incumbent regime. Kwizera said that in September 2015, Alexis Sinduhije had sent him, with other men

185. *Iwacu*, “Controverse autour d’un charnier”, (Controversy surrounding a mass grave), 7 March 2016, available at: <http://www.iwacu-burundi.org/controverse-autour-dun-charnier/>

186. See http://www.un.org/apps/newsFr/storyF.asp?NewsID=13604&Cr=&Cr1=#.V_0QirVb89p

187. See following paragraphs.

188. See below.

trained in Rwanda, to set fire to a Chinese shop. However, an enquiry carried out by the Burundian authorities, revealed that the fire had been an accident, caused by a short circuit, and in the video, Clovis Kwizera confused the Chinese shop T2000, with the central market. He then added that in September 2014, still acting on Alexis Sinduhije's orders, he and other men had assassinated three Italian nuns.¹⁸⁹ Despite this, Clovis Kwizera was not arrested by the Burundian authorities, and according to two credible sources, had been engaged in activities for the National Intelligence Services. Lastly, Kwizera declared that a Reuters video, showing armed rebels in the Jabe district, was filmed by a team of "white" journalists, including *Le Monde* journalists Jean-Philippe Rémy and Philip Moore,¹⁹⁰ who had not been in Burundi at that time. Clovis Kwizera claims that he was one of the young armed rebels, and that again, they had been sent by Alexis Sinduhije. From April 2015 onwards *Le Monde* had published many articles on the crisis in Burundi, of which many reported human rights abuses committed by the Burundian authorities. It would seem that the unavowed purpose of Kwizera's story was thus to discredit the newspaper by accusing it of working with an opponent considered by the regime to be one of the actors of the armed rebellion.

Epitace Ningabire's "confession" saw him declare that he had been recruited by a certain Jean-Régis Nduwimana, who was in touch with a Human Rights Watch (HRW) investigator, for whom he was to simulate, in police uniform, acts of rape on a girl. He added that photographs were taken in order to accuse the police of sexual violence against women. Reports by human rights organizations are however mainly based on testimonies, not on photographs. He also claimed that HRW, through Jean-Régis Nduwimana, helped to give food and supplies to demonstrators. According to Epitace Ningabire, Jean-Régis Nduwimana was also an informer of Sonia Rolley: in January 2016, as special envoy for RFI, Sonia Rolley had written an article on rape committed by the Burundian security forces.¹⁹¹ Ningabire's testimony was therefore designed to imply that the journalist had based her article on false information. Médecins Sans Frontières and Red Cross teams present in Burundi were also accused of having cared for, protected and hidden insurgents.

Whereas some of those in power seized the opportunity to denounce an international conspiracy, investigations carried out by our organizations tend show that such language is part of a State propaganda operation aimed at exonerating the authorities of the crimes they probably commissioned and at incriminating the armed opposition on the basis of false testimonies. The propaganda, based on disinformation and conspiracy rhetoric, is illustrated by the following excerpt from an official press release on 26 March 2016: "National and international non-State organizations have been cited in this insurgency as agents for organizing the country's destabilization. The whole of the international community has leagued itself in their Defense and has set in motion machinery to diabolize the CNDD-FDD party and its government".¹⁹²

189. The assassination of the three nuns shook the international community in September 2014. Two nuns had had their throats cut during the day, and a third at night on 7 September 2014, despite the convent being guarded by Burundian police. Before the third murder the authorities had believed that the crime had been committed by an 'idler'. The case has still not been resolved. Bob Rugurika, President of African Public Radio, made enquiries into these assassinations and broadcast the testimony of one of the suspected murderers, who revealed that the then chief of the SNR, Adolphe Nshimirimana, was implicated in the triple murder. This led to the arrest of Bob Rugurika in January 2015; he was released in February. These revelations failed, however, to further the investigations on the murder of the three Italian nuns, which have never come to a conclusion. On the release of Bob Rugurika, see in particular FIDH, "Bob Rugurika is Released: a First Step for Freedom of Expression in Burundi but the Fight Continues", 24 February 2015, available at: <https://www.fidh.org/en/region/Africa/burundi/bob-rugurika-is-released-a-first-step-for-freedom-of-expression-in>.

190. Jean-Philippe Rémy is correspondent in Africa for *Le Monde*, and Philip Moore is a British photographer. See in particular: *Le Monde*, "Les envoyés spéciaux du 'Monde' au Burundi ont été libérés" (Le Monde special envoys released in Burundi), 28 January 2016, available at: http://www.lemonde.fr/afrique/article/2016/01/29/ce-que-nous-savons-de-l-arrestation-de-nos-envoyes-speciaux-au-burundi_4855931_3212.html

191. See RFI, "Crise au Burundi: recrudescence des violences sexuelles à Bujumbura" (Crisis in Burundi: upsurge of sexual violence in Bujumbura), 3 January 2016, <http://www.rfi.fr/afrique/20160103-burundi-recrudescence-viols-quartiers-contestataires>

192. CNDD-FDD Press release n° 006/2016, 26 March 2016, available at: <http://cndd-fdd.net/2016/03/29/communiquen-0062016-du-parti-cndd-fdd-du-26-mars-2016/>

3. 10. 3. Discredit the work of human rights organizations

Burundian civil society organizations, as well as international organizations, such as Amnesty International, Human Rights Watch, FIDH and ITEKA, are regularly accused of supporting the regime's opposition and of spreading false information on the crimes committed by the Burundian security forces. For instance, in his 26 July 2016 press release, Pascal Nyabenda, the President of the CNDD-FDD, declared that *"the so-called human rights organizations such as Human Rights Watch, FIDH, ITEKA League, Amnesty International etc., up to the High Commissioner for Human Rights, Mr Zeid Ra'ad Ali-Hussein [...] have since 2014 expressed their unfailing support for the authors of the 13 May 2015 putsch against the democratically elected institutions"*. He added that *"where the enemies of democracy failed, these organizations and their leaders have acted in the place of their protégés"*.¹⁹³ FIDH and ITEKA are therefore accused of protecting and supporting the authors of the putsch, thus calling into question the independence of our organizations in order to discredit their work documenting and denouncing abuses of the regime.¹⁹⁴

The suspension of all cooperation with OHCHR and, *"until further notice"* is also justified by the *"complicity played by the Office of the High Commissioner for Human Rights in Burundi, in the development of lying and controversial report of [EINUB]"*.¹⁹⁵ OHCHR is thus accused of providing false information to UN independent experts, discrediting the documentation of activities of human rights violations carried out by OHCHR.

GENERAL SURVEILLANCE OF THE POPULATION

3. 11. 1. National Intelligence Service, *Imbonerakure*, informers

Arrests, disappearances and summary executions are aided by a **general system of surveillance set up by the National Intelligence Service (SNR)**. The service is both a surveillance organization that has infiltrated all levels of society, and a body charged with repression. It is guilty of numerous serious abuses. Its many agents work discreetly to collect information with a view to controlling population movements, following people, making arrests, interrogating, torturing, and carrying out forced disappearances and executions. They wear no special uniform, and can operate in civilian clothes or in military or police uniforms.

The SNR has its own premises and a hierarchy present in all provinces of Burundi. Using this network it can **follow movements from province to province and district to district, as well as maintaining an awareness of people returning home or leaving the country**. The SNR cooperates closely with the Police de l'Air, des Frontières et des Étrangers (PAFE), and arrests individuals considered to be enemies of the regime at the frontier, ensuring that they neither leave the country nor return to it. The PAFE in particular furnishes the SNR with the names of individuals applying for travel documents (passports and laissez-passer), and of those who cross the border. One source confirmed that *"all returns are closely watched"*. The Service also keeps a close watch on displaced

193. CNDD-FDD press release, 26 July 2016, <http://cndd-fdd.org/2016/08/03/communique-no-0132016-du-parti-cnnd-fdd-du-26-juillet-2016/>

194. See also the imputation by police spokesman Pierre Nkurikiye against human rights organizations and their "satellites", following revelations made by them (Amnesty International, FIDH and ITEKA) on abuses by security forces during the events of 11 December 2015, Iwacu, « Controverse autour d'un charnier » ("Controversy around a mass grave,"), 7 mars 2016, <http://www.iwacu-burundi.org/controverse-autour-dun-charnier/>

195. See the Declaration of the Government of Burundi on 11 October 2016, <http://www.burundi.gov.bi/spip.php?article1538>

persons camps within the country, originally established in 1993 following the assassination of Hutu President, Melchior Ndadaye. At that time, many Tutsis gathered in the main centers of communes and provinces to escape reprisals from certain Hutu actors. According to one credible source, *"the camps are closely watched by the Imbonerakure and the FDLR [Forces démocratiques de Libération du Rwanda]"*¹⁹⁶ *in touch with the SNR, and also by SNR agents.*" The source had received information to the effect that the camp in the Mutaho commune was under particularly close surveillance, and that the SNR chief of operations, Joseph Mathias Niyonzima, *alias* "Kazungu", had been seen there on several occasions during the first week in May 2016. The presence of numerous Tutsi in these camps renders them hotbeds of *"insurgency indoctrination"* in the eyes of the authorities.¹⁹⁷

SNR agents are supported by the Defense and security forces, informers and Imbonerakure who have often been close to young demonstrators in the various districts. A well-informed source told our organizations that in Bujumbura *"in every district there are at least one or two police and SNR informers"*. A chauffeur working in Bujumbura said, *"when I am stopped at a police or military roadblock, they take my mobile phone and examine its contents. They also check what I look at on the social networks, twitter, etc. One has to be extremely careful"*.

Many persons have corroborated this information, explaining that during search operations and raids, or arrests, their phones and computers are seized by the police; they therefore regularly delete conversations and emails.

It is a fact that in Burundi, in Bujumbura in particular, there is a general climate of mistrust. Many of those questioned by our organizations referred to *"the destruction of trust among people"* and *"a confidence crisis in the population"*, because *"one knows that one can be betrayed to the SNR by a next-door neighbor"*. For instance, one inhabitant of Bujumbura said: *"If some one you don't know speaks to you, you will wonder why, and find it suspicious."* A local observer further stated: *"You never know if [SNR agents] will come and fetch you. So we always try to keep informed, to know if someone can be a threat to us. It has become a normal process."*

A credible source emphasized that *"an incriminatory system"* has established itself, adding that in Bujumbura a number of domestic workers have *"been forced to join labour associations"* in order to increase the surveillance.

3. 11. 2. Wiretapping and surveillance of personal data

A ministerial order, introduced on March 17 by the Finance Minister, Tabu Abdallah Manirakiza, adds a very disturbing reinforcement to this surveillance system. Article 1 stipulates that *"It is strictly forbidden for accredited mobile phone operators in Burundi to sell or offer more than one SIM card to a single subscriber without the approval of the Agence de regulation et de contrôle de telecommunication. [...] The defaulting operator is liable to a fine of five million for each SIM card sold or offered contrary to this provision"*.¹⁹⁸ It is customary in Burundi to have several SIM cards, especially since the beginning of the crisis, in order to lessen the risk of conversations being listened to by the intelligence services.

196. The Forces démocratiques de Libération du Rwanda (FDLR) is a rebel Hutu group opposed to Paul Kagame's presidency, defending in particular Rwandan refugees in the DRC. For several years there have been allegations of cooperation between the Burundian authorities and FDLR groups, said to be the basis of the break in diplomatic relations between Paul Kagame and Pierre Nkurunziza.

197. Interview with the president of a Burundian Human Rights organization, April 2016.

198. Ordonnance n°540/356, 17 March 2016, available at: <http://www.arct.gov.bi/images/image0008.pdf>

In his Order, the Finance Minister issues the following warning to owners of SIM cards that are not registered in their own name: *“No one can be registered by operators for a SIM card of which he is not the real user. In the case of a purchase by proxy, the proxy must identify the principal with supporting documents. Any person disregarding this provision is liable to a fine of five million for each SIM card”*.¹⁹⁹ It should be noted that the Burundi Criminal Code does not provide for a fine of such an amount, which equates to more than 2,700 euros²⁰⁰ – an average daily income in Burundi being around 20 euros.

Article 9 gives the Agence de Régulation et de Contrôle de Télécommunications (ARCT) the right to access users' personal and private data: *“ARCT or its technical partner is authorized to require an internet provider to divulge the identity and personal data of a subscriber on the basis of his IP address. It can also install IP control sensors with internet providers”*.

The Finance Minister himself stated that, *“we have noticed that there are ill-intentioned people who have several SIM cards for reasons of terrorism, robbery or other unavowed aims”*.²⁰¹ This Order therefore gives full surveillance powers to ARCT over users' data and identification. Our organizations are extremely concerned that they could be used to trace individuals suspected of having opposed, quite lawfully, President Nkurunziza's third mandate.

3. 11. 3. The household books (*Cahiers de ménage*)

Since the beginning of 2016, the Defense and security forces have also started to use **household books (cahiers de famille or cahiers de ménage) to monitor population movements, and sometimes to motivate arbitrary arrests**. Household books have been used in Burundi for many years as a means of maintaining a local census of the population. The head of the family has to register in the book the names of the persons living under his/her roof and hand this to the head of the district. Before the crisis this procedure was used purely for administrative purposes, but since April 2015, and especially since January 2016, this administrative census requirement has turned into an **instrument of repression and surveillance of the population**. Any person leaving his district, his commune or his province is under the obligation to indicate this fact in the book. The presence in a home of a person whose name is not in the book for that household is deemed sufficient grounds to trigger an arbitrary arrest, according to various inhabitants and human rights observers living or operating in Bujumbura.

One international observer based in Bujumbura told the mission:

“Since the beginning of the crisis the household books have become a police instrument. As each family has a book, it is possible to check all movements, and know whether a young man has left his home, supposedly for joining a rebel group, or for moving to another district. It is then possible to locate young men, who may have left their district because of the lack of security [...] Moving from one district to another has become a crime [...] Everything has to be declared, who has come to see you, who has left the home, etc. If, for instance, a country cousin comes to stay with you, you must register the fact in the book. And either way, the inhabitants are victims of the system. If they put down information that seems suspicious to the police, they can be arrested. If they don't, then they are arrested also [...] And the system is

199. *Ibid.*

200. RPA, “Le ministre des Finances veut renforcer le contrôle sur les propriétaires des cartes Sim” (The Minister of Finance wants to tighten control over the owners of SIM cards), 29 March 2016, available at: <http://www.rpa.bi/index.php/component/k2/item/2219-le-ministre-des-finance-veut-renforcer-le-contrôle-sur-les-propriétaires-des-cartes-sim>

201. See Ordonnance n°540/356, 17 March 2016, *op. cit.*

very active, and is used regularly: people have found themselves detained by the SNR because they had moved to another district... It is very worrying. [...] It is the district police that does the checking and makes the arrests."

For instance, on Saturday, 21 April 2016, around 2am, military and police were deployed in the Cibitoke area, at Bujumbura Mairie. They carried out searches on 3rd avenue, and according to the inhabitants, demanded to see household books. Eight persons were arrested, including a very old man. The same day, the police made arrests in the Musaga and Bwiza areas. According to local inhabitants, the police entered the various plots and demanded to see the household books. According to concurring sources, around twenty persons were arrested simply because their names were not in the book. They were taken to a police station in the Musaga area, and released the same day, after paying a ransom. Some of the detainees say they paid 50,000 Burundi francs, a little under thirty euros (the monthly average income in Burundi is around 20 euros).

"DEEP DOWN, I WAS PREPARING FOR THE WORST": THE CRISIS IS BECOMING ETHNIC AND EXHIBITING GENOCIDE DYNAMICS²⁰²

"All the alarm signals, including the increasing ethnic dimension of the crisis, are flashing red."

Report of the United Nations High Commissioner for Human Rights, 15 January 2016

"Given the country's history, the danger of the crime of genocide also looms large."

Report of the United Nations Independent Investigation on Burundi, 20 September 2016

3. 12. 1. Preparing minds for mass ethnic violence

"You, the Tutsi, want to get back to power": Tutsis are seen as enemies of the regime

The present crisis in Burundi is primarily a political crisis engineered to keep the incumbent regime in power. It is characterized by ferocious repression against all those opposing President Nkurunziza's authority. Our investigations show that the prime targets of the repression are asserted as being *"opposition"*, *"contestation"* and *"terrorism"*. As the regime seeks to use these terms to construct a common external enemy, a question arises as to who exactly these terms are intended to denote.

The Burundian authorities present the *"opposition"* – in reality an extremely diverse cross-section of Burundian society – as a uniform *"whole"*. These parties are referred to using the rhetoric of *"enemies"*, *"insurgents"*, *"rebels"*, *"armed criminals"*, and even *"terrorists"*, irrespective of their heterogeneous status. Thus, these terms are leveled at members of the political opposition and independent civil society, officers involved in the putsch, rebel fighters, persons taking part in demonstrations, those who have joined the armed rebellion, and more generally anyone suspected

202. Interview with a member of Burundian Human Rights organization.

of opposition to the regime. Such semantics are used in combination with other propaganda and misinformation to create a common enemy that can be blamed for the entirety of the country's "misfortunes".²⁰³ In the Burundian context, the archetype of an external common enemy invoked by the Burundian authorities is pernicious in suggesting that it is in fact "the Tutsi". According to the regime's rhetoric, this is justified by the fact that Tutsis are "aliens", who in particular come from neighboring Rwanda. Here, an ethnic motive is activated to serve the political end of holding on to power.

It must be emphasized that all individuals seen as opposing the authorities in power, be they Hutu or Tutsi, are potential victims of the repression exercised by the security forces. However various pieces of evidence, including things said by certain members of the government and senior officers in the Burundian defense and security forces, highlights that the authorities in power actively brand the Tutsi as being "the opposition", whose aim is to return to power, despite the presence of many Hutu among the political and armed opposition.

For instance one MSD member told our organizations:

"I was one of the leaders of the MSD. Just after the 2010 elections, the MSD won the vote in all the University polling stations. It was then that I started to be questioned: how could a Hutu be against the Hutu party? I received phone calls from Darius Ikurakure telling me to leave the MSD and join the CNDD-FDD, because according to him the MSD was a Tutsi party, and I am a Hutu."

The language used by Lieutenant-Colonel Darius Ikurakure, close to President Nkurunziza, relayed by this member of the political opposition, shows that the authorities have for several years been trying to spread the idea that the political opposition was dominated by Tutsis. This dynamic has increased since the 2010 elections and has become an essential feature of the policy pursued by the Burundian authorities since April 2015.

Lists are said to have been drawn up by the intelligence services concerning the international organizations present in Burundi. These are distributed to the whole of the administration and the Defense and security agencies. A credible source told the mission that SNR has "a precise list of who is Tutsi and who is Hutu on the UN's staff", adding "they know all about quotas".

A well informed local observer told the mission stated that, "the authorities know that many Hutu do not support them. But they are seeking to awaken the old demons. By accusing the Tutsi, like Buyoya²⁰⁴ for example, who is the figure of terror for many Hutu, they are trying to destroy the cohesion between Hutu and Tutsi, so as to get the Hutu to rally to their cause".

Furthermore, as shown throughout this report, many accounts by witnesses and victims confirm that for the security services those opposing the regime are taken to be Tutsi, the formula being: "opponent = Tutsi = opponent". Léon, aged 34, reports that on 11 December 2015, upon entering his plot, the police said to him: "You, the Tutsi, you demonstrated against the President and the third term of office. Your parents lied to you, the President must reign to the end and you won't prevent him from ruling over Burundi", adding "You, the Tutsi, you don't want him [Pierre Nkurunziza] to reign, but you will have to accept it, whether you like it or not". Such testimony is by no means a one off.

203. CNDD-FDD Press release n° 006/2016, 26 March 2016, available at: <http://cndd-fdd.net/2016/03/29/communique-n-0062016-du-parti-cndd-fdd-du-26-mars-2016/>

204. President of Burundi from 1987 to 1993 and from 1996 to 2003, he belongs to the Tutsi ethnic group. In 1996 he staged a successful military coup against the Hutu President, Sylvestre Ntibantunganya.

Ethnic and genocidal rhetoric

In fact, the Burundian authorities are seeking to spread mistrust and hatred against “the common Tutsi enemy”, using genocidal semantics somewhat reminiscent of the language used in Rwanda in 1994 by the “Hutu power” government calling for the systematic elimination of the Tutsi. On 30 October 2015, Révérien Ndikuriyo, Speaker of the Senate, speaking before his supporters and Imbonekature, declared: *“If you get a signal, with the order that this must stop, there will be no room for emotions and tears!”* before adding *“you must pulverize, you must exterminate these people [...] Wait for the day when you will be told ‘get to work’, you will see the difference!”* This cry to arms was made in a conversation that was not supposed to be recorded.²⁰⁵

On 2 November 2015, President Nkurunziza issued an ultimatum to those he called armed criminals, calling on them to lay down their arms and to give themselves up by November 7. The Minister for Public Health, Alain Guillaume Bunyoni, then declared: “even if the police failed to restore security, we have a population of 9 million people who simply need a signal [...] and in a few minutes they would be here [...] Who would survive then among those who refused to keep in step?”²⁰⁶ hinting that a majority of the population could be mobilized to commit mass violence.

On 1 April 2016, the day before the funeral of Lieutenant-Colonel Darius Ikurakure, there were messages on the social networks, that ran along the theme of the following Whatsapp message: *“Dear HUTU, wake up! Tomorrow we will be burying another hero of the fight against the Tutsi, his Excellency Lieutenant-General (sic) Darius Ikurakure. Alert HUTU officers and civilians will be there to say ‘thank you for what you have done’. Come in large numbers and be vigilant, remembering that a hero must not die alone, za mujeri sindumja muzincunge bibaye ngombwa mukore. Delende is Mike. [watch these skinny dogs, I am no slave, if necessary, get to work]. A word to the wise is enough! KORA! [meaning ‘get to work’]”*²⁰⁷ in Kirundi.

In January 2016, Vice-president of the ruling party Victor Burukukiye held a meeting at the CNDD-FDD office in Muyinga, during which he reminded party members present, in particular the *Imbonerakure*, that one had to be “wary of the Tutsi who governed the country for 40 years”, adding that “this time, things have changed”, and that “we must not sleep, but wake up and revenge ourselves of those years of colonization”. He also mentioned “the climate of mistrust and suspicion that is contaminating the police” due to the presence among them of supporters of Hussein Radjabu (an opponent who had been a brother in arms of President Nkurunziza) and Godefroid Niyombare (leader of the May 13 putsch). He urged that the *Imbonerakure* should “replace” the police.²⁰⁸

These messages, some of which refer explicitly to the phrase “get to work” that was used by the genocidal Hutu Power government in 1994, indicate that **acts of genocide could be committed in Burundi**. Likewise, the “**replacement**” of the police by *Imbonerakure* during certain repressive operations, both in Bujumbura and in the provinces, is particularly disturbing (see below, “Those responsible” – “The *Imbonerakure*”). It is a clear indication of the determination of the authorities to modify the composition of the security forces in order to include a greater number of elements considered to be reliable.

205. See our website: <https://www.fidh.org/fr/regions/afrique/burundi/repression-aux-dynamiques-genocidaires-la-reponse-de-l-onu-doit-etre> and *Le Monde*, http://www.lemonde.fr/afrique/article/2015/11/06/crainte-de-violences-au-burundi-apres-le-discours-du-president_4804870_3212.html

206. See in particular, FIDH, “Burundi: The international community must act quickly before the situation becomes irreparable”, 6 November 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-la-communaute-internationale-doit-agir-vite-pour-prevenir-l>

207. The term *gukora*, which means ‘work’ (*kora* means ‘get to work’) became a code-word meaning attacking and killing Tutsi during the Rwanda genocide.

208. Language reported to our organizations by an observer present at the meeting.

The use of the term “**genocidal insurgency**”²⁰⁹ by ruling party president, Pascal Nyabenda, in respect of opposition to Nkurunziza’s regime, is also extremely worrying. In the CNDD-FDD press release of 26 March, Nyabenda asserts that the “negative forces” present in Burundi have a “genocidal plan”.²¹⁰ This appears intended to imply that regime opponents, branded as Tutsi, are planning to commit a genocide against the Hutu in Burundi, thereby justifying **acts of violence against Tutsis as a preventive measure or where the authorities deem it necessary**: for instance this “trigger” could be in the event of new armed attacks by armed opposition or foreign countries, the assassination or attempted assassination of the president or other members of the regime, and others. Despite this, it should be noted that the leaders of the FOREBU and the Red-Tabara, the two armed rebel groups most involved in crisis related violence, are Geodefroid Niyombaré and Biremba Melchiade. Both are ethnic Hutu, and it is unlikely that their groups would ever order massacres against the Hutu population. This confirms that the authorities are engaged in propaganda aimed at **preparing and conditioning the population to the commission of an even more massive repression see any massacres by exploiting the ethnic dimension of the history of Burundi**.

At the same time, **calls to arms** by both rebel groups and members of the ruling party since the beginning of 2015 are deteriorating the security situation and contributing to the **conditioning of the population to the idea of mass violence**. For example, in the eastern Cankuzo province, CNDD-FDD deputies and senators are engaged in a campaign intended to impress upon the local population the need to fight against “foreign forces”.²¹¹ On 19 January 2016, a vehicle with loudspeakers drove around the area with the following message: “*We must fight these foreign forces. Burundi is independent and we must not remain in slavery. These foreign forces have no business here. Interposition? Between whom and whom? We do not need them. If ever they arrive, we must rise up and fight them.*” The ‘foreign forces’ may be a reference to the African Prevention and Protection Mission in Burundi (MAPROBU), or the United Nations, or to rebel groups of which some elements appear to be based in DRC or Rwanda. FOREBU and RED-Tabara have also on several occasions called for people to join the armed rebellion to fight against Nkurunziza’s rule.

Re-opening the wounds of the 1972 genocide²¹²

Since the beginning of 2016, Burundian leaders have increasingly sought to revive the demons of the past in their speeches, thus recalling fears linked to the 1972 genocide. On the night of 29 April 1972, armed groups attacked villages in the south and systematically eliminate the Tutsi officials, their families and the Hutus who refuse to follow them. “*During the months of May and June 1972*” repression “*turns into genocide of Hutu elite*” according to Jean-Pierre Chretien.²¹³ Some Hutu political parties have long wanted this event to be officially qualified as genocide. However, some 1972 Tutsi survivors consider that this theory of the “double genocide” is to obscure the plan to exterminate the Tutsi who had been standing by the Umugambwe w’Abakozi b’Uburundi (Burundi Workers’ Party).²¹⁴ This memorial competition of a disputed story still resonates today.

209. CNDD-FDD press release N° 006/2016, 26 March 2016, available at: <http://cndd-fdd.net/2016/03/29/communique-n-0062016-du-parti-cnnd-fdd-du-26-mars-2016/>

210. *Ibid.*

211. According to ITEKA observers in the field.

212. Researchers agree to qualify ethnic massacres in 1972 as genocide. See in particular René Lemarchand, « Le génocide de 1972 au Burundi » (“The 1972 genocide in Burundi”), *Cahiers African Studies* [Online], 167 | 2002, <http://etudesafricaines.revues.org/156>. See also *Burundi, la fracture identitaire. Logiques de violence et certitudes « ethniques »* (Burundi, identity fracture. Logic of violence and certainties “ethnic”), Collective work, Under the direction of Jean-Pierre Chrétien and Melchior Mukuri, K Editions, 2002. Introduction page 16.

213. *Burundi, la fracture identitaire. ibid.*

214. See Marc Manirakiza, *Burundi : de la révolution au régionalisme* (Burundi: from revolution to regionalism), Le Mat de Misaine, 1990, pp. 121-122

A Burundian intellectual who still lives in the country told our organizations that “at the end of each month, the spokesman of the ruling party [Gélase Ndabirabe] appears on national television saying that we must be vigilant, because the Tutsi want to return to power. State officials say to the Hutu ‘we must be careful, you know that in 72²¹⁵ it was the Tutsi who killed us.’” The systematic reference to the 1972 genocide and inter-ethnic massacres implies that “the Tutsi” could once again commit the same kind of atrocities against the Hutu - thereby fuelling hatred of the other group. Once again, this serves to prepare peoples’ minds for the perpetration of mass ethnic violence.

On 29 April 2016, memorial ceremonies were held in Burundi to commemorate the 1972 inter-ethnic massacres, as they are every year. This year, however, for the first time in the country’s history, victim family associations asked the authorities and the United Nations that the events be officially recognized as genocide. A “special and synchronized commemoration of the 44th anniversary of the genocide committed against the Burundian Hutu in 1972” was organized in Bujumbura, Ottawa (Canada), and Paris (France). One local observer told our organizations that, *“this was the first time the commemoration was celebrated on such a scale in Burundi, with banners and reports ad infinitum on RTNB”*.

While the authorities have not yet responded to the appeal to categorize the 1972 events as genocide, they have broadcast it widely. They have particularly done so using social networks with numerous calls for remembrance, as well as on national radio and television (RTNB), which were mandated to show a special report on the 29 April commemoration produced by victims’ associations every evening. The film recalls, inter alia, that hundreds of thousands of Hutu were exterminated and thrown into mass graves.

The August 2000 Arusha Agreement originally provided for the setting up of a **Truth and Reconciliation Commission (CVR)**. One of the Commission’s missions is to investigate this tragic episode of Burundi’s history. After over ten years of negotiations with the authorities,²¹⁶ the CVR finally saw the light of day at the beginning of March 2016, at a time when the country was more divided than ever since the 1990s. Whilst some believe that the CVR arrives at just the right moment to aid Burundi’s much needed reconciliation, others fear it could be manipulated. So far its chairman, Monseigneur Jean-Louis Nahimana, has warned against awakening the *“demons of the past”*. In an interview on RFI he declared: *“For people to want to mourn for members of their family, I see no sin in trying to do that. But if we want to act as responsible persons, I feel we should also take into account the present context of our country. Because the present crisis in Burundi has revived the demons of the past, notably the ethnic demons.”*²¹⁷ He recalled that it was up to the CVR to qualify the crimes committed in 1972, and that it should be allowed to *“get on with its job”*.

The president of a Burundian Human Rights Organization, who was very active between 2005 and December 2014 in advocacy with the authorities for the CVR to be set up, has issued the following warning: *“For more than ten years we had been battling with the government for the CVR to be set up. Civil society organizations very much wanted such an instrument, to promote truth and justice in Burundi. We were getting nowhere, the authorities blocking every move. And then all of a sudden, as if by a miracle, at the end of 2014 they spared no effort to accelerate the process, and the*

215. Reference to the interethnic massacres of 1972.

216. National consultations were organized in Burundi to collect the views of the population on the mandate and the composition of the future Truth, Justice and Reconciliation Commission. Finally, the Government failed to take account of the observations of the people, and presented its own plan, which in particular excluded the involvement of the judiciary.

217. RFI, “Burundi: polémique autour de la commémoration des massacres de 1972” (Burundi: controversy surrounding the commemoration of the 1972 massacres), 3 May 2016, available at: <http://www.rfi.fr/afrique/20160503-burundi-polemique-commemoration-massacres-1972>

CVR appeared in no time [around one year]... It is a bit suspicious. [...] In such a context, where any dissident voice is automatically silenced and where all institutions are subservient to the State, I fail to see how the CVR could work in a completely independent manner. It is a matter of deep regret.”²¹⁸

FIDH and the ITEKA warn the Burundian authorities not to interfere with the activities of the Commission and to respect its independence and the freedom of expression of its members. Our organizations are however alarmed by the Burundian authorities' exploitation of the memory of the 1972 genocide and inter-ethnic massacres, and fear a manipulation CVR for political purposes.

To qualify the 1972 killings of genocide or crime against humanity should not obscure the historical reality of mass massacres that targeted Hutu populations and Tutsi opposed to the regime of the time. However, only historians, independent commissions or non-politicized organizations are able to give these crimes qualifying for the History. The attempt of the current regime to exploit the past to justify his current actions is equivalent to erecting victims into executioners. This does not exclude their own responsibility.

3. 12. 2. Anti-Rwanda propaganda

The Burundian authorities are also simultaneously speaking out against Rwanda and its Tutsi President, Paul Kagame, in a very virulent manner. This rhetoric aids to augment the idea that Burundi is threatened by a “common external enemy” planning genocide against Burundi's Hutus.

In his 26 March 2016 communiqué, Pascal Nyabenda accused President Kagame of wanting to “export” genocide to Burundi and of arming Burundian rebels who are refugees in Rwanda, in order to “send them to their country of origin to commit genocide in their homeland”.²¹⁹ Speaking on National Radio-Television on 26 March, ruling party spokesman, Gélase Ndadirabe, stated: “Kagame, a specialist in genocidal plans and ideas for having tried them out at home, takes every opportunity of exercising yet again a negative influence on Burundian history by recruiting and training Burundian refugees for them to commit a genocide in their country of birth.”

In a communiqué published on 16 August 2016, Pascal Nyabenda even went so far as to accuse the 1994 Rwandan government of having “faked acts of genocide [...] against the Hutu government in Kigali” at the time of the 1994 genocide.²²⁰ Such remarks would mean that the Rwanda Patriotic Front (FPR), who won the civil war, had at the time fabricated evidence to make the Hutu government appear responsible for the genocide of the Tutsi, thereby bringing into question the 1994 Rwandan genocide.

After the publication of the communiqué, the United Nations Special Adviser on Prevention of Genocide, Adama Dieng, said that, “[t]his irresponsible statement could be interpreted as [Rwandan] genocide denial [...] [It] has the potential to inflame ethnic tensions, both within Burundi and outside its borders.”²²¹

In February 2016 a confidential memorandum by the United Nations Group of Experts on the DRC, dated 15 January 2016 (that was subsequently made public)²²² affirmed that Burundian

218. Interview on condition of anonymity, May 2016.

219. CNDD-FDD press release, 26 March 2016, *op. cit.*

220. CNDD-FDD press release, 16 August 2016, para. 3, available at: <http://www.cndd-fdd.net/2016/08/16/communique-no-0162016-du-parti-cndd-fdd-du-16-aout-2016/>

221. UN News center, “Burundi : UN adviser deplores ‘inflammatory statements’”, 25 August 2016, available at: www.un.org/apps/newsFr/storyF.asp?NewsID=37917#.V86Jfda-dcU

222. *Jeune Afrique*, “Grands Lacs : ce que contient le rapport confidentiel du groupe d'experts de l'ONU” (Great Lakes: what is in

combatants have been recruited in refugee camps in Rwanda and trained by the Rwandan military. The Group of Experts indicates in its report that four companies of 100 men each have been recruited and trained in the use and maintenance of firearms, notably assault rifles and hand grenades. The training included military tactics and ideological conditioning sessions. This seems to show that Rwanda is supporting, more or less directly, attacks by rebels armed and trained in Burundi, thereby contributing to the intensification of the conflict. Despite this, however, there is nothing to show that these rebel groups are planning to implement genocide against Burundian Hutus, not least because the rebel groups receiving such support count many Hutu among their membership.

In February 2016, several massive “anti-Rwanda” demonstrations were organized by the authorities all over the country, especially on 13 February 2016. On that day, the same message from the authorities was read out in all 18 provinces of the country. In Bujumbura, the mayor, Freddy Mbonimpa, made the following declaration:

“We, the Burundians, denounce Rwanda and its President, Paul Kagame, for acts of aggression committed from May 2015 onwards. They have trained and enrolled in groups of killers certain Burundian refugees in camps in Rwanda, with the aim of assassinating Burundian leaders and of overthrowing the democratically elected institutions. We are indignant! We, the Burundians, denounce all those who are doing their utmost to force the government to open a dialogue with the authors of an attempted coup: this is unheard of! On the contrary, Rwanda and other countries should rather hand over to the Burundian government those who are in exile in their countries, for them to be put on trial according to the law. The government of Burundi announces that these demonstrations will continue throughout the country until those enemies stop their nefarious activities. Do you agree?”²²³

Scenes of great verbal aggression have been observed, notably in Bujumbura, where thousands of demonstrators, led by senior Burundian officials, gathered outside the Rwandan embassy shouting slogans such as “Kagame is an enemy, we’re going to take him to the cleaners”, or “we will throw grass at him”, a Burundian phrase used to denote general opprobrium.

Such mobilization by the Burundian authorities against the Rwandan “enemy” renders Rwandan refugees living in Burundi or Burundians of Rwandan origin, scapegoats and, according to the regime’s rhetoric, “spies” of Kagame. On 7 March 2016, the security forces announced that they had arrested a Rwandan “spy”,²²⁴ Cyprien Rucyahintare, on Rushya hill in the northeast of Burundi, on the Rwandan border. The man had presented himself as a corporal in the Rwandan army on a “spying mission” in Burundi, where he was supposed to find a hiding-place for 200 combatants who were going to carry out attacks in the country. His statement was contradicted by members of his family, interviewed by RFI, in particular his father, who described him as a “small town delinquent”. He stated, in particular: “My son has never been in the army or anywhere near the military. All he knows is robbery.” Rucyahintare’s brother added: “He is lying. He must have been used by Burundi in a context of tense relations between the two countries. They may have offered him money to tarnish the image of Rwanda.”²²⁵ The Rwandan authorities also denied having anything to do with Rucyahintare. The

the confidential report of the UN panel), 6 February 2016, available at: <http://www.jeuneafrique.com/299917/politique/grands-lacs-contient-rapport-confidentiel-groupe-dexperts-de-lonu/>

223. According to a report by RFI, “Burundi: manifestations pour protester contre l’agression du Rwanda” (Burundi: protests against ‘aggression’ of Rwanda), 13 February 2016, available at: <http://www.rfi.fr/afrique/20160213-burundi-manifestations-protester-contre-agression-rwanda>

224. RFI, “Les autorités burundaises affirment avoir arrêté un ‘espion’ rwandais” (Burundian authorities say they have arrested a spy Rwandan), 12 March 2016, available at: <http://www.rfi.fr/afrique/20160312-autorites-burundaises-affirment-avoir-arrete-espion-rwandais>

225. RFI, “Burundi: la famille du Rwandais accusé d’espionnage dément la version officielle” (Burundi: the family of Rwandans accused of spying denies the official version), 27 March 2016, available at: <http://www.rfi.fr/>

testimony of his family seems to suggest that he may have been incited or forced to present himself as a “spy” in order to fuel anti-Rwanda propaganda.

At the same time, more and more Rwandans or individuals of Rwandan origin are being arbitrarily arrested and detained, and sometimes tortured or killed in circumstances that are often never elucidated. On 14 April, the body of a carpenter of Rwandan origin, who lived in a refugee camp at Butare, Bukemba commune, Rutana province, in eastern Burundi, was found hanging from a tree in Gisikara forest. Local inhabitants denied the possibility of a suicide, though they were unable to provide further explanation. He is then said to have been detained for one month in the residence of **Samuel Destino Bapfumukeko, SNR chief in Makamba**. Since then, he is considered to have disappeared, and no information has been forthcoming on his situation. Persons close to him told FIDH informers that the only explanation for his arrest seems to be that he was a Rwandan. Our organizations, however, have not been able to check the assertion.

Even if anti-Rwandan propaganda is founded upon credible allegations of Rwanda’s support of Burundian rebel groups, it also provides the authorities with the opportunity of demonstrating that, far from going through a domestic political crisis, Burundi is the victim of external “aggression”. It aids the authorities to further disclaim any responsibility for the current violence in the country. The intensification of such ethnic rhetoric serves as a backcloth for the increase in acts of violence against Rwandans. If these become widespread, they could further **exacerbate tensions with Rwanda and lead to a regionalization of the crisis**. This, and the authorities’ genocidal rhetoric, foster the confusion between “opponents”, “rebels”, “Tutsi” and “perpetrators of genocide”.

At the beginning of March 2016, the Burundian authorities started a **campaign of compulsory registration of foreigners** present on its territory for more than two months. All relevant foreigners must register with the central office of the *Police de l’Air, des Frontières et des Étrangers* (PAFE) to obtain a biometric identity card, which has to be paid for.²²⁶ Our organizations are concerned that this measure could, in the present context, **exacerbate xenophobic feelings and increase tensions between communities**.

3. 12. 3. CNDI: an instrument of propaganda for the regime’s doctrine

The authoritarian, anti-Tutsi language that divides the country is given widespread circulation through the **National Commission for Inter-Burundi Dialogue (*Commission nationale du dialogue interburundais (CNDI)*)**. The Commission was set up by presidential decree on 23 September 2015, in response to pressure by the international community, which for more than a year had been calling on the authorities to initiate an inclusive dialogue with independent opposition and civil society. The authorities refused to have talks outside the country under the aegis of the international community, but created the CNDI as proof of their desire to initiate an “*inter-Burundi dialogue all over the country and at all levels*”, under the tutelage of the Presidency”.²²⁷

The task of the CNDI is to organize “*meetings, workshops and seminars*” for debates on “*social, political issues, the consolidation of peace, security, economic development, evaluation of the Arusha Agreement, the Constitution, [...] etc.*”²²⁸ The sessions are led by moderators before crowds watched

afrique/20160327-burundi-famille-rwandais-accuse-espionnage-dement-version-officielle

226. See in particular the website of the French embassy in Bujumbura, “Campagne d’enregistrement des étrangers présents au Burundi” (Registration campaign of foreigners present in Burundi), 7 March 2016, available at: <http://www.ambafrance-bi.org/Campagne-d-enregistrement-des-etrangeurs-presentes-au-Burundi>

227. See Decree n° 100/34 to establish the CNDI - National Commission for Inter-Burundi Dialogue, 23 September 2015, available at: https://www.fidh.org/IMG/pdf/bdi_decret_n100-3_creation-cndi_2015.pdf

228. See Decree n° 100/34, 23 September 2015, *ibid.*

by the police, composed largely of CNDD-FDD activists and sympathizers, who speak up in support of the party line. In practice it is therefore impossible for any dissenting idea to be expressed. Local observers who have been to such meetings told us that the themes systematically addressed include:

- Modifying the Constitution and cancelling the limitation of mandates;
- Re-establishment of the death penalty;
- Surveillance of the media *“which harm the people and the government”*;²²⁹
- Respect for the result of the presidential election;
- Reconsideration of the contents of the Arusha Agreement, in particular the ethnic balance.

Messages stigmatizing the Tutsi, denouncing “slavery” and “colonization” of the Hutu by the Tutsi and reactivating memories of the 1972 massacres are also systematically relayed. Some of the remarks made during these assemblies and passed on to our organizations by people present in the hall are shockingly virulent and aggressive, clearly showing that the **Commission is an instrument for spreading regime propaganda**.

For example, during such a meeting held in Muramvya province on 12 February 2016, in a room belonging to the secondary school of the provincial capital, participants (around 600) were invited to *“propose a solution for Burundi to have true lasting democracy”*.²³⁰ One source who was present told our organizations that the answers given by the CNDD-FDD members in the room were:²³¹

- *“Kill the opposition politicians, journalists and other trouble-makers, but also exterminate their descendants”*;²³²
- *“Destroy sites for internally displaced persons, because that is where insurgency indoctrination takes place”*;²³³
- *“Ban civil society organizations that do not support the government”*;²³⁴
- *“Cancel the Arusha Agreement for peace and reconciliation”*;²³⁵
- *“Ban the word ‘mandate’ in Burundi”*;²³⁶
- *“Introduce compulsory military service for young people to teach them how to fight an attempted putsch”*;²³⁷
- *“That the present President be President for Life”*;²³⁸

229. Interview with local observer, 24 March 2016, Bujumbura.

230. In kirundi: « *Tanga umuti ubona ukwiye gukoreshwa kugira ngo mu Burundi habe intwari rusangi itsimbatare, ni ukuvuga demokarasi irama.* »

231. Our organizations have in their possession an audio recording of the meeting.

232. In kirundi: « *Hagaruke igihano co guta abantu mu gisumanyenzi ku banyapolitique, abamenyeshamakuru n'abandi bahungabanya umutekano. Ababigize babahonye n'imiryango yabo yose.* »

233. « *Sites z'abadéplacés zifutwe kuko ariho urwaruka rwigishirizwa imigumuko.* »

234. « *Amashirahamwe adashigikira Leta bayafute.* »

235. « *Amasezerano ya Arusha afutwe asubirizwe n'ibi turiko turashikiriza.* »

236. « *Ijambo mandat ntirubire kuvugwa mu Burundi.* »

237. « *Ni haje inyigisho za gisirikare, service militaire obligatoire, urwaruka rumenye kurwanya utugwi tugira coup d'État.* »

238. « *Umukuru w'igihugu ahari natware gushika aze asaze.* »

- *"That a person killing someone be also killed immediately";*²³⁹ (attributed to Hon. Rémégie Bazirahomponyoye, member of parliament for Muramvya);
- *"That the death penalty be reintroduced".*²⁴⁰

During a CNDI session on 29 January 2016, in Citiboke province, Pasteur Habimana, whose real name is Methusselah Nikobamye, President of FNL-Iragi Rya Gahutu, an opposition political party derived from Agathon Rwasa's FNL, and seen as close to the ruling party, made an equally disturbing statement:

"There was in Burundi one single ethnic group, the Tutsi, I love them, but they must accept the truth. The time has come to say it and confess it: that ethnic group told us that to govern Burundi one had to come from heaven and be born with seeds...²⁴¹ I am not lying. In those days the Belgians had not yet appeared, so how can people say to me, Pasteur Habimana, that it is the Belgians who caused division among us on ethnic grounds, whereas there are those [the Tutsi] who say that they were born with seeds, to deceive us in full sight of everyone... We have been governed by lies. We accepted and lived as slaves [to the Tutsi] for a long time. [...] And at a certain moment we said [no more slavery] and we freed ourselves from slavery. After our liberation, there were the famous lies of Arusha, piloted by Buyoya²⁴² to cover his tracks, [...] and the Tutsi military refused democracy in full daylight. [...] They claimed their [ethnic] quotas. Dear Tutsi, those whites [the international community] want to dig for minerals because they have not brought peace to Congo. Peace is our business, and dear Tutsi, take my advice, accept a fair sharing out... Accept democracy... For there is a law that protects the Twa and Tutsi minorities, but where is the law that protects us, the Hutu who are the majority, democratically? That is why you must accept the elections. Accept universal democracy! [...] we voted for Pierre [Nkurunziza] in the National Assembly for him to change the unfair laws that have come to us from Arusha. It is shameful that you should have 50% [of the posts in the Defense and security agencies] while you are 14% [of the population]! It is shameful that you should be able to have 40% [of the civil service posts]. It is impossible! Today, the Commission [CNDI] must tell us that it was a group of Tutsi that deceived us. [...] I know, the Tutsi take me for an extremist, I love them... Let us accept the universal vote, one head and one vote!"²⁴³

In his speech, Pasteur Habimana explicitly brings into question the achievements of the Arusha Agreement, which specifies an ethnic balance in the police and the army and in the administration.²⁴⁴ The representation requirements laid down by the Arusha Agreement nevertheless made it possible to put an end to a fratricide conflict that had lasted more than ten years, and which the signatories recognized as a *"fundamentally political conflict, [but] with extremely important ethnic dimensions"*.²⁴⁵ This compromise was a remarkable breakthrough for peace and democracy in the country. Pasteur Habimana's remarks are all the more disturbing in that they are full of references to the "slavery" and "deception" inflicted on the Hutu, which could **nurture a thirst for vengeance and revenge**, fuel hatred, and in the present context, lead to the worst kind of abuses.

239. « Uwuzofatwa yishe nawe ace yicwa. »

240. « Igihano co gupfa gisubizweho. »

241. A reference to the myth that to be king of Burundi, one had to be born with seeds in one's hands. CNDD-FDD members spread the idea that those kings, who governed the country from the 17th century to 1966, were Tutsi, which is historically untrue.

242. Former President of Burundi, from 1987 to 1993 and 1996 to 2003. He is an ethnic Tutsi.

243. Speech reported to our organizations by a Burundian human rights observer present at the meeting.

244. The 2005 Constitution specifies that the Government, the National Assembly, and also public corporations must comprise a maximum of 60% Hutu and a maximum of 40% Tutsi.

245. "Arusha Peace and Reconciliation Agreement for Burundi", August 2000, Prot.I, Chap.I, Art.4.

Generally speaking, far from promoting a sincere and inclusive political dialogue and trying to reconcile political and ethnic antagonisms generated by the crisis, **the CNDI echoes speeches inciting hatred and violence**. The messages conveyed at Commission gatherings by activists of the ruling party reflect CNDD-FDD's basic ideology: extermination of the opposition, and victimization of the Hutu to justify repression against the Tutsi, authoritarianism and legitimization of State violence. One can also question the credibility of an inter-Burundi dialogue held in the absence of opposition political parties and independent civil society, and in which no dissident voice is tolerated.

Diplomats have also confirmed to our organizations that the President wants to modify the Constitution and reintroduce the death penalty, which shows that the CNDI also acts as mouthpiece for the political plans of the ruling party.

For these reasons, our organizations call on the international community to step up its efforts in seeking the resumption without delay of a dialogue, held outside the country under the auspices of the international community, between the Burundian authorities, the political opposition and civil society.²⁴⁶

246. See below, Part VI "Prevent the worst: renew the political dialogue, protect civilians and fight against impunity".



The Anti-riot Squad passes by the building of the Public African Radio (Radio publique africaine, RPA) in Bujumbura, April 29, 2015, after the radio has been suspended by the authorities on the 27th. © SIMON MAIN / AFP

INDISCRIMINATE REPRESSION OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS

"We have suspended the civil society Tutsi who used to protect you. You must chose now, either you work with us, or we'll kill you."

A group of *Imbonerakure* speaking to a Burundian civil rights defender,
Bujumbura, January 2016

Human rights defenders and journalists have been targeted by the Burundian government for many years, specially since 2010 elections. Now, however, they are being increasingly harassed and vilified. Right from his inaugural speech on 20 August 2015, Pierre Nkurunziza began attacking civil society, equating its leaders with his political opponents and "criminals" damaging the interests of the nation. He also threatened to review the laws relating to NGOs and associations.²⁴⁷ In his second speech, delivered later in August, he not only announced his five-year plan, but also made it clear that it would become more difficult for NGOs to obtain financial aid.²⁴⁸

A Commission tasked with investigating the "insurrection" that began on 26 April 2015, was established by the Burundian Prosecutor General on 29 April 2015. Its members were drawn exclusively from judges from the Prosecutor's Office, and it produced a final report of its investigations in August 2015. This report seemed keen to clear the Burundian State of any liability for the violence that had occurred during the demonstrations and to lay the blame for these events at the door of civil society organizations and opposition political parties. No single reference is made to violence committed by the police and the army. The overwhelming majority of civil society and opposition leaders are identified by name and described as *"the organizers of and parties liable for the insurrection movement."*²⁴⁹ They are deemed responsible for "bloody crimes", including murder and grievous bodily harm, not just in relation to civilians but also the police, as well as for "preventing citizens from enjoying their rights and liberties" and "having caused physical damage to public and private infrastructure."²⁵⁰

At a press conference on 17 September 2015, the Prosecutor General, Valentin Bagorikunda, fully concurred with the Commission, reasserting that members of civil society were the key

247. Excerpts from the inaugural speech by Pierre Nkurunziza on 20 August 2015 are as follows: *"We would ask civil society associations not to interfere in political business and to avoid saying or doing anything that might provoke division and dissent of whatever nature, and not to incite to kill, as has already happened during the recent uprisings. That is why the current rules relating to NGOs and ASBLs will be reviewed so as to avoid any repetition of the disorder that we have witnessed in the past. [...] In the course of the next five years in which the people have entrusted us with leading Burundi, the social project that has been announced shall be based on three fundamental components and we'll be returning to these, once we have formed our new government. These include [...] dismantling the criminal gangs, and tracking the violators who have brought mourning to Burundi in these past few days and who continue to do so, within no more than two months."*

248. Excerpt from a Message to the Nation of 26 August 2015: *"We shall examine in detail how we can create a Commission in charge of national and international NGOs, how these can be approved and how their operations can be monitored. It is evident that these organizations need to be put in proper shape. This commission will monitor their projects and ensure that their contribution to the development of our country becomes more visible and complies with the new regulations that are soon to be drafted. Any funds that these organizations receive will have to go through the usual channels and must be used for the purposes for which it was intended. Should there be any failure to comply, the laws and regulations shall be enforced and those persons who breached them shall be punished, regardless of who they are."*

249. See the Report of the Commission d'Enquête chargée de faire la lumière sur le mouvement insurrectionnel déclenché le 26 avril 2015 (Inquiry charged to do the light on insurrectional movement triggered on 26 April 2015). It refers to almost all the leaders of the independent Burundian civil society and the opposition as *"organizers"* and *"persons responsible/in charge"*. In particular, reference is made to: Prof. Gertrude Kazoviyo (ITEKA), Mr. Vital Nshimirimana (FORSC), Mr. Pierre Claver Mbonimpa (APRODH), Mr. Arnel Niyongere (ACAT Burundi), Mr. Alexis Sinduhije (MSD), Mr. Charles Nditije (Amizero YaBarundi), Mr. Jean Minani (Frodebu), Mr. Léonce Ngendakumana (ADC-Ikibiri), at: https://www.fidh.org/IMG/pdf/20150909_justice_burundaise_rapport-commission-enquete_insurrection_final.pdf

250. Report of the Inquiry Commission, *ibid.*

drivers behind the campaign “Stop the Third Mandate”, that certain political opposition parties and media were responsible for organizing the insurrection movement in Burundi and that these actors were accomplices in the attempted coup on 13 May. Halfway through October he approved the issuance of about 40 international arrest warrants against persons who opposed President Nkurunziza's third mandate.²⁵¹ This warrant list contains the names of four leaders of civil society organizations, namely Justine Nkurunziza (COSOME, coalition of the civil society for the monitoring of the elections), Pacifique Nininahazwe (FOCODE, Forum for Conscience and Development), Vital Nshimirimana (FORSC, Forum for the Strengthening of Burundi's Civil Society) and Armel Niyongere (ACAT-Burundi, the Christian Action Group advocating for the abolition of Torture in Burundi). It also cited journalists, amongst whom was the very popular president of the RPA, Bob Rugurika,²⁵² well as opponents and CNDD-FDD rebels.²⁵³

3. 13. 1. Human Rights Defenders

On 23 November 2015, the activities of **ten human rights NGOs were suspended and their bank accounts frozen**.²⁵⁴ On 7 December,²⁵⁵ the accounts of two further Defense organizations, including ITEKA, were frozen. According to a local human rights defender, this measure was aimed to “*wipe out Burundian civil society*”, to restrict room for fundamental freedoms and to stifle all protest.

Almost all human rights NGO leaders have fled Burundi, and most of those who continue to defend human rights live in hiding. They are subject to threats, harassment, intimidation and face danger daily. They are also very short of financial and material means, thus rendering it difficult and dangerous to continue to record and document violations. Many are also kept under close surveillance. A good number of human rights defenders have thus been forced to cease their activities.

Human rights defenders under threat and attack

Although human rights defenders have been targeted by the government since 2010, since April 2015 there has been a dramatic increase in threats and attacks against them and their surveillance has intensified.

251. Twelve arrest warrants have been issued in Belgium, one in the Netherlands and nine in Rwanda. See in particular RFI, « Une quarantaine de mandats d'arrêt internationaux émis par le Burundi » (“About forty international arrest warrants issued by Burundi, 23 October 2015, <http://www.rfi.fr/afrique/20151023-burundi-plusieurs-mandats-arret-emis-contre-ennemis-regime>. On February 2016, 34 Burundian officials were still subject to international arrest warrants. Fifteen of these arrest warrants were discharged by the Burundian courts in February 2016. See in particular RFI, “Burundi, the courts discharge arrest warrants against 15 persons”, 20 February 2016, available at: <http://www.rfi.fr/afrique/20160220-burundi-justice-levee-mandats-arrets>

252. See in particular the FIDH press release about the case of Bob Rugurika, who was arrested in September 2014, “Bob Rugurika is Released: a First Step for Freedom of Expression in Burundi but the Fight Continues”, 24 February 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/17048-bob-rugurika-libere-une-premiere-etape-pour-la-liberte-d-expression-au>

253. International arrest warrants have also been issued against the rebel military who took part in the violence during the failed coup in May 2015.

254. Urgent appeal by the Observatory for the protection of human rights defenders, “Ten NGOs specialized in the Defense of Human Rights provisionally banned from further activities”, 25 November 2015, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-suspension-provisoire-des-activites-de-10-ong-de-defense-des>

255. Urgent appeal by the Observatory for the protection of human rights defenders, “Burundi: Freezing of accounts of three human rights organizations”, 11 December 2015, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-gel-des-comptes-de-trois-nouvelles-organisations-de-defense>

Anschaire Nikoyagize, president of ITEKA, a member organization of the “Stop the Third Mandate” movement, had to leave Burundi in November 2015. According to him:²⁵⁶

“The intimidation started after the failed coup on 13 May. I received anonymous telephone calls saying: ‘Recently, you have been talking at least five times every day with people abroad. Do you ever give a thought to your children?’ I took fright and sent my family further into another part of the country and later joined them [...] After a week I decided to return to the capital in order to resume the fight. I was staying in hotels. A week later, my wife received threats. [...] Then, two weeks later, I received reliable information that my children were being targeted by the local Imbonerakure in the area where they were living and by agents of the intelligence services because they were the children of the president of an organization that is opposed to Nkurunziza’s third mandate. On 9 August 2015, police officers warned me that my safety was at risk and the next day, two police officers were posted at the entrance to the flat where I lived from 18:00h until 23:00h. I continued to receive anonymous telephone calls and to live in hiding. I didn’t leave my flat anymore. Then, in November, a resident of the Kamenge part of town told me that he had heard and seen that police officers had received an order from Commissioner Ayub [well-known for his active participation in the repression] to ‘look for me everywhere and to kill me’ adding that ‘he needed my dead body’ and that if he did not get me they would have to ‘kill my family’. That’s when I decided to leave the country.”²⁵⁷

One of ITEKA’s observers, Brice,²⁵⁸ also told our organizations that he was threatened and intimidated by the Chief of the National Intelligence Service in Muyinga, Péniel Hatugimana and the female Provincial Governor, Aline Manirabarusha. She called him in for a meeting in early April 2016 in which he was asked to explain a report on the monitoring of human rights violations in Muyinga Province. This report dealt in particular with kidnappings carried out by National Intelligence Service agents and pointed the finger directly at Péniel Hatugimana. She accused Brice of supporting “armed gangs from Rwanda” and of being their “spy”. He was forced to “beg for forgiveness”, to deny the accusations contained in the report and to supply an amended version of the report to the provincial government. He was also ordered to supply copies of all the reports in his possession. A few days later, colleagues warned him that certain Muyinga observers had agreed to “collaborate with Documentation [the National Intelligence Service] so as to cause him harm, alleging that he is a Tutsi and a member of ITEKA, an organization that has been banned from operating on Burundian soil”. They added that the authorities were trying to eliminate him. In May 2016, police officers came to his home while Brice had left for his safety. An arrest warrant was issued against him. Brice has also reported that he was followed into Bujumbura Airport by Désiré Uwamahoro, the chief of the Anti-Riot Police Brigade, whilst he was trying to leave the country so as to escape from the National Intelligence Service. He managed to board his plane before the border police were informed of his presence.

On 2 August 2015, Esdras Ndikumana, a journalist and correspondent for RFI and Agence France Presse in Burundi, was arrested while he was taking pictures at the scene of the assassination of General Adolphe Nshimirimana and taken to the premises of the National Intelligence Service where he was beaten up for two hours.²⁵⁹ It took over a week before the President’s Office

256. Witness statement of August 2016. See also L’Observatoire, « Burundi : Actes d’intimidation à l’encontre de M. Anschaire Nikoyagize », 14 August 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-actes-d-intimidation-a-l-encontre-de-m-anschaire-nikoyagize>

257. L’Observatoire, *ibid.*

258. The name has been changed.

259. See in particular, FIDH, “Deterioration of Human Rights in Burundi”, 8 September 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/deterioration-de-la-situation-des-droits-humains-au-burundi>; Reporters Without Borders, “RWB strongly condemns the aggression suffered by a correspondent of RWB and the AFP in Burundi”,

condemned the assault and assured that the matter would be investigated – a course of action only undertaken following strong insistence by RFI. To date, however, there has been no sign of any further police or judicial action.

On 3 August 2015, there was an attempt to murder Pierre Claver Mbonimpa, president of the association for the protection of human rights of arrested persons (APRODH), by shooting him.²⁶⁰ Mr. Mbonimpa is one of the leading figures of Burundi's civil society and has regularly been a target of judicial harassment since 2014. That harassment became worse when he joined the civil society campaign "Stop the Third Mandate".²⁶¹ Until now, our organizations have been unable to obtain any details concerning the investigation that is supposed to have been launched into this matter. The main suspect, Ngendakuriyo, nicknamed "Family", was murdered in Bujumbura on 30 September 2015.

On Friday, 9 October 2015, Pascal Nshimirimana, the husband of Zigène Mbonimpa, daughter of Pierre Claver Mbonimpa, was murdered on his doorstep. According to our investigation, a grenade was thrown and he had been shot whilst he was in his car. According to the information gathered, the murderers (who have yet to be identified) were looking for Zigène Mbonimpa.²⁶²

On 6 November 2015, Welli Nzitonda, Pierre Claver Mbonimpa's son, was summarily executed.²⁶³ He was arrested in the Mutakura Quartier by a group of uniformed police officers and soldiers. He was then taken to an unknown location. Two hours later, his lifeless body was found in a house between the 13th and 14th avenue in the Mutakura Quartier. His hands and feet were still tied and his body carried signs of wounds, particularly to the head.

On 10 December 2015, Marie-Claudette Kwizera, ITEKA's treasurer was kidnapped by members of the National Intelligence Services and has been missing ever since.²⁶⁴ This is the first case of enforced disappearance of a human rights defender in Burundi since the beginning of the crisis.

The relentless persecution of Pierre Claver Mbonimpa and his family, and the enforced disappearance of Marie-Claudette Kwizera, are symbolic of the harassment and repression that is used against the entire community of human rights defenders and the independent civil society in general. Human rights defenders who continue to be active are regularly leaving Burundi due to intimidation or threats of arrest or death.

3 August 2015, available at: <https://rsf.org/fr/actualites/rsf-denonce-avec-force-lagression-du-correspondant-de-rfi-et-de-lafp-au-burundi>

260. Urgent appeal by the Observatory for the protection of human rights defenders, "Burundi: Attempted murder of Mr. Pierre Claver Mbonimpa", 14 August 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-tentative-d-assassinat-perpetree-a-l-encontre-de-m-pierre>.

261. See the FIDH press release of 4 August 2015: "Burundi : il faut un dialogue ouvert pour éviter l'embrasement" ("Burundi: we need an open dialogue if we are to avoid an explosion"), available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-il-faut-un-dialogue-ouvert-pour-eviter-l-embrasement>

262. Urgent appeal by the Observatory for the protection of human rights defenders, "Burundi : Assassinat du fils de Pierre Claver Mbonimpa, M. Welli Nzitonda" ("Burundi : Murder of Pierre Claver Mbonimpa's son, Mr. Welli Nzitonda"), 6 November 2015, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-assassinat-du-fils-de-pierre-claver-mbonimpa>

263. L'Observatoire, *ibid.*, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-assassinat-du-fils-de-pierre-claver-mbonimpa>

264. Observatory for the protection of human rights defenders, "Burundi: No news about Marie-Claudette Kwizera since she was kidnapped, the Observatory raises the issue before the United Nations", 22 January 2016, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-sans-nouvelle-de-marie-claudette-kwizera-depuis-son>; "Burundi: Arbitrary arrest of Mrs. Claudette Kwizera, the Iteka League Treasurer", 14 December 2015, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-detention-arbitraire-de-mme-marie-claudette-kwizera>; "Burundi: Iteka League's Treasurer Mrs. Claudette Kwizera kidnapped", 11 December 2015, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-enlevement-de-la-tresoriere-de-la-ligue-iteka-mme-marie>

The “nyakurisation” of NGOs

It is clear from Brice’s testimony that some NGO activists have been forced to collaborate with the authorities, in contravention to their independence. This is further confirmed in the observations of a representative from a Burundian women’s rights Defense organization: *“civil society organizations can no longer operate or organize meetings. The entire staff is unemployed [...] They [the authorities] have obliged our members to either give up the battle or to collaborate with them”*. Those observers who continue to operate in Burundi are often intimidated, threatened and/or stopped from pursuing their activities, including by some so-called “human rights defenders”, who are believed to be supporting the government.

Generally speaking, these defenders belong to “satellite” government organizations, or have been appointed to those positions by the government. These organizations are referred to as “nyakuri” organizations, meaning, literally, “original” or “genuine” – as opposed to “pirate”.

Originally, Nyakurisation in Burundi was a political phenomenon enabling the government to create a “rival” branch within another political party it support the government line. The régime relies on a small number of individuals within that political party and it is their job to divide the party so as to create a new, break away party infiltrated by the government. This puppet version of an opposition party thus finally becomes the “lawful” or “nyakuri”, i.e. the “genuine party”. Nyakurisation is common practice in the CNDD-FDD in the political area.

This phenomenon has been spreading to civil society organizations since 2010. One of ITEKA’s human rights defenders, now living in exile, said: *“So now there are NGOs that have been created with the express purpose of sabotaging the work of the NGOs. This began to affect NGOs in 2010, continued in 2011 and has been spreading ever since.”*

These organizations seek to paralyze NGOs and Human Rights Observer Networks that are still operating in Burundi. They often take part in the surveillance put into place by the National Intelligence Service to monitor the activities of some independent human rights defenders, assisting various National Intelligence Service agents to organize surveillance, or else they intimidate local observers.

Bienvenu²⁶⁵, one of the provincial coordinators for the National Human Rights Observers’ Network (RNODH), has told FIDH and ITEKA that in early April 2016, he received a message from a reliable source saying:²⁶⁶ *“Listen carefully. You need to keep your eyes wide open for the guys you are working with [belonging to the supposedly “nyakuri” network]. They are the eyes of the SNR, the Imbonerakure and provincial authorities. I have lots of information about them and they are unhappy that the head of the network in your province is a Tutsi. There is something else, there are a lot of obstacles that must be overcome. You’ll have to be clever about it.”*²⁶⁷ This RNODH observer had already escaped from an attempted murder once before, at the end of 2015.

FIDH and ITEKA are extremely worried that this “nyakurisation” of civil society organizations and networks may put the remaining HR defenders in Burundi at risk and prevent them from documenting and denouncing the serious exactions being committed in Burundi daily. They are also concerned that the resumption of the activities of suspended NGOs or unfreezing of their bank accounts have been made subject to certain conditions (in particular, that their bank accounts must transit through

265. The first name has been changed.

266. Confidential source.

267. Interviews with several Burundian civil society representatives.

the Central Burundian Bank) that give the authorities the ability to continue their nyakurisation of these organizations.

The damaging power of nyakuri organizations: the example of the RNODH

The case of the National Network of Human Rights Observers (RNODH) is a good illustration of the sort of damage so-called nyakuri organizations are capable of causing. The RNODH was created in January 2015 by independent organizations for the Defense of human rights in Burundi, with the collaboration of the United Nations, the Burundian government and, initially, the Independent National Commission for Human Rights (CNIDH).²⁶⁸ This network comprises human rights observers from various NGOs active in all the provinces. Its brief is to monitor the human rights situation over a period of 2 years (2015-2016). Observers passed the UN tests and were selected for their competence from members of 18 NGOs.

On 12 January 2015, when the RNODH became operational and should have begun its activities, the High Commission for Human Rights at the UN received a letter from the Burundian Minister for Foreign Affairs and International Cooperation. This letter had been sent to the Chief of the Civil Cabinet of the President of the Republic, asking him to “cancel” the network. In his letter, the minister states that the *“creation of a National Network of Human Rights Observers is riddled with irregularities, particularly from the point of view of transparency and inclusivity”* and that *“during the recruitment of members of the network, no account was taken of the hard-won consensus in the Arusha Accords”*. The latter does not apply to civil society organizations.²⁶⁹ Negotiations followed and the RNODH was obliged to include 23 members from five civil society organizations that are seen as being close to government. Four of these members sit on RNODH’s Pilot Committee.

In 2014, those who had initiated this project had agreed that the President of the RNODH, elected for 2 years, be chosen from the organization with the greatest number of representatives within the network. At the end of the selection procedure, it was found that 21 observers (out of a total of 39) belonged to the ITEKA League and as a result Anschaire Nikoyagize became the RNODH’s president.²⁷⁰ However, the 13 NGOs suspected of being nyakuri, immediately demanded that a revolving presidency be installed, with a new president every three months. Anschaire Nikoyagize accepted that proposal on the single condition that every president publish a monitoring report, i.e. four reports per annum. The five independent NGOs then agreed to this revolving presidency but sought to delay the publication of monitoring reports. On 6 September 2016, Théophile Nkurunziza, president of the Izere League, seen as being close to the current government was due to become the network’s president. The Izere League members have done everything to stop the network from operating – and indeed continue to do so. For example, they have prevented the publication of monitoring reports on human rights violations; intimidated certain members of the network; and provided information to the authorities, in particular National Intelligence Service agents. These activities, including intimidation and threats, aim to discourage the network from continuing to gather information relating to human rights violations and to bring them to the attention of the international community.

One independent RNODH observer told the mission: *“Members of civil society who are on the government’s side have infiltrated the observers’ network in order to keep an eye on reports and monitoring activities and to stop the publication of those reports.”* Since the creation of the network

268. In June 2015, the CNIDH asked for the network to be dissolved.

269. The Arusha Agreement provides that the ethnic balance shall be respected within government departments (60% Hutu and 40% Tutsi) and Defense and security forces (not more than 50% of the members shall belong to any specific ethnic group). These quotas do not apply to civil societies and it is reasonable to suppose that the purpose of this proposition was to exclude certain Tutsis from the RNODH.

270. President of the ITEKA League.

only one RNODH human rights observation report has been published²⁷¹ despite the fact that independent observers have been operating throughout the country for the past two years and that the network's constitution provides that reports should be published quarterly.

According to one member of the Steering Committee *"these people ["nyakuri" NGO representatives] also say that all the network members belonging to organizations that have been suspended should leave the network"*.²⁷² However, as all independent NGOs defending human rights have been suspended, that argument is tantamount to dissolving the network, or to transforming it into a puppet network, powerless to expose crimes being committed.

The infiltration of the RNODH by NGOs suspected of being under Burundian government control looks suspiciously like a government strategy to hamper independent human rights defenders in their work. Our organizations fear that ultimately, the RNODH will be dissolved, which would be a further blow to independent civil society and the Defense of human rights in Burundi.²⁷³ However, as all independent NGOs defending human rights have been suspended, that argument is tantamount to dissolving the network, or to transforming it into a puppet network, powerless to expose crimes being committed.

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Attempt to obtain control over the ITEKA League

Since January 2016, some members and ex-members of ITEKA, who are suspected of being close to government circles, have been engaged in activities that suggest a possible attempt to interfere in ITEKA's functioning, or even to seize control over the organization. In particular, in January 2016, these members went to ITEKA's premises pretending that they were collecting information about Marie-Claudette Kwizera's disappearance. They requested that certain documents, such as staff files and property titles, be handed over to them. They asked for telephone numbers of people who are working in the provinces and threatened that if this information was refused, they would resort to other means to obtain it. They have also sought to solicit meetings with some ITEKA members away from ITEKA's premises, and have called and met with some provincial representatives, in a bid to persuade them to agree to the election of a new Executive Bureau. In February 2016, they twice attempted to call an extraordinary general meeting for this purpose, though remaining ITEKA League members refused to participate. These attempts to infiltrate and seize power of the organization are ongoing and there are regular visits to the provinces that appear designed to convince the new members of the need to replace the current leadership.

Various other sources have also confirmed that the persons involved in these initiatives have direct links with the Burundian authorities, though it remains difficult to find hard evidence. These actions are designed to exert control over an eminent human rights organization that brings together 3,000 volunteers and more than 50 staff across the country, and whose independence, impartiality and professionalism are widely acknowledged. They reveal the aggressive lengths to which the authorities will go in order to control the activities of Burundian civil society.

271. <http://burundi.ohchr.org/justice-et-droits-de-l%E2%80%99homme>; https://www.facebook.com/pg/OHCHRBurundi/photos/?tab=album&album_id=1615642928692877

272. The members of the steering committee belonging to NGOs known as "nyakuri" and perceived as close to the authorities.

273. Urgent Call from the Observatory for the protection of human rights defenders, *op. cit.*

3. 13. 2. The position of the journalists and the communication war

Since the beginning of the crisis, press freedoms and the conditions in which journalists are working have steadily deteriorated, and journalists have already paid a high price in the battle with the government, including being the targets of arrests, summary executions and enforced disappearances. Those journalists who have not left the country are closely monitored by the incumbent regime and are prevented from doing their work freely and independently. Their freedom of speech is seriously undermined. They suffer intimidation, threats, aggression and physical violence.²⁷⁴ Only one independent medium is allowed to produce information about Burundi: *Iwacu*.²⁷⁵ This is a newspaper whose director, Antoine Kabuhare, has lived in exile in Brussels since November 2016. FIDH and ITEKA estimate that **dozens of journalists have fled the country** since the start of the crisis.

According to several witnesses,²⁷⁶ Jean Birigimana, a journalist with the independent press group *Iwacu*, disappeared in Bugarama in Muramvya Town (Muravya Province) on the afternoon of 22 July 2016. It is reported that he was bundled into a car, which several persons identified as a vehicle belonging to the National Intelligence Service. *Iwacu* claims to have studied Jean Birigimana's telephone records and discovered that shortly before his disappearance, the young man had received a phone call from a National Intelligence Service informer. For his part, the police spokesman claimed in a tweet of 25 July 2016 that the journalist had not been arrested by the police and invited his family to collaborate with the police investigation into his disappearance. The Independent National Commission for Human Rights (CNIDH) has also said that it is making enquiries, though so far no information has been obtained or disclosed about the journalist's situation and Jean Birigimana remains a missing person.²⁷⁷

The position of the media has deteriorated considerably since the failed coup of 13 May 2015.

Forces loyal to President Nkurunziza attacked and pillaged private and reputedly opposition-friendly radio stations such as Public African Radio (RPA), which was hit by a rocket and then set on fire during the night of 13 to 14 May.²⁷⁸ This station had been closed since April 2015. It had briefly been re-opened by rebelling soldiers in the course of 13 May 2015. Rebels too attacked and set fire to government media outlets, such as Radio REMA FM, and the National Radio and Television, which

274. See in particular, Reporters Without Border, "Offensive renforcée du gouvernement contre la liberté de l'information au Burundi" (Government steps up offensive to restrict access to free information in Burundi], 11 September 2015, available at: <https://rsf.org/fr/actualites/offensive-renforcee-du-gouvernement-contre-la-liberte-de-linformation-au-burundi>; "Putsch contre la liberté de l'information" (Coup against press freedom of speech", 20 January 2016, available at: <https://rsf.org/fr/actualites/putsch-contre-la-liberte-de-linformation>

275. Isanganiro and Rema FM Radios (both government sympathizers) were allowed to resume broadcasting in February 2016, but cannot do so freely and independently. See following paragraphs.

276. See in particular Reporters Without Border, "Burundi : un journaliste arrêté sans motif par les services de renseignements" (Burundi : intelligence services arrest a journalist for no reason), 25 July 2016, available at: <https://rsf.org/fr/actualites/burundi-un-journaliste-arrete-sans-motif-par-les-services-de-renseignements>; "RSF interpelle le président Nkurunziza sur la disparition du journaliste Jean Bigirimana" (RWB questions president Nkurunziza about the disappearance of the journalist Jean Bigirimana), 11 August 2016, available at: <https://rsf.org/fr/actualites/rsf-interpelle-le-president-nkurunziza-sur-la-disparition-du-journaliste-jean-bigirimana>

277. See in particular *Jeune Afrique*, "Burundi : toujours aucun signe de vie du journaliste Jean Bigirimana" (Burundi: still no sign of life from the journalist Jean Bigirimana), 1 August 2016, available at: <http://www.jeuneafrique.com/345989/societe/burundi-toujours-signe-de-vie-journaliste-jean-bigirimana/>; *Le Monde*, "Burundi : qu'est devenu le journaliste Jean Bigirimana?" (Burundi: what happened to the journalist Jean Bigirimana?), 27 July 2016, available at: http://www.lemonde.fr/afrique/article/2016/07/27/burundi-qu-est-devenu-le-journaliste-jean-bigirimana_4975385_3212.html; Reporters Without Borders, "RSF interpelle le président Nkurunziza sur la disparition du journaliste Jean Bigirimana" (RSF questions President Nkurunziza about the disappearance of the journalist Jean Bigirimana), 11 August 2016, available at: <https://rsf.org/fr/actualites/rsf-interpelle-le-president-nkurunziza-sur-la-disparition-du-journaliste-jean-bigirimana>

278. *Ibid.* The article in Reporters Without Borders reports in particular: "Innocent Muhazi, President of the Observatoire de la presse au Burundi and Director of the RTR (Radio Télévision Renaissance) has confirmed that armed forces loyal to the president attacked his station, which is the main private television channel, that night. It is alleged that an employee was seriously injured during that assault. Radio Bonesha FM, which was also targeted by the government, pillaged."

came under heavy gunfire on 14 May 2015.²⁷⁹ Following the aborted coup attempt, the authorities closed four of the main private radio stations in the country (Isanganiro FM, RPA, Bonesha FM and Renaissance Radio and Television). Officially, this was done to preserve the evidence needed for an investigation into the violence of which they had fallen victim.²⁸⁰

Since then, the **information and communication war** waged by the incumbent regime, opposition groups and independent media, has largely moved to social networks and the internet.²⁸¹ For the time being, it would seem that the government has won this battle to inform the population, in particular the rural population. Indeed, since the closure of the country's main stations,²⁸² in particular the very popular Public African Radio (RPA), the general population and the farming communities depend for their information on local government relays, the National Radio and Television (RTNB), and the state press.

Despite several requests for permission to reopen, the private radio stations have remained suspended since the uprising, with the sole exceptions of REMA FM (known to be close to the government) and Radio Insanganiro.²⁸³ On 20 February 2016, these two stations signed an undertaking that enabled them to resume their activities on the condition that they provide *"balanced and objective"* information and respect the country's security. In reality, this is nothing short of the **media being put under government supervision** in order to check the information they produce and to strengthen the impact of official messaging.

FIDH and ITEKA have spoken with several **Burundian journalists in exile** who have spoken of **threats and attacks** that have been targeted at them. That information corroborates the information collected by other organizations specialized in the Defense of the right to information, such as Reporters without Borders.²⁸⁴

Jean-Marie Hezimana, a journalist with the Public African Radio, known by his nickname "Mashoke", left the country after the failed coup of 13 May. This is what he told our organizations:

"The RPA was very active at the time of the demonstrations. The editorial policy being to be 'the voice of those who have no voice', we received many victims of human rights violations [...]: [in particular] of rape and murder... We had set up a listening service. That is how the radio became famous and at the same time the government's pet hate [...] We were threatened and accused of having spread the demonstrations. On the day of the coup, I was on air. It was when

279. Reporters Without Borders, "RSF condamne la 'guerre de l'information' autour de la tentative de coup d'État au Burundi" (RSF condemns the 'information war' surrounding the attempted coup in Burundi), 14 May 2015, available at: <https://rsf.org/fr/actualites/rsf-condamne-la-guerre-de-linformation-autour-de-la-tentative-de-coup-detat-au-burundi>

280. Reporters Without Borders, "Quel avenir pour les médias burundais au lendemain de la présidentielle?" (What future for the Burundian media after the presidential elections?), 29 July 2015, available at: <https://rsf.org/fr/actualites/quel-avenir-pour-les-medias-burundais-au-lendemain-de-la-presidentielle>

281. To hear the voices of those who are opposed to the current government, see the following accounts: Twitter (@SOSMediasBDI) and Facebook (<https://www.facebook.com/sosmediasburundi/?fref=ts>) of SOS Médias Burundi; the Twitter account of the Burundian journalist Bob Rugurika (@rugbob78), the human rights defender Pacifique Nininahazwe (@pninahazwe), #Burundi, and others. To hear the voices of those who support the current government, visit the Twitter accounts of Pierre Nkurunziza, President of Republic of Burundi (@pnkurunziza), of Willy Nyamitwe, communications adviser to the Burundian presidency (@willynyamitwe), of Pierre Nkurikiye, the spokesperson for Burundi's National Police (@PierreNkurikiye), and of the on-line newspaper Ikirihó (@ikirihó)

282. *Idem*.

283. Reporters Without Borders, "Deux radios sur cinq rouvertes: dégel partiel au Burundi?" (Two out of five radio stations are re-opened: is this the beginning of a thaw in Burundi?), 22 February 2016, available at: <https://rsf.org/fr/actualites/deux-radios-sur-cinq-rouvertes-degel-partiel-au-burundi>

284. Reporters Without Borders, "Burundi: les journalistes sous la menace du régime, même en exil" (Burundi: even in exile, journalists are under threat from the government), 2 August 2016, <https://rsf.org/fr/actualites/burundi-les-journalistes-sous-la-menace-du-regime-meme-en-exil>; "Collaboration transfrontalière pour museler l'information" (Cross-border collaboration: gagging the news sources?), 14 October 2015, available at: <https://rsf.org/fr/actualites/collaboration-transfrontaliere-pour-museler-linformation>

the people came who had forced the doors to the building and who'd re-opened it so that they could have access to the microphone. So it was I who was accused of supporting the coup. [...] It was someone from the intelligence service who told me to leave the country. I knew I was wanted but he told me that I would be murdered. I told him I was going to ask his boss and he said 'If you ask him, you'll die and so will I'. That's when I decided to leave."

A woman journalist with the RPA who has testified anonymously, also described the threats she received:

"I left Burundi in November 2015. I had just returned from a business trip abroad when my son told me 'I have been looking for you everywhere, my cousin told me to tell you that Documentation agents are planning to kill you'. I asked him why they would want to kill me and he replied that they knew I was in touch with journalists in Rwanda and that I worked for the RPA. I tried to find out whether this story was true. My little brother called a member of our family who works for a Burundian newspaper and he confirmed that this was the information he too had been given by an SNR agent whom he knew. My family then advised me to leave the country. I had been threatened many times before. During the election campaign, when my husband picked up our poll cards, he met group of Imbonerakure from Kamenge. They carried on their mobile telephones a recording of a programme that I had presented on the RPA and said to my husband 'do you hear what your wife is saying? One day, you'll pay for this'. My husband told me he was afraid and that the situation was becoming very serious. Some of his friends were in that group of Imbonerakure."

Christophe Nkezabahizi, a journalist and camera man with the National Radio and Television (RTNB) was murdered together with his family by police officers in the Ngagara District on 13 October 2015, whilst he was at home.²⁸⁵ Witnesses told us that around 15:00h in the afternoon, officers of the Agency for the Protection of the Institutions (API) entered the premises of Christophe Nkezabahizi, which are situated in Quartier 3 of Ngagara. They are reported to have talked with Mr. Nkezabanizi for a few minutes as he was standing outside his house. They then shot him at point blank range. His wife, Alice Niyonzima, who worked for FHI360, an international NGO financed by the American Agency for Cooperation, USAID, was also murdered and so were their two children who were about fifteen years of age, and their cousin, Evariste Mbonihankuye, who was living with them. Mbonihankuye was a 32 year old psychologist who was a member of the humanitarian team of the International Organization for Migrations (IOM) in Burundi.²⁸⁶ He was carrying his UN badge when he was murdered. Altogether, nine people were killed in Quartier 3 of Ngagara that afternoon.

The spokesman for the Ministry of Public Security said that they had been "collateral victims"²⁸⁷ of confrontations between police officers and "criminals" in the Ngagara Quartier earlier that day. Official sources claim that three police officers had been kidnapped a little earlier in the day and two of them had died when grenades were launched and that Christophe Nkezabahizi and his family became the victims of "stray bullets" during the chase that followed.

285. RFI, "Violences à Bujumbura: plusieurs morts, dont un journaliste de la RTNB" (Violence in Burundi: several killed, including a RTNB journalist), 13 October 2015, available at: <http://www.rfi.fr/afrique/20151013-burundi-violences-bujumbura-journaliste-famille-plusieurs-morts>

286. See the press release issued by the IOM, "L'OIM condamne le décès d'un collègue au Burundi" (The IOM condemns the death of a colleague in Burundi), 16 October 2015, available at: <https://www.iom.int/fr/news/loim-condamne-le-deces-dun-collegue-au-burundi>

287. See the article by France 24, "Neuf civils tués au Burundi : 'exécutions' par la police ou 'victimes collatérales' ?" (Nine civilians killed in Burundi: were they "executed" by the police or "collateral victims"?), 14 October 2015, available at: <http://observers.france24.com/fr/20151014-burundi-ngagara-civils-morts-executions-police-victimes-collaterales-nkezabahizi>

The international outcry following these murders, which bear all the hallmarks of extra-judicial executions, led to the police spokesman announcing a few days later that a commission would be set up in order to shed light on the events that took place on 13 October. On 24 October 2015, just 11 days after the murders, the spokeswoman for the Chief Prosecutor's Office, Agnès Bangiricenge, announced that Christophe Nkezabahizi's family had been murdered by a person called "Joris", whom she did not further identify, and a "*group of criminals*" who had also attacked the three police officers in Ngagara shortly before the slaughter of the Nkezabahizi family. According to the Enquiry Commission, these "*criminals*" allegedly sought to recover the film that Mr. Nkezabahizi had been recorded during the attack. As he refused to cooperate, these criminals murdered him and his family.

Yet other sources confirm that Christophe Nkezabahizi was not working that day and that he was at home. According to members of his family and several of his colleagues at the RTNB, whom the FIDH was able to contact via local informers, he was in possession of pictures that could have incriminated the Burundian authorities. These pictures showed police officers using violence on civilians. He is reported to have been contacted by the president of the RTNB on the eve of his murder. The latter had asked him to surrender the images, which he refused to do. This information leads to the suspicion that the Nkezabahizi family was summarily executed because of Christophe Nkezabahizi's journalistic activities.

THE AMBIGUOUS ROLE PLAYED BY THE CNIDH

In the face of serious and widespread human rights breaches and the fact that the perpetrators of these violations remain wholly unpunished, the Independent National Commission for Human Rights (CNIDH) has made statements and taken actions that suggest that it tolerates and even covers up these breaches, which are mostly committed by the Burundian security services acting on official instructions.

CNIDH was created in June 2011,²⁸⁸ following passionate pleadings by international and Burundian communities for the creation of a national mechanism to protect human rights in Burundi. It was one of the key measures aimed at reinforcing the peace, implementing the Arusha Accords for Peace and Reconciliation in Burundi on 28 August 2000. Between its establishment and June 2015, the CNIDH conducted documentation activities and protection of human rights independently produced detailed monitoring reports and even heard of alleged perpetrators. It therefore was accredited "A" status of independence by the International Coordinating Committee of National Institutions for Human Rights (ICC)²⁸⁹ in 2013.

However, since June 2015 and replacing some of its commissioners, the Commission has been adopting a partisan position suggesting that it has been and continues to be instrumentalised by the regime. It has never condemned the serious human rights violations being perpetrated in Burundi, nor urged the authorities to end them or taken any legal action to bring the alleged offenders to justice, as it is mandated to do. Indeed, the law that created the CNIDH grants it extensive powers, in particular to bring legal actions when its advice and recommendations are challenged or ignored (Art. 60 and 61 of the Law creating the CNIDH).²⁹⁰

288. See Law nr. 1/04 of 5 January 2011 on the creation of the National Independent Commission for Human Rights, available at: <http://www.assemblee.bi/IMG/pdf/CNIDH.pdf>

289. The ICC has changed its name in 2016 to be called the Global Alliance of National Institutions of Human Rights Institution (GANHRI)

290. See Law nr. 1/04, 5 January 2011, *op. cit.*

Our organizations are unaware of any initiative in this respect so far. This conduct suggests a degree of complicity or at least a refusal on the part of the CNIDH to trouble those who commit these violations, most of whom are known and have been identified.

For this reason, late March 2016 FIDH and ITEKA brought a complaint to the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI)²⁹¹ seeking to trigger a special examination procedure. Under this procedure, the CNIDH's degree of independence will be assessed and its "A" Status" could be removed, if necessary. The case of the Burundian CNIDH is to be heard in November 2016.²⁹²

3. 14. 1. Attacks on civil society and human rights organizations

In several public statements, CNIDH President, Jean-Baptiste Baribonekeza, has threatened civil society organizations and campaigned to hamper the work of human rights defenders. Notably, the CNIDH has not made a single statement condemning the decision of the Republic's Prosecutor General²⁹³ to freeze bank accounts and provisionally suspend the activities of twelve human rights defender organizations, including ITEKA.

In February 2016, during the UN Secretary-General's visit to Burundi, the CNIDH President also stated that there were too many human rights Defense organizations in Burundi and that their number needed to be reduced.²⁹⁴ At a meeting granted by the CNIDH to FIDH on 24 March 2016, some CNIDH commissioners sought to justify the suspension of the civil society organizations on the basis that they are *"close to the radical opposition, or are even part of it"*. These references were made several times. In the eyes of one CNIDH commissioner, these NGOs have *"even allowed themselves to be carried away. They participated in demonstrations and even sometimes issued orders to that effect"*.²⁹⁵

In its annual report for 2015, published in March 2016, the CNIDH emphasized that it *"is looking at ways to contribute to exchanges that aim to create a new legal framework more appropriate to the circumstances, to meet the aspirations of Burundian people and the expectations of various actors in respect of the status, role and impact of civil activism on the life of the nation and in particular in respect of human rights."* Our organizations fear that the CNIDH may be referring to President's Nkurunziza's plan to review the legislation that applies to NGOs and non-profit making organizations *"so as to ensure that the chaos that we have witnessed in the past will not occur again"*, as stated by Nkurunziza in his inaugural speech on 20 August 2015. Thus, the CNIDH could potentially become a participant in the creation of a legal framework likely to usher in serious violations of the right to freedom of association and peaceful assembly, as well as undermining the work of the human rights defenders in Burundi.²⁹⁶

291. The Sub-Committee for accreditations (SCA) of the Global Alliance of national human rights institutions (GANHRI) is an international and independent body working for the introduction and strengthening of the INDHs. For further information see: <http://afcnhd.org/25e-session-du-conseil-des-droits-de-l'homme/>

292. See listing at: <http://nhri.ohchr.org/EN/AboutUs/ICCACcreditation/Pages/NextSession.aspx>

293. Observatory for the protection of human rights defenders, "Burundi : Gel des comptes de trois nouvelles organisations de défense pour les droits de l'Homme" (Burundi : Bank accounts of three more human rights Defense organizations are frozen), 11 December 2015, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-gel-des-comptes-de-trois-nouvelles-organisations-de-defense>; "Burundi : Suspension provisoire des activités de 10 ONG de défense des droits humains" (Burundi: Activities of 10 human rights Defense NGOs provisionally suspended), 25 November 2015, 2015, available at: <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-suspension-provisoire-des-activites-de-10-ong-de-defense-des>

294. The CNIDH had demanded in June 2015 that the National Network of Human Rights Observers be dissolved and had sought to intimidate a UN official in a bid to get them to take measures to dissolve the Network.

295. Discussion with the CNIDH on 24 March 2016, Bujumbura.

296. CNIDH Annual Report 2015, March 2016, available at: http://cnidh.bi/sites/default/files/CNIDH_Rapport%20annuel%20

3. 14. 2. Denial of major violations committed by Burundian security forces

On the extrajudicial executions carried out by the security forces and arbitrary arrests

Since June 2015, the CNIDH has stated many times that those opposed to the third mandate have been responsible for grave human rights violations in Burundi since April 2015, whilst plating down, and even ignoring, violations committed by the Burundian authorities and security forces.

On 12 November 2015, the CNIDH President stated that *"protests against the President of the Republic standing for a third mandate have led to numerous violations of human rights, including the right to education, serious violations, torture, the right to a public trial, etc."*²⁹⁷ No mention was made of serious violations committed by the security forces since April 2015.

In its Annual Report for 2015, the CNIDH describes the security situation during that year as *"giving cause for concern"*, adding that *"in the main, these disturbances were the result of the violent demonstrations that started in April, the attempted coup on 13 May 2015 and the sabotage characterizing this event, as well as a few skirmishes that are known to have taken place in Cibitoke and Kayanza"*.²⁹⁸ According to a CNIDH statement on 13 December 2015, which followed the events on 11 and 12 December 2015, in which at least 154 civilians²⁹⁹ died as a result of repressive security force operations, 87 rebels had been killed and 45 arrested during these events.³⁰⁰ The statement made absolutely no mention of the summary or extrajudicial executions carried out by security and military forces against unarmed civilians in those parts of the country that opposed the Third Mandate. These violations are not recorded in the Commission's Annual Report for 2015.

According to the CNIDH' 2015 Annual Report, 381 people were killed between April and December 2015, and about ten people were murdered by members of the security services. In several other cases, namely where civilians were summarily executed by the police, the CNIDH simply repeats official police statements on these events. For example, regarding the bloodshed in Mutakura quarter on 1 July 2015, during which at least six civilians were summarily executed by police, the CNIDH comments that *"according to the police these individuals were killed when a police patrol was pursuing its attackers who had killed two police officers"*.³⁰¹ No other facts or information are referred to.

Although the CNIDH has acknowledged that the security forces carry out arbitrary arrests, our organizations are not aware of any attempt by the Commission to raise the alarm in respect of extrajudicial executions by the police force, the army or the *Imbonerakure*. Neither have we seen any mention of this topic in its Annual Report. Similarly, the Commission's only recommendation to the police and military forces in respect of violation was to *"continue to remain vigilant, keep political neutrality, remain professional and aware of human rights when exercising their duty to keep the*

2015%20.pdf

297. CNIDH, "La CNIDH appelle au respect des droits de l'Homme même en situation de divergence politique" (The CNIDH calls for respect for human rights even where there are political disagreements), 11 December 2015, available at: <http://www.cnidh.bi/la-cnidh-appelle-au-respect-des-droits-de-l%E2%80%99homme-m%C3%A9me-en-situation-de-divergence-politique>

298. CNIDH Annual Report 2015, March 2016, available at: <http://cnidh.bi/content/rapport-annuel-d%E2%80%99activit%C3%A9s-et-sur-la-situation-des-droits-de-l%E2%80%99homme-en-2015>

299. FIDH, "Burundi : La communauté internationale doit enrayer la mécanique des crimes internationaux et d'un conflit ouvert" (Burundi: The international community must stop the mechanics of international crimes and open conflict), 16 December 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/la-communaute-internationale-doit-enrayer-la-mecanique-des-crimes>

300. CNIDH, "La CNIDH condamne les attaques contre les camps militaires de l'armée burundaise" (The CNIDH condemns the attacks on the military camps of the Burundian Army), 15 December 2015, available at: <http://cnidh.bi/la-cnidh-condamne-les-attaques-contre-les-camps-militaires-de-l%E2%80%99arm%C3%A9e-burundaise>

301. CNIDH Annual Report 2015, March 2016, *op. cit.*, pp. 54-55.

Torture, ill-treatment and unlawful places of detention

During a press conference on 23 October 2015, the Executive Secretary of the CNIDH, Ernest Nyabende, asserted that "no one has been tortured by the SNR". Moreover, during a meeting with FIDH, the CNIDH further claimed that "we are the only [national] body that can call the SNR to account and summon the Director General of the National Police". This makes the CNIDH's failure to make any mention of human rights violations perpetrated on the National Intelligence Services premises all the more suspect, particularly as all evidence points to the systematic use of torture and cruel, inhuman or degrading treatment within that department.

The CNIDH finally backtracked on this statement in its 2015 Annual Report, where it stated that it had recorded 27 complaints relating to torture and other forms of cruel, inhuman or degrading treatment for the year 2015. Its teams had been able to find supporting evidence in only four of these cases, however.³⁰³ It is worth remembering that the UN High Commissioner for Human Rights, which has a mandate to access National Intelligence Services cells in the same way had found evidence of 651 cases of torture between April 2015 and April 2016.³⁰⁴ Whilst the human, logistical and financial means of the two institutions may not be the same, this discrepancy in the figures is deeply disturbing.

Similarly, concerning unlawful places of detention, the CNIDH told FIDH that: *"We checked and we visited in particular a place called 'Chez Ndadaye',³⁰⁵ together with the Bureau of the High Commissioner for Human Rights of the UN, but we found nothing."*³⁰⁶ Representatives of this UN Bureau deny that statement and point out that these joint visits with the CNIDH took place before the April 2015 crisis.

Mass graves

On 3 March 2016, the CNIDH president stated³⁰⁷ that there is *"no trace or suggestion of the existence"* of mass graves in Bujumbura. He added that *"the area having been identified by the UN by means of GPS [...] discredits allegations of the organization"*. In doing so, the CNIDH appears to be bringing into disrepute the work carried out by the Bureau of the UN High Commissioner for Human Rights, and covering up serious violations committed by the Burundian security forces on 11 and 12 December 2015.³⁰⁸

By contrast, the CNIDH president M. Barinekeza has confirmed that a mass grave containing three bodies was uncovered in Mutakura on 29 February 2016.³⁰⁹ The authorities claim that this grave was dug by "rebels" to bury the bodies of about thirty murdered persons.³¹⁰ FIDH investigated

302. *Ibid.*, p. 87.

303. *Ibid.*, p. 22.

304. Report by the UN High Commission for Human Rights on the human rights situation in Burundi, 17 June 2016, (A/HRC/32/30), available at: <http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session32/Pages/ListReports.aspx>

305. Anti-Riot Police Headquarters.

306. Discussion with the CNIDH, Bujumbura, 24 March 2016.

307. RTNB, "CNIDH : L'existence des fosses communes ne s'avère pas totalement authentique" (CNIDH: The existence of mass graves turns out to be less than totally true), 4 March 2016, available at: <http://www.rtnb.bi/fr/art.php?idapi=0/0/183>

308. FIDH, "Burundi: The international crime machine and open conflict must be stopped", 16 December 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/la-communaute-internationale-doit-enrayer-la-mecanique-des-crimes>

309. Press conference of 3 March 2016.

310. Voir notamment *Jeune Afrique*, « Burundi : trois cadavres découverts par les autorités dans une "fosse commune" »,

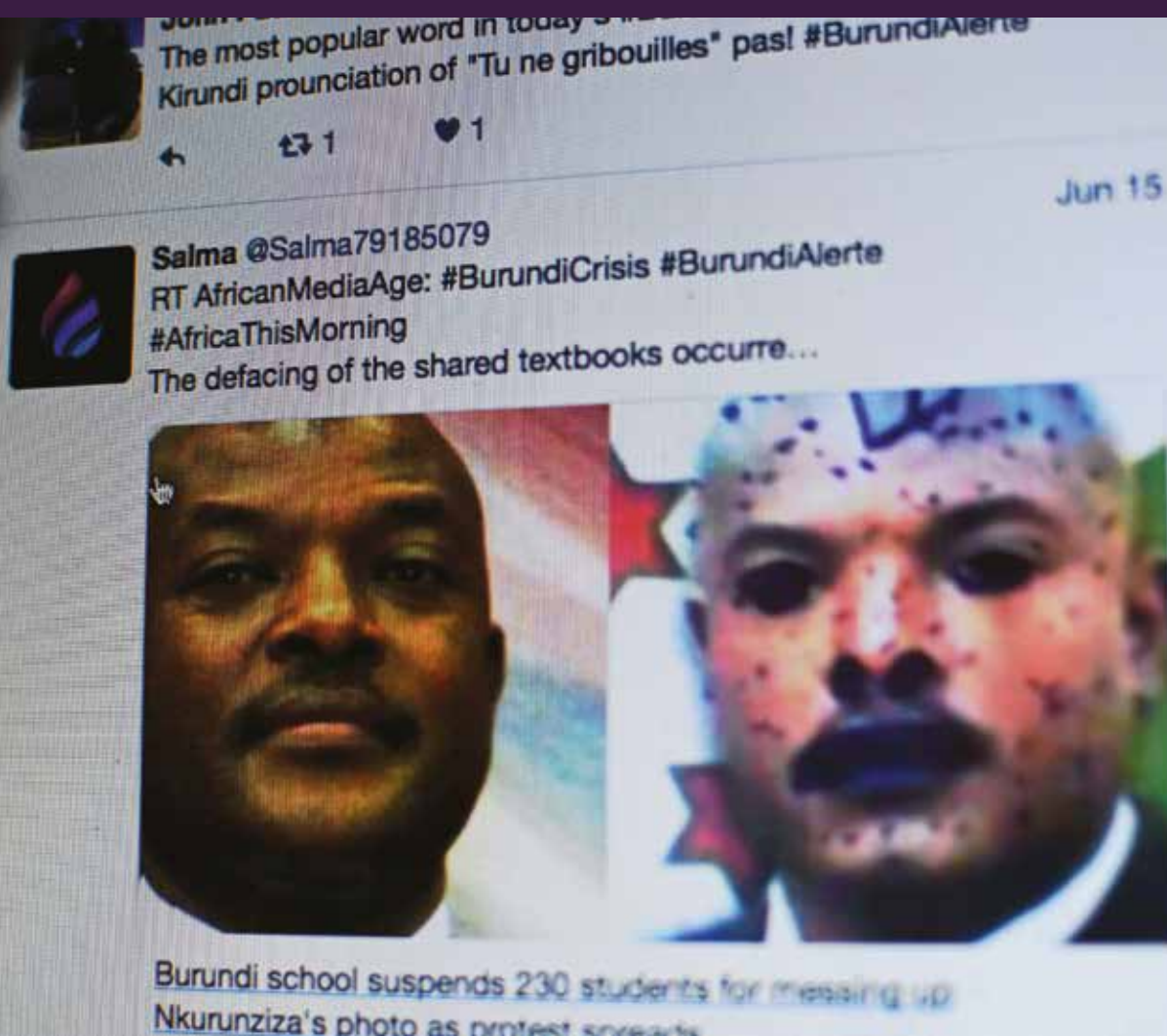
the matter in Bujumbura in an attempt to shed light on this mass grave. The outcome of these enquiries shows that the Burundian authorities tortured two people and forced them to make false statements to the effect that they had buried bodies in that grave (see above – “Disinformation as a propaganda tool. Suspect mass graves”). It is abundantly clear that the statement made by the CNIDH’s President seeks to lend credence to the tale spun by the authorities and constitutes further evidence of that institution’s lack of impartiality.

Arbitrary detention of young persons for “contempt of the Head of State” due to defacement of pictures of President Nkurunziza in school books

Since the end of May 2016, over a thousand school children have been temporary banned from school, punished or arbitrarily arrested for having scribbled over pictures of President Nkurunziza in their school books. Such measures are serious violations of these young peoples’ human rights and in particular their right to education. As such, our organizations condemn these measures without hesitation. By contrast, the CNIDH has not protested against these measures and has even made statements that appear to suggest that the criminal proceedings being brought against some of the students are lawful.

le 1^{er} mars 2016, <http://www.jeuneafrique.com/306281/politique/burundi-3-cadavres-decouverts-par-les-autorites-dans-une-fosse-commune/>

An internet user poses in front of a computer screen showing a twitter website post of a digitally altered image of Burundi's President Pierre Nkurunziza, in Kampala on June 19, 2016. A quiet protest movement is spreading in Burundi's schools where hundreds of students have been suspended in recent weeks for defacing pictures of President Pierre Nkurunziza in textbooks. Scribbling on the presidential portraits contained in government-issue study guides is seen as an act of silent resistance against a regime that clings to power despite more than a year of deadly protests. © STRINGER / AFP



This wave of repression³¹¹ began on 27 May 2016. On this date, five Year 8 forms of pupils aged 13 to 15 from the Basic School and the “*lycée municipal*” in Ruziba, in Bujumbura (around 300 pupils in total) were excluded from school for defacing their school books. This movement then spread across the country. On 3 June 2016, eleven secondary school pupils – five girls and six boys, aged 14-19 – were arbitrarily arrested by the National Intelligence Services in Muramvya province, in the center of the country. They were charged with “contempt of the Head of State” for having disrespectfully scribbled over pictures of President Nkurunziza in their school books. That day, pupils in Muramvya held a peaceful demonstration to protest against these arrests. This demonstration was dispersed by the police using live bullets on the crowd and consequently injuring two pupils and a motor cyclist. On 7 June, six of the arrested pupils were released provisionally pending their trial. As for the five remaining in custody (two of them are girls),³¹² the Court of Appeal upheld their detention on 30 June 2016. All students arrested in Muramvya were finally released except Alexis Mugerowimana and Perfect Iradukunda who remain in detention in mid-October 2016.

On Monday, 13 June 2016, 239 pupils from the “*collège communal*” in Gihinga, Gisuru Commune, Ruyigi Province, were sent home temporary for having refused to denounce their school mates. On 17 June, 82 pupils from Kibezi Secondary School, Mugamba Commune, Bururi Province, were permanently excluded from their school. On the same day, another 11 pupils were arrested in Bweru Commune (Cankuzo Province) and then released after interrogation. Our organizations are also extremely concerned by the fact that a young woman of 19, a student at the Communal Lycée in Cankuzo, was kept in custody in the cells of the Prosecutor General’s Office in Cankuzo, guarded by two male police officers. This young women had been arrested by the Prosecutor, the provincial “*commissaire*” and the provincial head of the National Intelligence Service on 14 June together with four of her friends. Finally all five have been released from Ruyigi central prison. On Friday 24 June 2016,³¹³ sixteen pupils from the “*Lycée communal*” in Rumonge,³¹⁴ were arrested arbitrarily and locked up at Rumonge police station. They too were accused of having disrespectfully defaced pictures of President Nkurunziza in their school books. Six girls were later released. Six other pupils held in Rumonge prison, were ultimately released on 25 July. The other four were released in the following weeks.

The continued detention of pupils prompted the Parliamentary Commission on Justice and Human Rights of the National Assembly of Burundi, to publish a report in late July, recommending that the remaining pupils still in detention be released. On 25 July 2016, the Vice-President of the National Assembly, Agathon Rwasa, stated in particular: “[...] *We have requested [that they be] released promptly. Because they are under age and under age persons should not be held in custody. They should receive different treatment. Moreover, double standards were applied to them: some were put in prison, others were excluded from school, some, who admitted to having defiled the photo, were allowed to take their exams, whilst others were not. That is unfair treatment and counter to the fact we aim to measure all breaches according to the same standard [...] It would be better if all were to be released*”.³¹⁵

For his part, on 29 June 2016, the CNIHD’s President told the United Nations Human Rights Council in Geneva that, “[t]he CNIHD too has followed the cases of disrespectful scribbling over the photo of

311. See in particular the FIDH press release, “High school students maintained in detention for scribbling on photographs of the president”, 5 July 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/la-justice-maintient-en-detention-des-eleves-pour-avoir-gribouille-20214>

312. These are Ismael Ndorimana, Fleury Nyonsaba, Avit Ndayizere and Alice Irakoze.

313. They were kept in custody together with a pupil from the Muzenga “*lycée*”, detained for the same reason since 20 June 2016. The same day, six other pupils, a boy and five girls from the “*lycée communal*” in Gihanga, Bubanza Province, were also arrested and transferred to the cells at Bubanza Police Station.

314. Rumonge Province, western Burundi.

315. Agathon Rwasa on RFI radio, “Gribouillages anti-Nkurunziza : l’Assemblée pour la libération de lycéens” (Anti -Nkurunziza scribbling: the Assembly is in favour for releasing the high school students), 25 July 2016, available at: <http://www.rfi.fr/afrique/20160725-gribouillages-anti-nkurunziza-assemblee-nationale-liberation-lyceens>

the President of the Republic, which are reported as having taken place in some schools with concern". He recommended *"indulgence in criminal proceedings, adopting moderate punishment as an alternative to imprisonment"*. This statement suggests that the CNIDH sees these arrests and the arbitrary detention of pupils suspected of having defaced pictures of the President and of being opposed to the current regime, as lawful. Indeed, he failed to denounce these human rights violations, and failed further to call for the immediate and unconditional release of those pupils still in custody.

Our organizations regret that the CNIDH does not express a firm position by condemning these actions, and nor has it taken any action in respect of the national authorities by asking them to release the imprisoned pupils or allowing excluded students to return to school. FIDH and ITEKA take the view that this constitutes a breach of the obligations held by the CNIDH under its mandate – duties that fall upon any organization that holds "A" status as a member of the Global Alliance of National Human Rights Institutions.

3. 14. 3. The presence of under age persons on CNIDH premises

Our organizations have further been alarmed to find at least a dozen young girls and boys on CNIDH premises at the time of FIDH's visit to these premises. FIDH was told by CNIDH officials, that some of these young people had *"surrendered to the police"*. Of these, six young girls remained on CNIDH premises between 2 March and 5 April 2015. Four of these were under age and two of the six were alleged to have links with a group of armed rebels. It is claimed that these six girls had been kept in detention by the National Intelligence Services, where they were ill-treated and even tortured before the CNIDH secured their transfer to its own premises. During its visit to the CNIDH's offices, FIDH was able to speak freely with the girls.

Despite requests from the girls' families and various other institutions providing medical and psychological/social help, the CNIDH refused to allow these young women to leave its offices. The CNIDH denied the fact that it is refusing the release of these girls, referring instead to its *"protectionary mandate"* and its *"duty of care"*. It underlines that the fact that the *"CNIDH has signed a discharge in order to obtain their transfer to its care"*, though is unable to explain the status of these persons in its custody and in particular that of the underage members of the group.

These six girls, whom FIDH was able to meet on Thursday, 24 March 2016, were tortured and ill-treated by the security services. At least one of them claims to have been raped by members of the Burundian army or police force. All required urgent medical and specialist psychological care at the time of their meeting with the FIDH team.

As our organizations have requested GANHRI to review the status of the CNIDH, its president went to Geneva at the end of March for a meeting with GANHRI. It would seem that certain diplomats advised him not to continue down this road.³¹⁶ Following international pressure, the four under age girls were returned to their families on 5 April 2016. They confirmed in particular that, contrary to what the CNIDH had been claiming, they had said they wanted to return to their families.

316. Interview with a reliable, anonymous source.



Burundi security forces stand guard around the dead bodies killed by unknown gunmen in Bujumbura's Ntahangwa district on October 4, 2015. Eight dead bodies were found in Bujumbura's Ntahangwa district on October 4, 2015. © PHIL MOORE / AFP

IV. RESPONSIBILITY FOR ACTS OF REPRESSION

THE PERPETRATORS OF REPRESSION

Investigations conducted by FIDH and ITEKA highlight the fact that Burundian security forces are the main perpetrators of human rights violations committed in the country, a conclusion shared by the majority of human rights protection organizations and international organizations. In the conclusions of its report on its investigation into the situation in Burundi,³¹⁷ the African Commission on Human and Peoples' Rights (ACHPR) points out that: "It is those government security forces who bear the responsibility for the lion's share of violations and other abuses", adding that "not only have these violations been perpetrated many times, but over time, they have become an integral part of the response of the security forces to the violence of expressions of opposition to the government. The violations have therefore become omnipresent and systematic."

During their mission, FIDH and ITEKA conducted investigations and many interviews with local and international sources, including victims. These enquiries were carried out in order to understand and get a grasp on the structure, composition and functioning of the system of repression created and used by the authorities.

These investigations identified **specialized units** within the police and the army that are mobilized during repressive operations and are responsible for serious human rights violations. Specialized police units include the Anti-Riot Squad (BAE), the Institution Protection Agency (API), the Rapid Intervention Mobile Group (GMIR) and, to a lesser degree, the Search and Judicial Investigations Squad (BRIJ), as well as the Traffic and Road Safety Patrol (PSR/SR). Specialized army units include the Combat Engineer Regiment and the Special Squad for the Protection of Institutions (BSPI), which are especially active, as is the 221st Ruyigi Commando. The National Intelligence Service is a driving force behind the repression, however, while part of the Imbonerakure is also playing an increasingly dominant role in the escalation of violence and exactions.

These units are headed by persons loyal to the regime through **parallel chains of command**. They receive their orders directly from and report to the Office of the President of the Republic, notably to the Civil Cabinet. These leaders could be personally charged with serious offences committed by them directly or by persons under their authority, and should be criminally prosecuted. Sanctions should likewise be imposed by international institutions and influential foreign diplomacies on these individuals.

A source close to the security services, has confirmed that these units, namely the BAE, the API, the BGC, the BSPI and the 221st Commando, are **composed mainly of Hutus**. The same credible sources explained that members are chosen on the basis of the following criteria:

- their ethnicity;
- their propensity to "be able to follow through," in other words "to be willing to kill"; and
- having taken part in the CNDD-FDD rebellion/having been former resistance fighters.

317. Rapport de la délégation de la Commission africaine des droits de l'Homme et des Peuples sur sa mission d'établissement des faits au Burundi, 7 au 13 décembre 2015, http://www.achpr.org/files/news/2016/05/d218/cadhp_rapport_mission_etabli_faits_fre.pdf.

Those Tutsis who are part of these corps are generally not allowed to occupy strategic positions or take part in decision-making processes.

4. 1. 1. The police

Anti-riot Squad (BAE)

The BAE was created in September 2015 by a decree issued by the Ministry of Public Security tasked with responsibility for “*preventing and managing major events and serious acts of terrorism*.”³¹⁸ The BAE is a special corps of the Burundian national police operating mainly in Bujumbura. Its agents wear a specific uniform that looks like grey camouflage. Officially, its mission is to intervene in riots. Unofficially, the BAE commits acts of extreme violence in neighborhoods where residents are opposed to having President Nkurunziza run for a third term of office. It arrests, tortures, carries out forced disappearances and executes people.

Colonel Désiré Uwamahoro,³¹⁹ a former intelligence officer, was appointed to head the BAE despite allegations made in recent years by several human rights organizations and the Burundian justice system, that he committed serious human rights violations, including acts of torture.³²⁰ In 2010 he was convicted and sentenced to five years in prison by the Court of Muramvya for acts of torture committed in 2007 against twenty detainees in Rutegama, in the center of the country.³²¹

According to inside police sources and sources close to the security services, the BAE is composed of approximately 300 hand picked police officers, essentially snipers. One of these sources stated: “The best have been chosen from within the different sections of the police – those who are “strong,” i.e. willing to kill. Almost all the members of the brigade are Hutu and if there are any Tutsi, they are willing to take on the task with which they have been entrusted.” Another well-informed source asserted that the best agents of the Judicial Investigations and Intelligence Brigade (BRIJ) had been selected to join the BAE and that this is why the BRIJ had been less “visible” on the ground since October 2015, and less involved in human rights violations committed by the security forces.

The BAE’s headquarters are located on Independence Square in the Mukaza zone of Bujumbura, and are commonly referred to as “Chez Ndadaye” (Ndadaye’s Place).³²² Civilian victims have reported being imprisoned arbitrarily on its premises and some were tortured. One victim claimed having been detained there with about thirty other people in civilian attire.

Many witnesses and victims interviewed by the mission spoke of the participation of members of the BAE in grave human rights violations. The name Désiré Uwamahoro comes up very often in people’s accounts and, every time he is mentioned, he is accused of having carried out or ordered extrajudicial

318. See Decree N°215/1182 dated 7 September 2015 on the site of the Ministry of Public Security of Burundi, available at: <http://www.securitepublique.gov.bi/spip.php?article15>

319. Colonel Désiré Uwamahoro was replaced at the head of the BAE by Emmanuel Manariyo by the Minister of Public Security (order 2015/2028 / CAB / 04/11/2016, https://twitter.com/radio_rpa/status/794611714155085824/photo/1) on November 4, 2016 after Désiré Uwamahoro was arrested on October 29, 2016 for an attempted fraud related to gold traffic valued at \$ 2.5 million and \$ 10 million according to RFI. <http://www.rfi.fr/afrique/20161104-burundi-pourquoi-chef-brigade-anti-emeutes-arrete-desire-uwamahoro>

320. See FIACAT, “Burundi, Police, Stop Torturing”, June 2008, available at: http://www.fiacat.org/IMG/pdf/AM_0608_Burundi_FR.pdf. See also HRW, “Every Morning They Beat Me”: Police Abuses in Burundi, April 2008, available at: <https://www.hrw.org/fr/report/2008/04/30/ils-me-tabassaient-tous-les-matins/exactions-de-la-police-au-burundi>

321. See notably FIDH, « Les violences continuent au Burundi : la communauté internationale doit adopter une action concertée d’urgence », 9 October 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/les-violences-continuent-au-burundi-la-communaute-internationale-doit#nb1>; and see specifically U. S Department of State, *2010 Human Rights Report: Burundi*, 8 April 2011, available at: <http://www.state.gov/j/drl/rls/hrrpt/2010/af/154334.htm>

322. The premises of the BAE are situated close to the mausoleum dedicated to President Ndadaye.

executions, torture, forced disappearances, arbitrary arrests, or asking for ransom.

In his testimony,³²³ Victor, a Nyakabiga resident arrested on 11 December 2015, specifies that Colonel Uwamahoro is the one who explicitly ordered his men to execute him on two occasions. He emphasized: *"There was a certain Désiré Uwamahoro who ordered that I be shot right then and there. I was completely tied up very tightly so I asked Désiré that they shoot with a gun to get it over with fast, but he answered, 'No, he must be killed with a rope'."* A few hours later, after having survived the strangling, he then recounts that he was once again brought before the Colonel: *"Désiré then told the police officers and military servicemen, 'Go and kill this imbecile on 16th Avenue.'"*

A resident of Nyakabiga explained that: *"Désiré Uwamahoro often came to Nyakabiga with Kazungu and Léonidas [SNR agent, Mathias-Joseph Niyonzima, and RIMG Commissioner, Léonidas Ninganza]. They are the three hated agents of repression in Nyakabiga."*

The BAE conducted operations in the Mutakura and Cibitoke neighborhoods on 3 and 4 October 2015,³²⁴ and following these operations eight civilians were summarily executed. Other sources claim that about fifteen people were killed.

According to corroborating sources, men from the BAE led by Désiré Uwamahoro were also involved in the attack on a funeral procession on 30 October 2015, during which at least 7 civilians were killed. On that day, vehicles led by a bus were returning from the burial of a man of Rwandan origin named Théoneste at the cemetery of Mpanda, situated 15 kilometers outside of Bujumbura. The police claim that they had received information earlier that week that Théoneste was the leader of a group that had attacked a police post in Kamenge. According to police spokesperson, Pierre Nkurikiye, there were armed criminals riding in the bus. Again, according to police sources, shots were fired from the bus and one person was killed.

Witnesses however claimed that only civilians, including women and children, were riding on the bus and that no shots were fired therefrom. Witnesses recount that between ten and sixteen persons were killed during the attack. A local observer said that seven civilians were buried in a mass grave in Buringa, in the town of Gihanga.

These human rights violations are but a glimpse of the cases identified by our organizations.

Rapid Intervention Mobile Group (GMIR)

The GMIR is based in Bujumbura and is a specialized reserve force within the national Burundian police that is supposed to respond rapidly to emergencies throughout the country. Prior to the crisis, this special police unit had already been accused of being involved in serious human rights violations by different human rights organizations.³²⁵

Since April 2015, the GMIR has been deployed to repress opponents of the Nkurunziza regime in neighborhoods in the capital where opposition was strong, namely in Nyakabiga and Kanyosha. The police are divided into different units operating in the northern, southern and central parts of Bujumbura.

323. See above.

324. See above – "Summary and extrajudicial executions".

325. See particularly Human Rights Watch, « *Ils me tabassaient tous les matins* », *Exactions de la police au Burundi*, ("Every Morning They Beat Me: Police Abuses in Burundi"), 30 April 2008, available at: <https://www.hrw.org/fr/report/2008/04/30/ils-me-tabassaient-tous-les-matins/exactions-de-la-police-au-burundi>

Léonidas Ninganza, *alias* “Facebook”, OPP1 (Police Officer Grade 1) and police commander for the center zone of Bujumbura, has been mentioned in many victim testimonies.

For example, Louis, a 32-year-old teacher, was tortured for several hours in a street in Nyakabiga by Commander Léonidas on 11 December 2015.³²⁶ He stated that *“Léonidas was there and participated in the beating. He gave the order to take our shoes off so that we would also be struck on the feet. They hit us with sticks, belts, and the barrels of their guns.”* He added that another police unit, where he knew some of the agents, had tried to rescue him but that Léonidas Ninganza intervened saying, *“If you want to protect them, all you have to do is shoot at us. We will defend ourselves”* and *“[t]his boy [Louis] whom we are hitting and who is not screaming, can't you see that he's a rebel.”* Louis stated: *“They [the other police unit] insisted, but all for nothing because Léonidas did not want to release us and the other group of police officers withdrew.”* Louis also stated that Léonidas had, in the following days, conducted search operations with a view to eliminating him, particularly at the homes of some people who were close to him.

Another resident of Nyakabiga, who has fled the country and wishes to remain anonymous, told members of the fact-finding mission that:

“Léonidas, the owner of the bar, “Facebook,” is a master of repression in Nyakabiga, and is carrying out attacks and repression in this neighborhood. I myself saw him committing crimes. Around June or July 2015, the people of Nyakabiga revolted and told the administrator of the commune to call Léonidas to a security meeting. I was there. There was Léonidas, the administrator and Eric Nkurunziza, the head of security, the people and chefs de zone. In his presence, the residents reported the attacks and the fact that he was torturing people. I personally know two of the people he tortured, one in June and the other in December. Eric Nkurunziza tried to put an end to the repression, but he had no influence and now he is gone. He was a Tutsi.”

After surviving two attempts on his life on 11 December, another victim, Victor, maintains that Désiré Uwamahoro and Léonidas Ninganza began looking for him. He stated that: *“After learning that I was not dead, Désiré Uwamahoro and a police officer named Léonidas did all they could to find me. They even published photos from an album that they had found at my home. Then, they purchased two locks and locked my house, which still remains locked. They followed me everywhere I went. Every time I left a place, the police would show up there.”* One could assume that the two agents were looking for him to murder him.

Police Commissioner Sindayigaya Ayub has also been very active in putting down demonstrations, particularly on 26 April 2015. On this date, local sources state that he executed Jean Nepomuscène Komezamahoro in the Ngagara 2 neighborhood by shooting him at point blank range while he was kneeling on the road and with his hands in the air.³²⁷ He has also been involved in other cases of summary and extrajudicial execution, namely on 1 July 2015, on 8th Avenue in the Mutakura neighborhood of Bujumbura, where six civilians were murdered by the police force on the orders of Commissioner Ayub (see Part 3, para. 3. 1. 1., Executions of Mutakura on 1 July 2015), according to reliable sources. Investigations conducted by our organizations uncovered that on 11 and 12 December 2015, he conducted retaliatory operations against people in the Mutakura and Cibitoke neighborhoods.

326. See above testimony.

327. On the case of JN. Komazamahoro, see FIDH/ITEKA, “Burundi: One Year of Bloody Crisis”, 26 April 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-retour-sur-1-an-de-crise-sanglante>.

Institution Protection Agency (API)

The API is a group of police officers charged with protecting the president, the presidential palace, high ranking officials of the ruling party and their homes, and all State institutions. It works in conjunction but without coordination with the Special Squad for the Protection of Institutions (BSPI), which is part of the army. API police officers wear a distinctive uniform, which resembles a military uniform with blue spots, hence the name “bleus tache-taches” (blue spot-spots), which is used to refer to them.

The API, together with the BGC and the BAE, is one of the units that is central to the repression of people believed to be opposed to the Nkurunziza regime. API officers carry out campaigns of mass arbitrary arrest in neighborhoods of the capital that are opposed to the regime and a large number of testimonies claim that some of its members have been involved in cases of extrajudicial execution, forced disappearances and torture. Victims and witnesses have specifically pointed out that API police officers, who are supposed to protect institutions, took part in repressive operations on 11 and 12 December 2015 in the Nyakabiga neighborhood. Witnesses recognized them by their uniform.

Burundian National Police (PNB): Search and Judicial Investigations Squad (BRIJ) and Traffic and Road Safety Patrol (PSR/SR)

Throughout the current report evidence is provided that indicates that the “traditional” police, in navy-blue uniforms, have also been deeply involved in repression and have participated in many grave human rights violations since the first day of demonstrations. The head of the police of the West Region is Domitien Niyonkuru. He coordinates all the provincial commissariats of Bujumbura Mairie, Bujumbura Rural, Cibitoke and Bubanza. These are commissariats where acts of torture by police officers have been reported.

One of the police units involved in the repression is the Search and Judicial Investigation Squad. Some of its members carried out many arbitrary arrests before the elections, and perpetrated acts of abuse and torture. Information on the ground, as well as testimony from victims, indicates that BRIJ police officers detain individuals at the Special Research Bureau (BSR), situated in the Buyenzi area of Muha town, where people are regularly tortured. According to reports however, the BRIJ has however participated less in repressive operations since October 2015 and the creation of the BAE. The traffic and road safety patrol (PSR/SR) segment of the Burundian police is in charge of traffic accidents and controlling vehicles, and has also been involved in repression. Its commander, **Alfred Innocent Museremu**, is considered loyal to the regime. According to the information gathered by our organizations, he has been and continues to be directly involved in the perpetration of serious human rights violations. According to information gathered by our organizations, far from confining themselves to road traffic activities, members of the PSR/SR carry out, inter alia, arbitrary arrest and acts of torture. They also destroy private property and loot. For instance, on 14 May 2015, PSR/SR police officers were involved in dozens of arbitrary arrests in the Jabe neighborhood, close to their premises and in attacks on private broadcast media (RPA, Bonesha FM, Radio Isanganiro, Radio Television Renaissance), destroying and pillaging their buildings.

Parallel chains of command within the police

Officially, the BAE, the RIMG and the API are headed by **Christophe Manirambona, alias “Wakenya,”** and are subordinate to the director of police, André Ndayambaje, to the chief of cabinet of the President of the Republic in charge of the police, **Gervais Ndirakobuca**, as well as to the Ministry of Public Security.

Unofficially, André Ndayambaje, an ex-FAB Tutsi, has reportedly been excluded from decision-making. His deputy, **Godefroid Bizimana**, a Hutu of the former CNDD-FDD rebellion, is the one who receives orders directly from the Office of the President of the Republic, from the Minister of Public Security, **Alain-Guillaume Bunyoni**, and from Gervais Ndirakobuca. One informer close to the police told the mission that: *“the director of the police, André Ndayambaje, has no power over these agents [the special units of the police] and is totally short-circuited by his deputy who is in direct contact with the Office of the President and, in particular, with Pierre Nkurunziza.”* Many well-informed sources also pointed out that Désiré Uwamahoro received orders directly from the Office of the President of the Republic.

4. 2. The army

Combat Engineer Regiment – BGC

The Combat Engineer Regiment is one of four regiments in Muzinda military camp, situated in the Bubanza province north of Bujumbura. It is the army corps that has been most active in repression activities since April 2015. The BGC is a strategic unit of the army, known for its discipline – unlike the national police or the SNR. It is well-equipped and specialized in clearing explosives, grenades, mines, etc. Its commander was **Lieutenant-Colonel Darius Ikurakure**³²⁸ until he was assassinated on 22 March 2016. The man now at the head of the BGC is **Lieutenant-Colonel Dismas Sindaye**, a Hutu close to President Nkurunziza. Reliable sources indicate that he would have been the one to coordinate the attack against Tutsi General Athanase Karakuza on 25 April 2016.

The BGC, normally based at Muzinda, was moved from the camp when the crisis began and has been based in Bujumbura Mairie ever since – a sign that it has been mainly mobilized in acts of repression. For instance, Darius Ikurakure was assigned to the General Staff of the armies in Bujumbura Mairie and never went back to Camp Muzinda.

Darius Ikurakure was known for repressive operations of unprecedented brutality in the northern neighborhoods of the capital, namely in Mutakura, Cibitoke, Nyakabiga and Ngagara, and many inhabitants of Bujumbura refer to this battalion as a death squad. Specifically, Ikurakure controlled two centers of operation, in Mutakura and Cibitoke – military positions³²⁹ through which people arrested in the northern neighborhoods of the capital transited before being systematically transferred to the premises of the National Intelligence Services. Victims reported having been subjected to torture and other cruel, inhuman and degrading treatment by these forces. Their premises were still being used for detention at the time of publication of this report and it is safe to assume that the regiment is now headed by Lieutenant-Colonel Dismas Sindaye.

Many sources have described BGC men as *“extremely determined”* officers. A source close to the Defense forces stated to the members of the fact-finding mission that, *“Darius Ikurakure has a military camp [Camp Muzinda] under his control. Among these military servicemen, about 500 are ‘loyal’ to him, and anyone who objects to his decisions is eliminated. He has already killed many police officers and military servicemen. If you do not want anything to do with his mission, he kills you. The former FAB have also become his target. Today, all police officers and military servicemen who are not from the rebellion [of the CNDD-FDD] are threatened.”* Consequently, the BGC is made up of former rebels from the CNDD-FDD, all of whom are loyal to Darius Ikurakure (and subsequently to Dismas Sindaye) and the former FAB have almost systematically been removed from the BGC.

328. Lieutenant Colonel Darius Ikurakure was also the Commander of Camp Muzinda.

329. See above – “Torture, ill-treatment and unlawful places of detention”.

According to many well-informed sources, this battalion is directly under the orders of General Prime Niyongabo, chief of the General Staff, and President Nkurunziza, thus circumventing the traditional channels of command and former FAB officers, including the commander of Camp Muzinda, an ex-FAB by the name of Ndayizeye. The BGC has been operating independently and has been imposing itself everywhere in Bujumbura since the crisis began, whereas other units of the army are usually deployed in the city.

According to many testimonies, Darius Ikurakure and the BGC have been involved in countless serious human rights violations: extrajudicial executions, forced disappearances, acts of torture, and mass arbitrary arrests. Our organizations have been able to document a certain number of these cases on the basis of corroborative testimonies from several persons, some which are recounted briefly below.

Many inside sources have mentioned that Darius Ikurakure was directly involved in the murder of the son of Pierre-Claver Mbonimpa, Welly Fleury Nzitonda, on 6 November 2015.

On 4 December 2015, BCG men led by Lieutenant-Colonel Darius Ikurakure proceeded to make mass arrests in the Mutakura neighborhood. Witnesses stated that about thirty people were arrested by military servicemen. Among them were fourteen pupils,³³⁰ including some minors, who were taken to an unknown destination and remain missing. Their families have been without news of them for over 7 months.

Members of the BGC, including Darius Ikurakure, were identified during retaliatory operations conducted in the Mutakura, Cibitoke and Ngagara neighborhoods on 11 and 12 December 2015, as well as in other neighborhoods in the following days.

Witnesses also claimed that Christa Benigne Irakoze, a FRODEBU representative, and Eddy Claude Ndabaneze, a former officer of the ex-FAB, were arrested by armed men led by Lieutenant-Colonel Darius Ikurakure on 29 December 2015, and put into a military vehicle. They were executed in the province of Bujumbura in Muberure, in the Benga zone of Isale town.³³¹

Special Squad for the Protection of Institutions – BSPI

Like the API, the BSPI is in charge of protecting the country's leaders and institutions, but unlike the BSPI it is a specialized army unit. According to information gathered by the mission, its commander, **Colonel Dominique Nyamugaruika**, is a driving force of repression and has been involved in numerous cases of human rights violations. His men are considered loyal to Nkurunziza. Since the beginning of the crisis many former members of FAB who were in the BSPI have been transferred to another army unit. Members of the Brigade, such as the BGC, have been conducting campaigns of arbitrary arrests and continue to commit acts of violence against civilians. They were involved in the atrocities committed on 14 May and 11 and 12 December 2015, mainly in the Nyakabiga neighborhood.

Battalions implicated in grave violations of human rights

Moreover, various sources have highlighted that soldiers from certain army battalions, whose commanders are known to be close to the highest echelons of power, have been implicated since

330. Albert Nduwimana, Epipode Ngabirano, Elvis Nkundwa, Cassien Mvuyekure, Leonidas Ngendakuriyo, Diomède Bigirimana, Jean-Marie Haragirimana, Thierry, Samuel, Aloys, Louise, Elie as well as two young men in scout uniforms whose names remain unknown.

331. See the statement of the FOCODE dated 10 February 2016, available at: <http://www.focode.org/declaration-du-focode-du-10-fevrier-2016/>

April 2015 in abuses of a political nature, including against civilian victims.

For example, **Major Marius Gahomera, alias Gakoryo**, a former soldier with AMISOM,³³² is known to have participated in numerous human rights violations since April 2015. At the beginning of the demonstrations, Marius Gahomera participated in the suppression of popular dissent at Bujumbura town hall, and notably in Musaga. Various local sources have asserted that, while still second in command of the 521st army battalion, he ordered his men to fire live rounds at civilians, and carried out arbitrary arrests and acts of torture.

He was subsequently promoted commander of the 221st commando battalion at Ruyigi, in order to carry out military operations in the south of the country, notably in the province of Bururi, where attacks by rebel armed groups are frequent. Several sources have described his battalion as a body comparable to the BGC, being comprised of men who are “prepared to kill”.

For example, various witnesses attest that Major Gahomera, then commanding the camp at Mujejuru, and his men, took part in extrajudicial executions on 11 December 2015. Early in the morning on that date, a small group of rebels attacked Mujejuru Camp, situated in Bujumbura Rural, 35 kilometers south-east of Bujumbura, and seven of them were taken prisoner. According to enquiries by FIDH and ITEKA, they were handed over to the police and then transferred to cells at Ijenda center, some kilometers from the Mujejuru Camp. In the evening, Marius Gahomera, accompanied by some of his men, arrived at the cells at Ijenda and led the seven combatants into a military vehicle. These detainees, now being in the charge of the police, were taken to a place commonly called Nonoka, from the name of a hotel situated nearby. Local inhabitants reported having heard shots in that area of the forest at about 19:30pm. The seven men’s bodies were discovered on the morning of 12 December on the road towards Mukike, at Kanyunya. The heads of some of them had been smashed in, according to inquiries made by our organizations.

The Republic’s Attorney General Valentin Bagorikunda, in presenting the conclusions of an inquiry into the events of 11 and 12 December 2015, stated³³³ that seven rebels had been found dead “*in circumstances that have not yet been explained*”, and that a “dossier” had been opened against Jean-Bosco Surwavuba, a leading police officer in Rwibaga, a locality close to Mujejuru Camp, and Major Marius Gahomera, commander of the military camp, in order to ascertain their responsibility. However, as this case has not yet been taken further, these two men remain at liberty, and Major Marius Gahomera continues to commit abuses.

According to information passed on to our organizations, various incidents took place in April and May 2016 in Bururi province, notably in the Mugamba Hills, where soldiers of the 221st Battalion responded to targeted attacks carried out by unidentified armed men with arbitrary arrests on a massive scale, abductions, and sometimes summary and extrajudicial executions.

The soldiers of Muha Camp

The commander of Muha Camp, **Major Pascal Minani, alias Mababa**, is also a hard core associate of President Nkurunziza, who has been involved in orchestrating the bloody oppression of those perceived to be opposed to the regime. Numerous testimonies indicate that Pascal Minani has instigated and continues to order arbitrary arrests on a massive scale in dissenting districts of the capital, notably Musaga, as well as ordering enforced disappearances, acts of torture, and extrajudicial executions.

332. African Union Mission in Somalia.

333. RTNB Radio, “Resultats d’enquête menée par une Commission ad hoc sur les allégations d’exécution extrajudiciaire”, 10 March 2016, available at: <https://www.youtube.com/watch?v=048rl7c0vgw>

These abuses do not involve all soldiers at Muha Camp. Major Pascal Minani is surrounded by a group of officers, the majority of them Hutu and formerly involved in the CNDD-FDD rebellion, who carry out his orders. Informers have particularly indicated that ex-members of FAB at Muha Camp are less well-armed, and far removed from key posts.

Testimony from victims and witnesses tell how Major Minani's men carry out arrest campaigns on a massive scale in the district of Musaga, detaining civilians inside Muha Camp. Some have revealed that they were tortured by soldiers inside the camp. Following the assassination of Lieutenant Colonel Darius Ikurakure on 22 March 2016, a battalion from Muha Camp was deployed in Musaga. The FIDH mission was in Musaga at that time, and was able to observe how soldiers proceeded to seal off the district at around 19:00pm, when all was calm. Subsequently, arbitrary arrests took place, and shots were heard.

In his report of 15 January 2016, the United Nations High Commissioner for Human Rights stated that a mass grave had been dug inside Muha Camp following the extrajudicial executions on 11 December 2015, and that at least 100 bodies had been buried there.³³⁴

334. Report of the United Nations High Commissioner for Human Rights, 15 January 2016, available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16953&LangID=F>

Security forces take security measures during the Burundi's President Pierre Nkurunziza's swear in ceremony outside the Congress Palace in Kigobe district, Bujumbura, Burundi on August 20, 2015. Nkurunziza took 69,41 percentages of the total votes and won the presidency for a controversial third term in power. © RENOVAT NDABASHINZE / ANADOLU AGENCY



Parallel chains of command within the army

The army corps involved in the repression of the opponents of the regime are led and coordinated by **the Chief of Staff of the Armed Forces, Prime Niyongabo**, and **the deputy of the Joint Chief of Staff, Marius Ngendabanka**. Minister of Defense and Veterans Emmanuel Ntahomvukiye is a Tutsi civilian who is *de facto* ousted from strategic decision-making and the chain of command.

4. 3. The National Intelligence Service (SNR/"Documentation")

The National Intelligence Service (SNR), commonly called "La Documentation", is one of the pillars of the oppressive system put in place by the authorities. Apart the fact that it reports officially to the presidency of the Republic, very little information circulates as to the internal structure and chains of command of this body, which are virtually impenetrable.

There are similarities between the SNR and the Directorate for Documentation and Security (DDS) of Chadian dictator, Hissène Habré – which played a prominent role in mass atrocities committed in the 1980s under Habré's regime. This speaks volumes about the horrors committed by this service. La Documentation, a name also given the DDS, plays a similar role in oppression beyond the bounds of legality: committing the same kinds of abuses, having the same direct ties with the presidency, encompassing the same territorial coverage, and serving the same paranoia at the seat of power.

Since February 2015, it has been led by **General Étienne Ntakirutimana**, a little-known, shadowy figure, whose photograph it is virtually impossible to obtain. The names of certain agents of the SNR recur in victims' narratives, but it is impossible to establish any clear picture of the structure of this service.

Joseph-Mathias Niyonzima, alias "Kazungu", has distinguished himself as one of the most active agents of this service since the beginning of the crisis. This former member of the Forces for the Defense of Democracy (FDD) was "head-hunted" by the SNR. He rapidly gained the confidence of Adolphe Nshimiramana, former number 2 of the regime and former head of the SNR, assassinated in August 2015. Enjoying unlimited powers since April 2015, he is at the same time an officer of the GMIR (Rapid Intervention Mobile Group) and operational head of the SNR. According to investigations carried out on the ground by our organizations, he is directly implicated in many tens of cases of extrajudicial execution, enforced disappearance, and acts of torture. A well informed source, has attested that: *"Kazungu enjoys freedom of action, and receives his orders directly from the presidency. That is certain. Weekly, people contact me to tell me that he is in Bujumbura, in Ruyigi, in Kirundo. He is active across the entire territory. He is everywhere. He is one of the most disturbing figures within the SNR."* Joseph-Mathias Niyonzima is also one of the coordinators of the branch of the Imbonerakure implicated in the ferocious oppression of opponents of the regime, both within Burundi and beyond its borders. Certain sources indicate that he himself has been implicated in the training of youths in the Democratic Republic of the Congo, before and after the crisis.

The SNR has provincial, communal, and local networks and sections in all provinces of the country, and our organizations have gathered proof of various kinds indicating the responsibility of the following agents for grave violations of human rights on a massive scale:

- **Alexis Ndayirukiye**
- **Captain Bertin Gahungu**, based in Bujumbura
- **Pascal Bizimana**, based in Bujumbura

- Leonard Ngendakumaa
- Péniel Hatungimana, head of the SNR in Musinga
- Eliphase Niyongabo, head of the SNR in Kayanza
- Serges Niwandwi, agent of the SNR in Cibitoke.

The practices of the SNR and its role in oppression across the board are highlighted throughout this report.³³⁵ Its violence and cruelty have no limits. Several people talked to by the mission, having initially been arrested by this service, have attested to having fled the country so as *“not to end [their] lives in the hands of the SNR.”*

4. 4. The *Imbonerakure*

The youth league of CNDD-FDD, whose members are called *Imbonerakure*, is officially a political movement presided over by Denis Karera. Multiple testimonies, however, point to the use of certain *Imbonerakure* to supplement the regular forces in the suppression of voices opposed to the ruling regime.

Long-standing allegations

Various reports have highlighted the participation of *Imbonerakure* in abuses of a political nature prior to April 2015.³³⁶ The January 2014 report³³⁷ by the Secretary General of the United Nations on the United Nations Office in Burundi indicates in particular that *“the situation regarding human rights in Burundi remains worrying owing to recurring extrajudicial executions as well as acts of intimidation, harassment, and violence reputed to be committed by members of the Imbonerakure.”*

For several years, information judged to be credible has indicated that a contingent of the *Imbonerakure* has been trained and armed on the territories of both Burundi and the Democratic Republic of the Congo.

On 3 April 2014, a confidential document³³⁸ addressed to the UN departments of Political Affairs and Peacekeeping, to the Special UN and US Envoys for the Great Lakes region, and published in the press, highlighted ***“the arming and training of the youth wing of the party in power, the Imbonerakure.”*** This text mentioned the distribution of weapons (particularly AK-47s) and uniforms to young *Imbonerakure*, describing their militarization as constituting ***“a major threat to the peace in Burundi.”*** The authorities in Burundi immediately denied these allegations.

At the beginning of May 2014 on African Public Radio (RPA), Pierre-Claver Mbonimpa, president of APRODH (Association for the Protection of Human Rights and Detainees), denounced the existence of training centers for young Burundian nationals in eastern DRC. He was arrested on 15 May and accused of *“endangering the security of the state”, “inciting public disobedience”, and “disturbing the peace”,*³³⁹ before being restored to provisional liberty on 1 October 2014 owing to the deterioration of his state of health.³⁴⁰

335. See above – “Generalized surveillance of the population / Generalized acts of torture”

336. See the report of FIDH and ITEKA, *Éviter l’embrasement*, 7 mai 2015, https://www.fidh.org/IMG/pdf/burundi_L_mai_2015_pdf_web.pdf

337. Report by the United Nations Secretary General on the United Nations Office in Burundi, 20 January 2014, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N14/205/27/PDF/N1420527.pdf?OpenElement>

338. <http://www.youscribe.com/catalogue/tous/actualite-et-debat-de-societe/document-confidentiel-sur-livraison-d-armes-aux-imbonerakure-au-2429580>

339. <https://www.fidh.org/fr/regions/afrique/burundi/15364-burundi-detention-arbitraire-de-m-pierre-claver-mbonimpa>

340. <https://www.fidh.org/fr/regions/afrique/burundi/16133-burundi-liberation-provisoire-de-m-pierre-claver-mbonimpa>

In September 2014, various Burundian and Congolese civil society organizations, as well as journalists,³⁴¹ confirmed and denounced the presence of several hundred armed men in Burundian uniform, around Kiliba Ondes and along the Ruzizi River in eastern DRC. While the Burundian authorities claimed that the presence of these men was due to its struggle against FNL members taking refuge on Congolese territory, stating that only military personnel were present, local observers indicated that army ranks were supplemented by *Imbonerakure*.

Implication in repression since April 2015

A great number of testimonies since 2015 confirm that *Imbonerakure* have been playing a very active part in oppression, that they are armed and trained, and deployed throughout the territory of Burundi, sometimes integrated into police and army corps. They threaten and intimidate and are involved in oppressive operations, participating in arrests, abductions and forced disappearances, and acts of torture, as well as extrajudicial executions. The *Imbonerakure* are also mobilized to carry out patrols and monitor the borders.

For example, dozens of testimonies relate that, during the period running up to the election, *Imbonerakure* entered houses and schools, sometimes at night, in order to threaten individuals with death if they did not support President Nkurunziza. Such threats were also aimed at members of civil society and journalists, whose testimonies have been collected by FIDH and ITEKA. The threats have continued since the reelection of the President.

Since April 2015, many men have also testified to having been arrested by *Imbonerakure* in Bujumbura as well as in the provinces. They further attest to having been beaten on a virtually systematic basis, and taken to prison cells by these youths armed with cudgels and sometimes Kalashnikovs.

During its mission, FIDH was able to establish that police and army lorries were circulating in Bujumbura with youths in civilian clothes on board. These youths were not handcuffed, and their behavior did not appear to indicate that they were under arrest. Those accompanying the mission on such occasions confirmed that these were very probably *Imbonerakure*. Other testimonies indicate that *Imbonerakure* are sometimes dressed partly or wholly in police or military uniforms when they operate alongside the security forces. Several victims with whom our organizations spoke also recognized *Imbonerakure* from their own districts wearing police or army uniforms during operations in dissident districts of the capital. On 11 and 12 December 2015, during operations of oppression in Musaga and Nyakabiga, many people testified that *Imbonerakure* supplemented special units of the police and army, and took part in extrajudicial executions.

Victims with whom the mission was able to speak have often named the *Imbonerakure* as having participated in the ordeals they suffered. One man said: *"An Imbonerakure named Gasongo, from Ruyigi, threatened to kill me. He was one of those who attacked me with a firearm in August. He also came to look for me in my home after I had gone. Gasongo controlled the Imbonerakure in my locality."*

An inhabitant of Kamenge stated: *"I was attacked by Imbonerakure from Kamenge. One in particular called Die, is head of the Imbonerakure in Kamenge."* He added that *"The Imbonerakure receive money and arrest people."* Two other young men attested to having been arrested by *Imbonerakure* members nicknamed "Zidore" and "Jackson".

A journalist of the RPA, speaking on condition of anonymity, said: *"In about January 2015, an Imbonerakure nicknamed Aregi told us: 'You say anything you like on the radio. You know that one day*

341. See in particular RFI, « Qui sont ces hommes armés, en uniforme burundais, à l'est du Congo ? », 12 September 2014, <http://www.rfi.fr/afrique/20140912-burundi-est-congo-hommes-armes-imbonerakure-kamerhe>

you will flee the country.' It was an Imbonerakure who works in Kamenge with the SNR. He is a man of about thirty. He went to Somalia with AMISOM."

Many sources also attest that *Imbonerakure* are sent into frontier regions to track down political opponents, members of civil society, journalists, or victims who have escaped death and are likely to provide information on the horrors of what they have experienced (see above, Part III, para. 3. 1., 3. 12, 3. 13).

A journalist of the RPA added: *"I have a cousin in the DRC and I stayed with him in Uvira. I saw some Burundian nationals in Uvira, and I was also informed that there were Imbonerakure circulating in the locality, often in police vehicles. I also saw Burundian policemen driving around on Congolese territory with rockets on the backs of their vehicles."*

A young refugee student in Kampala told the mission: *"In Kampala I was afraid when a certain **Joris Ingabire**, of La Documentation, began to spread terror here. He was arrested by the Ugandan police after he had committed a crime. But I received information that he had been released [...] Joris was an Imbonerakure in Musaga, and he was very active in the oppression suffered in that district. He knew everybody, he worked with the police. Joris had also been arrested in Bujumbura, accused of violating a minor, between May and August I think. The late Adolphe Nshimiramana had him freed before he died, before August, and gave him the mission of going to Uganda. I never met him personally."* Joris' name was mentioned in about ten testimonies collected by the mission in Uganda, and local observers in Bujumbura who know him confirmed this testimony. A source close to the *Imbonerakure* attested that Joris Ingabire was paid directly by the Burundian presidency.

Other testimonies indicated that an *Imbonerakure* called Alfred also operated on behalf of the SNR in Kampala. Informers stated that he worked for the SNR in the districts of Cibitoke and Buterere in Bujumbura before being sent to Kampala, and officially worked for Sobugea, a travel and transport company associated with Bujumbura airport.

Two other *Imbonerakure* have also been seen by witnesses in Kampala: one called "Emmanuel", from Kamenge, and the other nicknamed "Arafat", originally from the district of Ngagara, and officially working at the general post office. Unofficially, they are both attached to the SNR. It should be noted that the majority of these *Imbonerakure* are Tutsi.

Supervision, training, arming

If the *Imbonerakure* are officially presided over by Denis Karera, directly responsible to the President of the Republic, and coordinated across the territory by provincial and communal committees, the above testimonies reveal that those who take part in oppression **answer to the SNR, and in particular Joseph-Mathias Niyonzima**, Principal Intelligence Officer (ORP2).

One source close to the youth sector of the party in power has attested that, ***"Imbonerakure hold meetings and are organized at party level. Following such meetings, they carry out attacks on certain districts."***

Many of those interviewed have confirmed that a contingent of the *Imbonerakure* is armed and trained. A source inside the United Nations stated, on condition of anonymity: ***"There have been training areas in the country's interior since as early as 2010, at Gitega and Ngozi in particular."*** Another partner on the ground indicated that, ***"an element of the Imbonerakure has followed a very advanced level of military training"***, adding that it would seem that ***"training camps exist in certain provinces of the country."***

A local source close to the center of the *Imbonerakure* has stated: *"Everyone today knows that the Imbonerakure are well enough trained and armed. Certain Imbonerakure began their training years ago. Imbonerakure have been saying all the time recently that, if Nkurunziza is assassinated, they will 'go to work'". He adds: "going to work' clearly means exterminating Tutsi as well as all Hutu opponents. I know a lot of Imbonerakure, and they tell me that they will not be able to accept it if Nkurunziza is assassinated."*

Two other sources have confirmed that such words are frequently heard from the *Imbonerakure*. One of these sources has attested that Imbonerakure in Muyinga and Rumunge had stated in March 2016: ***"We are just waiting for the word to eliminate Tutsi opponents."***

A video that our organizations have been able to authenticate and analyze, filmed in January 2016 by *Imbonerakure* in the forests of Cibitoke province, shows a group of at least about fifty Imbonerakure, all in civilian dress. They form two columns, and march in time to the rhythm of a whistle blown by an individual leading the group, also in civilian dress but with military boots. Some of the *Imbonerakure* are armed with cudgels or wearing military belts. Even if these *Imbonerakure* are not receiving military training in the strict sense of that term, the video nevertheless demonstrates that they are performing activities of a military character.

Many of those spoken with, in particular from within the United Nations, confirmed to the mission that *Imbonerakure*, once trained, have been integrated into the police and army in order to swell the ranks of the followers of Pierre Nkurunziza.

ARMED REBEL GROUPS

At least two armed rebel groups have been formed to fight against President Nkurunziza: the Resistance for a State of Law (Résistance pour un État de droit au Burundi – RED-Tabara, also known as RED) and the Republican Forces of Burundi (Forces républicaines du Burundi – FOREBU). While it is difficult to obtain information on the actual military capabilities of these groups or their internal chains of command, a number of their operational bases are believed to be located in Burundi, in Bujumbura Rural Province and the Rukoko Reserve, as well as in neighboring countries, particularly the DRC. According to the information gathered by our organizations, the groups stage sporadic incursions from the DRC into Burundian territory, using small groups of armed men to carry out targeted attacks and assassinations. These groups receive support from other armed rebel groups established prior to the crisis, and our organizations are concerned about the proliferation of such groups in Burundi.

The ranks of these groups are comprised of young men who became radicalized during the armed struggle. According to statements gathered by our organizations from young people in Bujumbura, this radicalization is in part an expression of the "despair" of certain "opponents" who feel "abandoned by the international community" and, given the continuing political impasse, have chosen to defend themselves with weapons when confronted with repression by the authorities. Some young people, for example, have stated that they would prefer to die fighting than from "torture by the National Intelligence Service".³⁴² Observers have informed our organizations that an increasing number of young people are joining these armed rebel groups. Young victims of repression are thus a fertile source of recruitment for rebel groups. In fact, certain members of civilian society have expressed **the fear that a majority of those opposed to Pierre Nkurunziza's third term risk descending into armed rebellion.**

342. Statement made by an anonymous local informant.

The attacks staged by these groups occur almost daily (although some are not statistically recorded) and the victims are very often civilians. Peaks of violence have also been observed during the 11 and 12 December 2015 attacks, led jointly by FOREBU and RED-Tabara; at the end of January 2016,³⁴³ after the failed deployment of the African Prevention and Protection Mission in Burundi (MAPROBU);³⁴⁴ in February 2016, after the visit by various senior African and international leaders to the country; and on 22 March 2016, following the assassination of Lieutenant-Colonel Darius Ikurakure. This last cycle of violence is particularly alarming as it occurred against the backdrop of **growing divisions within the Burundian army**. There are fears that **ex-FAB (Burundian Armed Forces) elements may also reorganize** and turn against the existing authorities, which could trigger an open conflict and possible further acts of violence of an ethnic or genocidal character targeting the Tutsi minority in reprisal. It should be noted that there is a large imbalance between the forces involved. Those loyal to President Nkurunziza are much better armed and coordinated than opposition groups, which could lead to mass violence against the Tutsi.

343. The African leaders issued this refusal at the 26th Summit of the African Union held in Addis-Ababa, Ethiopia, from 21 to 31 January 2016.

344. On 17 December 2015, the Peace and Security Council of the African Union decided to deploy an African Prevention and Protection Mission in Burundi (MAPROBU), for a period of six months renewable and with an initial force of 5,000 military and police personnel. On December 21, the Burundian authorities refused to allow the deployment of this mission onto its territory. At the end of the 26th Summit of the African Union, held in Addis-Ababa from 21 to 31 January 2016, the African leaders decided not to deploy MAPROBU without the consent of President Nkurunziza.

Headquarters of CNDD-FDD, the President ruling party, in Bujumbura. © PHIL MOORE / AFP



4. 5. 1. Resistance for a Rule of Law in Burundi (RED-Tabara)

Part of the political opposition, in addition to the young people opposed to the present regime and radicalized during the armed struggle, is coordinated by **RED-Tabara**. It seems that RED also has some support from certain military and police personnel that are still in post, as well as from the armed wing of the National Liberation Forces (Forces nationales de libération - FNL), led by Aloys Nzabampema. Credible sources allege that RED is in contact with General Nzabampema, who is in the DRC and is facilitating the movement of rebels across the borders of Congo and Burundi, especially in the Ruzizi plain. On 13 February 2016, RED-Tabara designated its Chief of Staff, Hutu Major General **Birembe Melchiade**³⁴⁵, a member of the opposition party called Movement for Solidary and Development (Mouvement pour la solidarité et le développement - MSD).

There are numerous allegations that the President of the MSD, **Alexis Sinduhije**, is the leader of RED-Tabara, though he himself has not officially claimed this. He has already stated that he supports "any action taken against Pierre Nkurunziza", including violent action. Alexis Sinduhije is the subject of targeted US sanctions and the United States describes him as one of "**the major leaders of the Burundi opposition, given that he has a widespread logistical network and competent fighters under his command**". It claims that he has been "involved in plans for assassinating senior Burundi figures and continues to actively plan attacks on government targets".³⁴⁶

4. 5. 2. Republican Forces of Burundi (FOREBU)

On 23 December 2015, ex-army Lt. Col. Edouard Nshimirimana announced³⁴⁷ the creation of **FOREBU**³⁴⁸, the stated aim of which was to topple President Nkurunziza. FOREBU is mainly composed of ex-army personnel and police deserters who are said to maintain contacts within Burundi's security forces. They are led by Godefroid Niyombaré, former head of Burundi's National Intelligence Service and leader of the perpetrators of the failed coup of 13 May 2015. FOREBU operates mainly in Bujumbura Rural and Bujumbura Mairie, and also has the support of the FNL headed by Aloys Nzabampema, which controls the forests of Bujumbura Rural and Rukoko. In addition, FOREBU has the support of military personnel and police, as well as some of those close to the current party in power.

After the setbacks suffered by FOREBU and RED-Tabara on 11 and 12 December 2015, they retreated mainly into the hills of Bujumbura Rural, and moved into what appears to be a **phase of restructuring their forces and training and arming their personnel**, probably to conduct new large-scale attacks. It would seem that these groups still lack coordination and that a disconnect of sorts exists between the leadership, some of whom are in exile, and the operational units. For example, attacks appear to be led by small commando groups that do not answer directly to the orders of their leader. In addition, various sources have indicated that there have been efforts to reinforce coordination between FOREBU and RED.

345. Press release by RED-Tabara, 13 February 2016, available at: <https://drive.google.com/file/d/0B1RFM8iLIQ8uZW9VLTBYQkp4eFE/view?pref=2&pli=1>

346. US Department of the Treasury, "Treasury sanctions four Burundian individuals", 18 December 2015, available at: <https://www.treasury.gov/press-center/press-releases/Pages/jl0310.aspx>

347. Le Monde, "Une rébellion voit officiellement le jour au Burundi" (A rebellion officially born in Burundi), 24 December 2015, available at: http://www.lemonde.fr/afrique/article/2015/12/24/une-rebellion-voit-le-jour-au-burundi-ou-les-groupes-armes-prosperent_4837607_3212.html

348. *Ibid.*

4. 5. 3. Other groups

Other groups that are in the process of forming, include the **Republican Movement for the Rebirth of the Nation (Mouvement républicain pour la renaissance de la nation – MORENA)**, directed by former Bar President **Isidore Rufyikiri**³⁴⁹ and **Revolution HAGURUKA**, which is said to be led by Audifax Ndabitoreye. These groups do not officially have an armed wing, but their leaders have stated explicitly that they are ready to take up arms to defend themselves. Our organizations have been unable to obtain further information on their composition, numbers or on actions carried out by these groups.

349. Mr. Isidore Rufyikiri has given several interviews in Kirundi, in particular on Radio Burundaise Internationale (RBI), which are available at: <https://agencebujanews.wordpress.com/2016/01/17/maitre-rufyikiri-isidore-trace-les-objectifs-du-mouvement-morena-interview-de-la-rbi/>

CHAIN OF COMMAND OF THE BURUNDIAN

OFFICE OF THE PRESIDENT OF THE REPUBLIC

Pierre Nkurunziza

Current president of the Republic, he is the Commander in Chief of the defence and security forces and has all authority over the National Intelligence Service (SNR). He is one of the first sponsors of the repression that has already claimed hundreds of victims since April 2015.

Civil Cabinet

General Gabriel Nizigama

Military Cabinet

General Ildephonse Habarurema

POLITICS
CNDD-FDD

POLITICS
LEGISLATIVE
POWER

ARMY - NATIONAL DEFENCE FORCE

Army Chief of Staff

Joint Chief of Staff - General Prime Niyongabo
Deputy Joint Chief of Staff - Marius Ngendabanka

President
Pascal
Nyabenda

National
Assembly
Pascal
Nyabenda

President

Vice-president
Victor
Burikukiye

BSPI

Special
Squad for the
Protection of
Institutions

BGC

Combat Engineer
Regiment

Camp Muha

Secretary
General
Evariste
Ndayishimiye

Senate
Révérien
Ndikuriyo
President

MP
Military Police

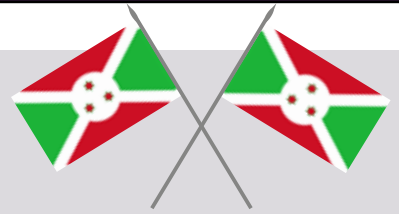
221st Bataillon
Commando
Battalion of Ruyigi

Military
Intelligence

Spokesperson
Gélase
Ndabirabe

Youth Section of the CNDD-FDD – *Imbonerakure*

POLITICO-SECURITY APPARATUS



**Cabinet of the
Presidential
Administration**
General Gervais Ndirakobuca
alias Ndakugarika

**Minister of
Public Security**
General Alain-
Guillaume Bunyoni

INTELLIGENCE SERVICE

BURUNDIAN NATIONAL POLICE (PNB)

Deputy Director – Godefroid Bizimana
**Commander of the specialised police units – General Christophe
Manirambona *alias* Wakenya Le Boiteux**

API
Institution
Protection
Agency

BAE
Anti-riot
Brigade

GMIR
Mobile Rapid
Response
Group

PSR/SR
Special Road Tax
and Safety Police

Regional PNBs

SNR

Service national de renseignement
(National Intelligence Service)

“La Documentation”

**National Director –
General Etienne Ntakarutimana**

(including those integrated into the FDN, PNB, SNR)

OFFICE OF THE PRESIDENT OF THE REPUBLIC

Pierre Nkurunziza

Current president of the Republic, he is the Commander in Chief of the defence and security forces and has all authority over the National Intelligence Service (SNR). He is one of the first sponsors of the repression that has already claimed hundreds of victims since April 2015.

Civil Cabinet

General Gabriel Nizigama

Ex-minister of Public Security, this general replaces Evariste Ndayishimiye as Head of the Civil Cabinet of the President of the Republic at the end of August 2016.

Military Cabinet

General Ildephonse Habarurema

This general heads the military cabinet of President Nkurunziza and is one of his trusted advisors.

Cabinet of the Presidential Administration

General Gervais Ndirakobuca *alias* Ndakugarika

Head of the Cabinet of the Presidential Administration in charge of the national police, he is in charge of the police units specialising in the repression of those opposed to the regime (API, BAE, GMIR).

Minister of Public Security

General Alain-Guillaume Bunyoni

Minister of Public Security and former head of the National Intelligence Service (SNR), he is one of the pillars of the Burundian security system and oversees the Burundian National Police (PNB) which, under his control, carries out repressive operations alongside the *Imbonerakure*.

INTELLIGENCE - NATIONAL INTELLIGENCE SERVICE (SNR)

SNR

National Intelligence Service

National Director – General Etienne Ntakarutimana *alias* Steve

This general is the head of National Intelligence Service (SNR) since February 2015, and is involved in dozens of cases of assassination, forced disappearances, torture, arrests and arbitrary detentions. He supervises a part of the very active *Imbonerakure* in repressing those opposed to the regime.

SNR – *Imbonerakure*

Joseph-Mathias Niyonzima, *alias* Kazungu

He is one of the most active SNR agents on the ground and one of the coordinators of the armed branch of the *Imbonerakure* as well as in Burundi and outside the country. He is also directly involved in the serious human rights violations.

SNR - Regional management

Bujumbura

Pascal Bizimana
Agent
Bertin Gahungu
Commissioner

Kayanza

Eliphase Niyongabo
Director

Muyinga

Péniel Hatungimana
Director

POLITICS LEGISLATIVE POWER

National Assembly

Pascal Nyabenda

President of the National Assembly and the CNDD-FDD, he is one of the driving personalities in the concept and spread of divisive and anti-Tutsi slogans of the regime.

Senate

Révérien Ndikuriyo

Current President of the Senate, he is one of the most fervent spokespersons of the ethnic and genocide ideology of the regime.

POLITICS - CNDD-FDD (RULING PARTY)

President

Pascal Nyabenda

President of the ruling party and president of the National Assembly, he is one of the driving personalities in the concept and spread of divisive and anti-Tutsi slogans of the regime.

Vice-president

Victor Burikukiye

Vice-president of the ruling party, he repeatedly speaks in a revisionist way, inciting hatred and has also repeatedly called for the *Imbonerakure* "to replace" the police.

Secretary General

Evariste Ndayishimiye

Former head of the civil cabinet of the president, he is currently secretary general of the ruling party and one of the closest advisors of Pierre Nkurunziza.

Spokesperson

Gélase Ndabirabe

Spokesperson for the CNDD-FDD, he is one of the main propagators of the pro-Hutu ideology of the ruling party.

ARMED OPPOSITION GROUPS

Resistance for the Rule of Law (Red-Tabara)

Biremba Melchiade : Member of the opposition party Movement for Solidarity and Development (MSD), he was chosen in February 2016 to be the Red-Tabara Chief of Staff.

Alexis Sinduhije : He is the president of the Movement for Solidarity and Development (MSD) and is likely to be the leader of the Red-Tabara. He would be involved in targeted killings of Burundian officials and high-ranking dignitaries as well as the planning of armed attacks in Burundi.

Republican Forces of Burundi (FOREBU)

Godefroid Niyombaré : This former head of the SNR sacked by President Nkurunziza in February 2015 and leader of the putschists during the failed coup of 13 May 2015 is the leader of the FOREBU, rebel armed group formed in December 2015.

ARMY - NATIONAL DEFENCE FORCE

Army Chief of Staff

Joint Chief of Staff - General Prime Niyongabo: He leads and coordinates the army corps, particularly those involved in the repression of the protesting voices of the regime.

Deputy Joint Chief of Staff - Marius Ngendabanka: He is Deputy Joint Chief of Staff and controlled elements of the army, the SNR and the *Imbonerakure* involved in serious human rights violations. He is involved in the extra-judicial executions and in the and tracking those from the protesting neighborhoods of Bujumbura.

BSPI

Special Squad
for the Protection of Institutions

Commander

Dominique Nyamugaruka

The BSPI is involved in serious human rights violations and in particular led attacks against civilians on 11 December 2015 in the protesting neighborhood of Nakabiga, at Bujumbura.

BGC

Combat Engineer Regiment

Commander

Lieutenant-Colonel

Darius Ikurakure (†)

He was involved in the operations of repression, assassination and enforced disappearances led in the so-called protesting neighborhoods of the third mandate of President Nkurunziza. He was assassinated on 22 March, 2015, and replaced by **Dismas Sindaye**.

Camp Muha

Pascal Minani
alias Mababa

Commander of Camp Muha, he has under his orders, with officers loyal to President Nkurunziza, orchestrated repressive operations particularly in the Musaga neighbourhood. He is the backer of arbitrary arrests and detentions and is also responsible for enforced disappearances, torture and extrajudicial executions.

Military Intelligence

Colonel Ignace Sibomana

He is named as one of the main sponsors of the divisions within the army and has the control and a part of the *Imbonerakure* responsible in the crackdown on the opponents to the regime since April 2015.

221st Bataillon

Commando Battalion of Ruyigi

Colonel Marius Gahomera
alias Gakoryo

He coordinates the majority of military operations in the south of the country and is directly responsible for serious human rights violations, particularly extrajudicial executions on 11 December 2015.

MP

Military Police

Major Jimmy Rusheshe

This former commander of the Military Police (MP) is quoted by several sources as having committed acts torture on the persons arrested in 2015. Assigned to the MINUSCA on 13 December 2015, he was dismissed on 5 February 2016.

BURUNDIAN NATIONAL POLICE (PNB)

Deputy Director – Godefroid Bizimana

Deputy Director, he is the de facto head of the PNB and orchestrates police violence.

Commander of the specialised police units – General Christophe Manirambona *alias* Wakenya Le Boiteux

Commander of the specialised police units (API, BAE, GMIR), leading in the crackdown on those perceived as opposed to the regime.

API

Institution Protection Agency

Presidential Guard

Alexandre Muyenge

The API and Presidential Guard are responsible, under his control, of serious human rights violations: extrajudicial executions, enforced disappearances, torture, arbitrary arrests and detentions.

BAE

Anti-riot Brigade

Colonel

Désiré Uwamahoro

Commander of the BAE since September 2015, he is directly responsible for dozens of extrajudicial executions, acts of torture, enforced disappearances and arbitrary arrests and detentions.

GMIR

Mobile Rapid Response Group

Commissioner Ayub Sindyigaya

He is the current chief of operations of one of the commandos of the GMIR, a brigade intervening in repressive operations in Bujumbura Mairie and Bujumbura Rural.

PSR/SR

Special Road Tax and Safety Police

Commander

Alfred Innocent Museremu

He is directly involved in the perpetration of serious human rights violations since the outbreak of the crisis. His men are particularly involved in the looting and destruction of the private radio premises on 14 May 2015.

Regional PNBs

PNB – Western Region

Domitien Niyonkuru

He is in charge of the western regional police and coordinates all the commissariats of Bujumbura Mairie and Bujumbura Rural, Cibitoke and Bubanza, where numerous acts of torture and arbitrary detentions have been documented since April 2015.



The anti-riot police arrest a person during a demonstration against the announcement of President Pierre Nkurunziza to run for a third term in Musaga, near Bujumbura, on 28 April 2015. © SIMON MAINA / AFP

V. CLASSIFICATION OF CRIMES: CRIMES AGAINST HUMANITY AND RISK OF CRIMES OF GENOCIDE

Inquiries conducted by FIDH and ITEKA demonstrate the existence of numerous crimes, including extrajudicial executions, targeted assassinations, arbitrary arrests and detentions, enforced imprisonments and disappearances, acts of torture and other cruel, inhumane or degrading treatment, rape and other acts of sexual violence. These are criminal offences already covered by the Burundian Penal Code, Book 2, Part 1. They are, furthermore, crimes under international law. Burundi ratified the Statute of the International Criminal Court (ICC) on 21 September 2004 and has adapted the ICC Statute into its own penal code, incorporating in particular the definition of war crimes, crimes against humanity and crimes of genocide. On this basis, the Burundi national jurisdiction and the ICC are in a position to judge those responsible for the crimes committed in the country since April 2015 at the least.

However, no credible or serious inquiry into these grave and widespread human rights violations has been conducted within Burundi's national jurisdictions. Those who committed these acts continue to operate with complete impunity. The national authorities lack the will and capacity to hold such inquiries and to effectively pursue those committing these serious crimes. For this reason, and because the crimes committed in Burundi fall within her jurisdiction, the Prosecutor of the ICC, Mrs. Fatou Bensouda, decided on 25 April 2016 to open a preliminary examination into the situation in Burundi. The Bureau of the Prosecutor examines all the information available in order to determine whether or not a reasonable basis exists to open an inquiry, according to the criteria set down by the Statute of the ICC.³⁵⁰ Given the evidence gathered by FIDH and ITEKA, the Office of the Prosecutor of the ICC should open an investigation on the international crimes committed in Burundi.

CRIMES AGAINST HUMANITY

The Burundian Penal Code sets out in its Article 196 the definition of crimes against humanity as stated in Article 7 of the Rome Statute of the International Criminal Court. This is as follows:

Article 196 of the Burundi Penal Code:

"A crime against humanity is defined as one of the actions listed below when committed within the framework of a widespread or systematic attack which is carried out against any civilian population and with knowledge of this attack:

- 1° Murder;*
- 2° Extermination;*
- 3° Enslavement;*
- 4° Deportation or forcible transfer of population;*
- 5° Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;*
- 6° Torture;*

350. Declaration of the ICC Chief Prosecutor, Mrs. Fatou Bensouda, regarding the preliminary examination held into the situation in Burundi, available at: <https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-25-04-2016&ln=fr>

- 7° Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
- 8° Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
- 9° Enforced disappearance of persons;
- 10° The crime of apartheid;
- 11° Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health."

In view of this definition and the various elements set out in the present report, it can be concluded that the crimes committed in Burundi since April 2015 readily constitute crimes against humanity.

5. 1. 1. Widespread or systematic attack carried out against a civilian population

Attack against any civilian population

The victims of attacks perpetrated in Burundi are in the majority made up of civilians. In its inquiry report,³⁵¹ the African Commission on Human and Peoples' Rights (ACHPR) indicates that most of the victims of human rights violations are *"demonstrators and young men living in the so-called opposition districts of the capital, Bujumbura, as well as children, human rights activists and members of civil society, journalists, members of opposition groups, other civilians and members of the security forces and of the party in power"*.³⁵² The ACHPR states that, *"most of the victims are civilians"*.

Widespread or systematic attack

The concept of widespread attack

Article 7.2. a of the Rome Statute defines the concept of widespread attack as *"a course of conduct involving the multiple commission of acts"* referred to in paragraph 1 of Article Art.7.1. The concept of widespread attack refers, in international law, to widespread, multiple, and frequent inhumane acts.³⁵³

The International Criminal Tribunal for Rwanda (ICTR), in the case of *Akayesu*, highlights that *"widespread"* may be defined as massive, frequent, large scale action, carried out collectively with considerable seriousness and directed against a multiplicity of victims."³⁵⁴

The concept of systematic attack

The concept of systematic attack refers to the notion that these inhumane acts are committed in *"pursuant to or in furtherance of a State or organizational policy to commit such attack"* (Article 7.2.a of the Rome Statute.). It thus refers to the pre-planned and organized nature of these crimes.

351. Report of the delegation of the African Commission on Human and Peoples' Rights on its fact-finding mission in Burundi, 7 to 13 December 2015, available at: http://www.achpr.org/files/news/2016/05/d218/cadhp_rapport_mission_etabli_faits_fre.pdf

352. *Ibid.*

353. *Prosecutor v. Ruto Kosgey and Sang*, Pre-Trial Chamber, 23 January 2012, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, para.176 et seq.

354. *Prosecutor v. Akayesu*, ICTR, ICTR-96-4-T, Trial Chamber 1, judgment on 2 September 1998, par. 580..

The ICTR in *Akayesu* also considered that the systematic nature of an attack “may be defined as thoroughly organized and following a regular pattern on the basis of a common policy involving substantial public or private resources. There is no requirement that this policy must be adopted formally as the policy of a state. There must however be some kind of preconceived plan or policy.”³⁵⁵ In another case, *Kayishema and Ruzindana*,³⁵⁶ the ICTR considered that a systematic attack only requires an “attack perpetrated following a preconceived policy or plan”.³⁵⁷

The repetition and widespread nature of the crimes perpetrated by the Burundian Defense and security services and the multiple civilian victims targeted demonstrate the generalized nature of the attacks carried out against the Burundian population since April 2015. These attacks are systematic in the sense that they are coordinated by a command structure. This command structure often consists of several channels and is both formal (within the police force and the army) and informal (within the National Intelligence Service and the *Imbonerakure*). In addition, the violations perpetrated by the Defense and security forces correspond to plans emanating from the highest spheres of the State, whose stated objective is to reduce to silence, by all means possible, those individuals suspected of being opposed to President Pierre Nkurunziza’s third term.

Several features of the attacks demonstrate their pre-planned nature: the identification of victims in advance through the compilation of lists; the targeting and closure of certain neighborhoods thought to harbor opponents to the President’s third term; the detention of victims in identified locales, sometimes specifically created for this purpose; the creation of units specializing in repression; questions asked by agents of the State at the time of arrests; detentions or acts of torture (especially concerning the political or ethnic background of the victims or their participation in demonstrations), etc. The use of the same *modus operandi* by different security forces (police, army, SNR, *Imbonerakure*) in different locations is another indicator. This includes: the arbitrary arrest of victims who are then taken to unknown locations, executed, buried in individual or mass graves or discovered dead with their hands bound behind their backs and with signs of torture on them; arrests and arbitrary detentions in legal or illegal places; interrogations; torture for political and/or ethnic reasons, etc. The murders, persecutions, enforced disappearances of persons, acts of torture and other inhumane actions, as well as rapes carried out by members of law enforcement against persons perceived as enemies of the regime, are all systematic actions that form part of a generalized attack against these individuals.

This report demonstrates that numerous crimes appear to have been committed that meet the criteria of generalized and systematic attacks. Parts I, II and III for this report reveal that, in various parts of the country and particularly in Bujumbura Mairie, the Burundian Defense and security forces carried out attacks against the civilian population by order of the Burundi authorities. These have included extrajudicial executions, persecution, arrests and arbitrary detentions, acts of torture, enforced disappearances, rapes and other forms of sexual violence against individuals opposed to the third term of President Nkurunziza (either real opponents or perceived as such). In meeting the definition of crimes against humanity as set down in Article 196 of the Burundian Penal Code and Article 7 of the Rome Statute of the ICC (see paragraphs a, e, f, g, h and i above), they constitute crimes against humanity within the legal meaning of these provisions.

355. *Ibid.*

356. *Prosecutor v. Kayishema and Ruzindana*, ICTR, ICTR-95-1-T, Trial Chamber 2, judgment of 21 May 1999, par. 123.

357. *Ibid.*

5. 1. 2. Murders

The summary execution of civilians attributable to the security forces and their back-up forces, particularly on 11 and 12 December 2015 in parts of Bujumbura, in reprisal for the attacks on 11 December, **appear to constitute crimes against humanity**. Indeed, numerous other summary and extrajudicial executions repeatedly perpetrated since April 2015 support the notion that these murders have been committed as part of a generalized or systematic attack, further contextualizing them as crimes against humanity.

In addition, murders committed as part of attacks by rebel army groups against civilians, appear also to be of a generalized and systematic attack and may also therefore qualify as crimes against humanity. These acts have already caused dozens of deaths among the civilian population and are in response to a preconceived plan whose principal objective is to attack individuals suspected of supporting the authorities.

5. 1. 3. Rapes and other forms of sexual violence

Since the start of the crisis in Burundi, rapes and other forms of sexual violence have been committed against women and men by elements of the Burundian Defense and security forces, particularly on 11 and 12 December 2015. As these crimes were perpetrated as part of generalized and systematic attacks, they can also be perceived as crimes against humanity (see Part III).

5. 1. 4. Enforced disappearances

Article 7.2.i. of the Rome Statute defines enforced disappearances of persons as *"the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time"*.

All the elements of enforced disappearance within the meaning of the Rome Statute can be observed in the various cases of disappearances described in this report. The victims are reported as having disappeared subsequent to their arrest, detention or removal by agents of the State or by individuals suspected of operating in close collaboration or effectively under the control of the latter (the *Imbonerakure*, for example). These cases have not been the object of any inquiry to shed light on the situation of the victims, despite appeals by families and national and international human rights NGOs. In the case of Marie-Claudette Kwizera, FIDH and ITEKA were hindered by the refusal of the authorities to provide information on her fate or where she could be found, and no inquiry has been opened despite the fact that our organizations have accused the authorities directly in this case.

At the time of the preparation of this report, our organizations continue to receive information about cases of enforced disappearances. This practice, which is becoming increasingly frequent, constitutes a crime against humanity, as set out in Article 7 of the Statute of the International Criminal Court, as well as Article 196 of the Burundian Penal Code.

5. 1. 5. Other crimes: tortures, detentions, etc.

The Burundian Criminal Code Article 196 resumes in the definition of crime against humanity enshrined in Article 7 of the Rome Statute of the International Criminal Court and the constituent crimes. Are recognized as crimes against humanity the crimes of torture, detentions, degrading and inhuman treatment or deportation or forcible transfer of population, committed as part of a widespread or systematic attack against any civilian population, with knowledge of the attack.

Acts of legal and non-legal detentions were systematized since the April 2015 events. So the UN has officially established the figure of 5881 arrests and detentions rather than around 8 000 cases of arrest and detention if one understands the secret places of detention incommunicado. In the repressive logic of the regime, all those considered opponents are legally or illegally detained. The massive nature of these detentions, including children and young people, can be an additional element of systematic and widespread falling crime against humanity.

“Torture” means intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions. The acts of torture perpetrated systematic way over the detentions controlled by regime forces or auxiliaries appear back in a suppression scheme for a specific civilian population. Thus, the practice of “correction” practiced systematically when entering detention constitutes torture and inhuman and degrading treatment. The many coercive practices against thousands of detainees in places of deprivation of liberty, including illegal, constitute acts of torture and degrading and inhuman treatment perpetrated on a large scale of the civilian populations. Regardless of gender or background, people in detention are systematically quality subject to torture or degrading and inhuman acts within an organization planned and conducted against a civilian population.

Finally, “deportation or forcible transfer of population” means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law. The 311,000 people who fled Burundi since April 2015, are part flee the country because of the risk of persecution and death by regime forces. The government has not called his fellow citizens to massively come back to Burundi, suggesting that at least for part of this population, their movement outside of Burundi could be a strategic objective.

5. 1. 6. Persecution

The Statute of the International Criminal Court defines “persecution” as *“the intentional and serious denial of fundamental rights in violation of international law, by reason of the identity of the group or community to which it relates”* (Article 7.2.g.). This intentional and serious denial of fundamental rights must be substantiated by the commission of serious crimes (murders, rapes, etc.) aimed at a group or a community identifiable by reference to its political, racial, national, ethnic, cultural, religious or gender.

The crimes perpetrated by the Burundian Defense and security forces since April 2015 are undeniably targeted at persons perceived to be opposed to the regime of President Pierre Nkurunziza. These individuals are thus being targeted for real or alleged political reasons. The ethnic factor, though not always the primary motivation for the crimes committed by the Burundian security forces, also tends to become an indicator of the violence exercised deliberately by the Burundian authorities against those they suspect of being opposed to the President’s third term. Tutsi populations are thus perceived as being opposed “by nature” to the power in place and are persecuted for this reason.

CRIME OF GENOCIDE

Article 195 of the Burundian Criminal Code and Article 6 of the Rome Statute define the crime of genocide as *“one of the acts below committed with the intention to destroy, in whole or in part, a national, ethnic, racial or religious group, such as:*

- a) Killing members of the group;*
- b) Causing serious bodily or mental harm to members of the group;*
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;*
- d) Imposing measures intended to prevent births within the group;*
- e) Forcibly transferring children of the group to another group.”*

The findings of FIDH and ITEKA investigations when read in light of the definition of genocide, indicate that some crimes being committed in Burundi do indeed evidence genocidal intent. It seems for now that the goal of the authorities is to ensure the continuation of the regime in power including by the elimination of all opponent and that ethnic rhetoric is being instrumentalized to this political end. However, certain acts and practices (speeches of dignitaries of the regime, modus operandi of the security forces, etc.) also indicate that the Burundian authorities consider that to remain in power, they need to proceed with the destruction, in whole or in part, of opponents and even by the Tutsi considered as opponent, indicating genocidal intent.

Investigations conducted by FIDH and ITEKA highlight the existence of a fabric of elements which, if they were to intensify and generalize, could lead to the perpetration of genocide in Burundi. The few items below do not constitute an exhaustive list.

5. 2. 1. Ethnic group

Various pieces of information mentioned in this report already reflect the willingness of the authorities to target a specific ethnic group, namely the Tutsi. This willingness is evident in the speeches of some high-ranking Burundian dignitaries who have evoked and continue to evoke increasingly openly the notion of Tutsis as enemies of the regime. This intention is echoed by members of the Defense and security forces, the National Intelligence Service, the *Imbonerakure* and the ruling party. Moreover, the ethnic emphasis in this messaging constitutes a discriminatory element and engine of repression exercised by these bodies. For example, a number of victims reported having been arrested and/or tortured after indicating they were Tutsi or after being identified as such. The ripple effect of the increased targeting of Tutsi is the de facto result of the spreading of ethnic and increasingly genocidal ideology by the regime.

5. 2. 3. “Intention to destroy in whole or in part”

Some elements of the acts and events of the last year and a half indicate the willingness of the authorities to destroy the Tutsi community in its entirety because of their ethnicity. The following remarks made by officials or officers of the regime are an illustration of this: *“Hey you, Tutsi, we’re going to cleanse you”* or *“We’re going to force you all out of the country”*. The use of terms such as “cleansing”, “pulverizing”, “exterminating” or “washing”³⁵⁸ also manifests an explicit intent to destroy. It is essential that the international community and neighboring African states recognize the risk that if these dynamics intensify they will lead to the commission of genocide in Burundi.

³⁵⁸. See above.

5. 2. 4. Criminal responsibilities of the perpetrators

If the human rights violations committed in Burundi degenerate into crimes of genocide, the ICC will be obliged to prosecute and sentence the individuals who committed or incited the commission of these crimes. Article 25 of the Rome Statute establishes the competence of the Court to prosecute, judge and sentence the perpetrators of crimes of genocide:

*« 3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court if that person:
e) In respect of the crime of genocide, directly and publicly incites others to commit genocide;»*

Some officials identified in the organizational chart of this report could therefore be held responsible for crimes of genocide by the Court pursuant to Article 25 of the Statute of Rome.

We note that Burundi has also ratified in January 1997 the Convention on the Prevention and Punishment of the Crime of Genocide, which criminalizes such incitement to commit genocide in its Article 3.



An activist demonstrates in Nairobi (Kenya) on 18 December 2015 against the recent assassinations committed in Burundi by government forces against people opposing to the third term of the current president Pierre Nkurunziza. © TONY KARUMBA / AFP

VI. PREVENT THE WORST: RENEW THE POLITICAL DIALOGUE, PROTECT CIVILIANS AND FIGHT AGAINST IMPUNITY

Since April 2015, the international community has stepped up efforts to get the Burundian authorities to begin talks with the political opposition and independent civil society, as well as pushing for a robust response to the Burundi crisis. After over a year, more than a thousand deaths, hundreds of disappearances and acts of torture, and thousands of arbitrarily arrests, the political dialogue is stalled. Since April 2016, the UN Security Council has announced its willingness to deploy an international police force to Burundi³⁵⁹ and on 25 April 2016, the Prosecution Office of the International Criminal Court (ICC) announced the opening of a preliminary investigation on the situation in Burundi.³⁶⁰ In July 2016, the UN Security Council authorized the deployment of 228 police officers for a period of one year.³⁶¹ Nevertheless, many of these advances have yet to materialize into concrete and effective measures to curb the escalating violence at work in the country.

RENEW THE POLITICAL DIALOGUE

During the pre-electoral period, the international community unanimously called on the Burundian government to commence a dialog with all parties to the crisis so that the election could be held in conditions conducive to inclusivity, credibility and democratic freedom of expression. Talks bringing the Burundian authorities and a large coalition of opposition parties to the same table were suspended no sooner than they had begun in early May following the opposition's withdrawal from the process after the assassination of Union for Peace and Development (UDP) President, and key opposition leader, Zedi Feruzi on 23 May 2015.

On 14 June 2015, at the 515th summit meeting of the heads of state and government of the African Union (AU), the Peace and Security Council of that body insisted on the resumption of dialogue between all Burundian stakeholders "within one week".³⁶² Talks resumed on 24 June 2015 in a very tense climate. The authorities were determined to maintain the election timetable and boycotted the next stage of the talks.

On 6 July 2015, one week before the first round of presidential elections, the member states of the East African Community (EAC) held an extraordinary summit meeting in Dar Es Salaam (Tanzania), appointing Ugandan president, Yoweri Museveni, as mediator of the Burundian crisis. This did nothing to prevent the Burundian authorities from organizing the ballot for 21 July 2015 – only two weeks later than originally scheduled and despite an opposition boycott.

359. UN Security Council, S/RES/2279(2016), 1 April 2016, available from: <https://www.un.org/fr/sc/documents/resolutions/2016.shtml>

360. FIDH, "The ICC decides to open a preliminary investigation", 25 April 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-la-cpi-decide-l-ouverture-d-un-examen-preliminaire-sur-la>

361. UN Security Council, "The UN Security Council authorized the deployment of 228 police officers for a period of one year", 29 July 2016, available at: <http://www.un.org/press/fr/2016/cs12469.doc.htm>

362. Press Release of the Peace and Security Council (PSC) of the African Union (AU) - 515th summit meeting of the heads of states and governments on 14 June 2015, available at: <http://www.peaceau.org/fr/article/communiquedu-conseil-de-paix-et-de-securite-cps-de-l-union-africaine-ua-515eme-reunion-au-niveau-des-chefs-d-etat-et-de-gouvernement-burundi>

On 1 August 2015, after discussion in Addis Ababa, Ethiopia, leaders of the Burundian opposition, former members of the CNDD-FDD, former heads of state and leaders from civil society announced that they would convene within the framework of a National Council for compliance with the Arusha Accord for peace and reconciliation in Burundi, and restoration of the rule of law (CNARED). Upon reading the first Statement and charter of the CNARED,³⁶³ we understand that this council would like to be the political and civic opposition platform uniting all forces opposed to the third term of Pierre Nkurunziza, both for those in Burundi and those in exile. The prerequisites to any political dialogue posed by the CNARED include: compliance with the Arusha Accords and the Burundian Constitution, the restoration of peace and national harmony (including the dismantling of all militias, restoration of public freedoms and resumption of national dialogue), and the reestablishment of an environment conducive to the organization of free, inclusive and democratic elections.

From the outset, the Burundian government has indicated that it does not trust this council: it does not recognize it and categorically refuses to negotiate with it,³⁶⁴ thereby exacerbating tensions. On 23 September 2015, Willy Nyamitwe, principal adviser responsible for communicating with the president stated that the Burundian government rejected any opportunity for negotiating with leaders of the opposition and civil society engaged in campaigning against a third mandate for Pierre Nkurunziza – some of whom are still being prosecuted for organizing an “insurrectional movement”.³⁶⁵ Notably he stated that *“there will never be any negotiations with those who are prosecuted for insurrection and want to bring our country into chaos and war”*.³⁶⁶ That same day, the Burundian government announced the creation of a **National Commission for Inter-Burundi Dialogue (CNDI = Commission nationale de dialogue interburundais)**, to allow for the resumption of talks between all political actors and civil society in Burundi.³⁶⁷ FIDH and ITEKA-led investigations have shed light on the true nature of this Commission (see above). Moreover, its ability to establish effective dialogue in the absence of civil society and independent political opposition has been doubtful since its creation.

Until the end of 2015, calls and international efforts³⁶⁸ to secure an inclusive and urgently needed inter-Burundi dialogue had increased but no concrete initiative had arisen. On 6 October 2015, the President of the African Union Commission, Nkosazana Dlamini Zuma underscored *“the need for real political dialogue involving all the relevant stakeholders as the only way for Burundi to overcome serious current difficulties and preserve the gains made through the Arusha Agreement for peace and*

363. Press Release from the CNARED, 1 August 2015, available at: <https://bujanews.wordpress.com/2015/08/01/communique-sanctionnant-la-reunion-constitutive-du-cnared-signee-a-addis-abebe/>; CNARED Charter, <http://cnared.info/wordpress/connaître-le-cnared/>

364. When he announced the creation of the CNARED, Willy Nyamitwe, Senior Advisor in charge of Communications at the Office of the President of Burundi, stated: *“[...] when you add putschists, rebels radical opponents, people who were ultimately rejected by the Burundian society who are overseas, away from the Burundian reality, you have a group of people who, in terms of the configuration of the Burundian political spectrum, lack credibility. This is a group of people who are offside of common agreement.”* (See further Iwacu, “Le CNARED, aujourd’hui et demain...” (The CNARED, today and tomorrow), 11 August 2015, available at: <http://www.iwacu-burundi.org/le-cnared-aujourd'hui-et-demain/>)

365. *Jeune Afrique*, “Burundi: the government will not negotiate ‘with those who have been prosecuted for insurrection’”, 23 September 2015, available at: <http://www.jeuneafrique.com/267071/politique/burundi-gouvernement-ne-negociera-poursuivis-insurrection/>

366. *Ibid.*

367. See Decree No. 100/34 of September 23, 2015 on the creation, mandate, composition, organizational structure and functioning of the National Commission for Inter-Burundi Dialogue.

368. See also the calls by the Burundian Catholic Church, the EU, the US and France: RFI, “Crisis in Burundi: the Episcopal conference calls for dialogue”, 23 September 2015, available at: <http://www.rfi.fr/afrique/20150922-crise-burundi-conference-episcopale-appelle-dialogue-pierre-nkurunziza-troisieme-ma>; Declaration of the EU High Representative, Frederica Mogherini following the presidential elections in Burundi, 23 July 2015, available at: http://www.consilium.europa.eu/fr/press/press-releases/2015/07/23-eeas-mogherini-burundi/?utm_source=dsms-auto&utm_medium=email&utm_campaign=D%C3%A9claration%20de%20la%20Haute%20Repr%C3%A9sentante%20Federica%20Mogherini%20au%20nom%20de%20l'Union%20europ%C3%A9enne%20suite%20C%C3%A0%20l'27%C3%A9lection%20pr%C3%A9sidentielle%20au%20Burundi; Statement of the US Ambassador to Burundi, “International Envoys Call for Restraint and Urge Resumption of Dialogue in Burundi”, 12 August 2015, available at: <http://burundi.usembassy.gov/pr081215.html>; RFI, “Burundi: a resolution to the UN to push for the dialogue”, 10 November 2015, available at: <http://www.rfi.fr/afrique/20151110-burundi-resolution-onu-pousser-dialogue>

reconciliation".³⁶⁹ In its resolution 2248 of 15 November 2015, the UN Security Council urged the "Government of Burundi to cooperate with the EAC-led, AU endorsed mediation to enable it to immediately convene an inclusive and genuine inter-Burundian dialogue involving all concerned and peaceful stakeholders, both those who are in Burundi and those outside the country, in order to find a consensual and nationally owned solution to the current crisis".³⁷⁰

The shock wave caused by the events of 11 and 12 December 2015 pushed the Ugandan mediation to convene a resumption of talks in Entebbe, Uganda, on 28 December 2015, in the presence of the Burundian authorities, the CNARED, the African Union, the UN and the EU. This initial contact was to be followed up with a second meeting between all parties in Arusha on 6 January 2016. However, the Burundian authorities refused to participate.

It is important to underscore that on 27 December 2015, one day before the resumption of the talks, civil society organizations, who had played a leading role in organizing the protests, withdrew from the CNARED. In its statement, the Campaign to Stop the Third Mandate,³⁷¹ formed by the civil society organizations opposed to the candidacy of President Pierre Nkurunziza, regretted their inability to participate in the Entebbe process but underscored the fact that they wished to limit their engagement "to defending democratic principles and the fight against impunity". In this manner, these organizations sought to distance themselves from certain positions held by the political opposition, including the suggestion that violent action against the Nkurunziza government was not to be excluded.³⁷²

Between 22 and 24 January 2016, a UN Security Council delegation³⁷³ visited the country, but failed to obtain a concrete commitment for the imminent resumption of the inter-Burundian dialogue. On 22 February 2016, the UN Secretary General met with the Burundian president in Bujumbura and announced that the authorities were committed to relaunching political dialogue. However, even before Ban Ki Moon's departure from the country, government sources stated that there had been no discussion with actors "engaged in acts of destabilization",³⁷⁴ excluding the principal platform of the political opposition in exile, the CNARED.

A delegation of five heads of State and government,³⁷⁵ led by President Jacob Zuma of South Africa and mandated by the African Union, then met in Burundi on 25 and 26 February 2016. Here, an attempt was made by President Zuma to politically "hijack" the outcome of this meeting on the issue of reengaging in political dialogue. After the departure of his colleagues, President Zuma

369. See particularly the President of the African Union Commission, Nkosazana Dlamini Zuma, "The African Union expresses its concern about the changing situation in Burundi and renews its call for the dialogue", 6 October 2015, available at: <http://www.peaceau.org/fr/article/l-union-africaine-exprime-sa-preoccupation-face-a-l-evolution-de-la-situation-au-burundi-et-renouvelle-son-appel-au-dialogue>

370. UN Security Council Resolution 2248, 12 November 2015, available at: http://www.un.org/fr/documents/view_doc.asp?symbol=S/RES/2248%282015%29; See also: UN Press release "Burundi: international envoys in the Great Lakes region call for the resumption of dialogue" 12 August 2015, available at: <http://www.un.org/apps/newsFr/storyF.asp?NewsID=35345#.Vy9QDSZb9Ng>; "Burundi: Ban Ki-moon calls for the immediate resumption of inclusive political dialogue", 25 September 2015, available at: <http://www.un.org/apps/newsFr/storyF.asp?NewsID=35645#.Vy9VASZb9Ng>

371. CHTM statement on the occasion of the official opening of the inter-Burundi negotiations in Entebbe, 27-28 December 2015, available at: <https://agencebujnews.wordpress.com/2015/12/27/societe-civile-la-campagne-halte-au-3eme-mandat-quitte-le-cnared-communique/>

372. Interview with a Burundian civil society representative.

373. UN Statement, "A delegation from the Security Council visiting Burundi to attempt to put an end to the crisis", 22 January 2016, available at: <http://www.un.org/apps/newsFr/storyF.asp?NewsID=36485#.Vy-h4CZb9Ng>

374. See particularly *Le Monde*, "Burundi: the President promises to reengage in dialogue as a means of solving the crisis", 23 February 2016, available at: http://abonnes.lemonde.fr/afrique/article/2016/02/23/burundi-le-president-promet-de-relancer-le-dialogue-pour-sortir-de-la-crise_4870286_3212.html

375. It included also the presidents of Mauritius, Ould Abdel Aziz, Senegal, Macky Sall and the Gabon, Ali Bongo Ondimba, as well as the Prime Minister of Ethiopia, Hailemariam Desalegn. See the African Union statement of February 5, 2016, available at: <http://www.peaceau.org/fr/article/communiqu-e-de-presse-l-union-africaine-nomme-la-delegation-de-haut-niveau-pour-le-burundi>

had a one-on-one meeting with President Nkurunziza, presenting himself as a friend. The following day, Zuma issued a press release calling for an *"inclusive dialogue with all important stakeholders"*, leaving room for some, such as the CNARED, to be excluded. On 29 February 2016, forty-eight hours after Mr. Zuma issued his statement, the AU issued a statement from the delegation of Heads of State dispatched to Burundi widely disavowing the positions taken by President Zuma in Bujumbura. Indeed, the official AU position is to invite *"all stakeholders in the Burundi crisis to take part [in the] dialogue, without any preconditions and in strict accordance with the Arusha Accord for Peace and Reconciliation"*. It also encourages Ugandan president, Yoweri Museveni, *"to continue his consultations with all the stakeholders in the crisis and to announce, in early March 2016, the date for resuming immediately the inter-Burundian dialogue"*.³⁷⁶

This episode highlighted an absence of political leadership within the African Union to impose the resumption of dialogue. Thus, faced with the shortcomings of the Ugandan mediation, the former Tanzanian president, Benjamin Mkapa, on 2 March 2016 after a summit of Eastern African Heads of State, chose to initiate a new mediation process for the Burundian crisis with a view to opening an inclusive political dialogue.³⁷⁷ Alongside Nelson Mandela, he had formerly acted as a mediator in the process that led to the Arusha Accord signed in August 2000. His repeated contacts with the Burundian government led, more than a year after the crisis was triggered, to the resumption of negotiations in Arusha from 21 to 24 March 2016. The government and the ruling party, representatives of opposition parties (both close and opposed to the authorities), young people, women and religious leaders, as well as two former presidents and a number of diplomats attended the discussions. However, the principal platform of the independent opposition party, the CNARED, was not represented as an entity. This is because having not been invited to the Ugandan mediation because it was not legally recognized by the government in Bujumbura, which categorically refuses to negotiate with it, the CNARED Executive had boycotted the round of negotiations.³⁷⁸ This did not, however, prevent some of its members from participating despite a formal government ban on parties such as the FRODEBU, the UPRONA and the Youth Solidarity Movement of the MSD party. These individuals were subsequently disavowed by the CNARED, which declared its intention to penalize them. This particularly concerned Léonard Nyangoma, founder and former president of the CNARED, currently leader of the opposition party National Council for the Defense of Democracy (CNDD); Frédéric Bamvuginyumvira, vice-president of the FRODEBU-Sahwanya; and senior representatives of the CNARED, Evariste Ngayimpinda and Tacien Sibomana, respectively vice-president and spokesperson of the UPRONA of Charles Nditije. The Ugandan mediation was itself accused by the CNARED of "poaching" its members and of playing the same game as the Burundian authorities who it said sought only *"the exclusion and total destruction of the CNARED"*.³⁷⁹

The Arusha session did not really take the form of a dialogue between the various protagonists but rather consultations between those facilitating and the various protagonists, who formed into several groups:

376. African Union, "Statement on the visit of the High Level delegation of the African Union to Burundi, February 2016, available at: <http://www.peaceau.org/fr/article/communiqué-de-la-visite-de-la-delegation-de-haut-niveau-de-l-union-africaine-au-burundi>

377. "Joint Statement" of the East African Community Heads of State: 17th Ordinary Summit of the East African Community Heads of State", 2 March 2016, available at: <http://www.eac.int/news-and-media/statements/20160302/joint-communicue-17th-ordinary-summit-east-african-community-heads-state>

378. CNARED Press Release, « Communiqué de presse relatif au fiasco d'Arusha », 21 May 2016, available at: <http://cnared.info/wordpress/communiqué-de-presse-relatif-fiasco-darushaii/>

379. "Press release on excluding CNARED-giriteka from the dialogue session of May 21 to 24, 2016", 19 May 2016, available at: <http://mporeburundi.org/communiqué-de-presse-relatif-a-l'exclusion-du-cnared-giriteka-a-la-session-de-dialogue-du-21-au-24-mai-2016/>

- **Group 1:** the government of Burundi;
- **Group 2:** parties that participated in the 2015 elections and those who boycotted them;
- **Group 3:** accredited political parties in Burundi;
- **Group 4:** other important political stakeholders (representatives of member parties of the CNARED, former presidents, former ambassadors, Félix Ndayisenga et Julien Nahayo, etc);
- **Group 5:** accredited civil society organizations in Burundi and formed in exile (MFFPS).

Following these consultations, which constituted a first step in reengaging in political dialogue, the mediator announced his intention to meet with representatives of those political parties that were not present in Arusha, in the following two weeks. In doing so he stated that he would seek to set, with the mediator, President Museveni, a new deadline for the resumption of talks, *“possibly the third week in June”*.³⁸⁰ Since then, the Burundian authorities have consistently refused to negotiate with representatives of the opposition and independent civil society and political dialogue remains stalled. Our organizations salute the efforts undertaken by the East African Community (EAC), the mediators and the AU, and encourage them to intensify efforts for inclusive negotiations take as soon as possible. FIDH and ITEKA also encourage EAC, mediation and the AU to decide on a schedule and agenda for binding negotiations with which the different parties in attendance should comply for fear of being sanctioned.

PROTECT CIVILIANS

Since April 2015, human rights organizations, national and international media, and the entire international community (African Union, United Nations, European Union, International Criminal Court, International organization of La Francophonie, foreign diplomats, etc.) have ceaselessly denounced the ongoing deterioration of the human rights situation in Burundi.

On 13 June 2015, the AU Peace and Security Council agreed to deploy AU human rights observers and military experts to Burundi.³⁸¹ These AU human rights observers were *“charged with monitoring the human rights situation on the ground and reporting on any violations of human rights and humanitarian international law”*. The AU military experts, by contrast were tasked with *“confirming, in collaboration with the Government and the other relevant stakeholders, the process of disarmament of militia and other armed groups”*. Their effective deployment commenced on 22 July 2015, a day after the presidential elections, and at a times when the political violence had already caused dozens of deaths.

On 17 December 2015, after the violence of 11 and 12 December 2015, the PSC decided³⁸² to deploy an African mission for the prevention and protection of Burundi (MAPROBU = *Mission africaine de prévention et de protection au Burundi*). This deployment was mandated for a renewable period of 6 months and an initial deployment of 5,000 military personnel. The MAPROBU mandate was essentially to prevent any deterioration in the security situation and to contribute to the protection of civilians and reengagement in political dialogue. Whilst such a mission could have stopped the cycle of violence gripping the country, the Burundian authorities immediately opposed the mission .

380. Statement by Benjamin Mkapa, 24 May 2016, available at: <http://www.eac.int/news-and-media/statements/20160524/closure-inter-burundi-dialogue>

381. PSC Press Release, 515th summit meeting of the Heads of State and government, 13 June 2015, available at: <http://www.peaceau.org/uploads/cps-515-comm-burundi-13-6-2015.pdf>

382. “Communiqué de la 565^e réunion du CPS sur la situation au Burundi” (Communiqué of the 565th meeting of the PSC on the situation in Burundi), 28 December 2015, available at: <http://www.peaceau.org/fr/article/communique-de-la-565eme-reunion-du-cps-sur-la-situation-au-burundi>

The deputy spokesperson of President Nkurunziza stated: *"If the AU troops came without government approval, this would be an invasion and occupation force, and the Burundian government reserves in this case the right to take appropriate action"*, underscoring that *"the AU resolution cannot be automatically applied [since] it first requires the approval of the UN Security Council"*.³⁸³ The effective deployment of MAPROBU was discussed during the 26th summit of the African Union in Addis-Ababa on 30 and 31 January 2016. On that occasion, the Burundian authorities conducted an intense advocacy campaign to prevent the troop deployment, and the AU Peace and Security Council finally backed down. The PSC decided, instead, to strengthen its presence on the ground by increasing the number of observers on the ground and sending a high-level delegation to Burundi.

Despite a visit from the UN Secretary General on 22 February 2016³⁸⁴ and a delegation visit of five African heads of state and government mandated by the AU on 25 and 26 February 2016 (see above), the Burundian authorities continued to refuse the deployment of an international force on Burundian soil. The primary objective of the African delegation had been to convince the Burundian authorities to allow 100 human rights observers and 100 "unarmed" military experts into the country – a contingent to which the authorities are committed.³⁸⁵ Despite the urgency of such a deployment, **at time of writing, only 45 of the AU human rights observers and 24 military experts had been deployed on the ground.** Whilst our organizations welcome the rise in AU personnel in the field, this decision should not prevent or postpone the necessary deployment of the MAPROBU.

In light of ongoing acts of violence, where civilians are the primary victims, on 1 April 2016, the UN Security Council adopted Resolution 2279,³⁸⁶ urging all parties to the crisis to agree on a schedule for negotiations and requesting the UN Secretary General to present the Security Council with a range of "options" for the deployment of an international police force, before 15 April 2016. The three options presented in a report sent to the UN Security Council are as follows:

- The first option entails the deployment of a force of 3,000 men, and is according to the UN Secretary General *"the only option that might provide some physical protection to the population"*. However, it is fraught with logistical challenges (in particular, requiring long preparation), and is likely to face categorical the refusal to accept the deployment by the Burundian authorities.
- The second "intermediary" option would be to send 228 police officers under a UN mandate to collaborate with those responsible for human rights protection, possibly including the AU human rights observers.
- Finally, the last and "weakest" option, consists of dispatching a group of 20 to 50 officers to *"assist in the establishment of positive and measurable improvements for respecting human rights and the rule of law"* and to assess the practices of the Burundian police. This is the option that the Burundian government sought to have adopted.

Ultimately, on 29 July 2016, the UN Security Council finally authorized the dispatch of 228 police

383. *Jeune Afrique*, "Burundi object to the deployment of an AU mission on its soil", 20 December 2015, available at: <http://www.jeuneafrique.com/288258/politique/le-burundi-soppose-au-deploiement-dune-mission-de-lua-sur-son-sol/>. See also RFI, "Burundi: the National Security Council refuses to send troops on its soil", 22 December 2015, available at: <http://www.rfi.fr/afrique/20151222-burundi-conseil-national-securite-ua-genocide>

384. Ahead of this visit, the government had, as an apparent gesture of good faith authorized the release of 2,000 prisoners, cancelled international arrest warrants for 15 persons of the opposition and authorized the reopening of 2 private media stations suspended for over 9 months.

385. See the statement on the visit of the High Level delegation of the African Union to Burundi, 29 February 2016, available at: <http://www.peaceau.org/fr/article/communiqu%C3%A9-de-la-visite-de-la-delegation-de-haut-niveau-de-l-union-africaine-au-burundi>

386. High Commissioner for Human Rights, "Human Rights Council concludes Special Session on preventing further deterioration of the human rights situation in Burundi", 17 December 2015, available at: <http://www.ohchr.org/FR/NewsEvents/Pages/DisplayNews.aspx?NewsID=16901&LangID=E>

officers.³⁸⁷ Its resolution mandates “the deployment of up to 228 UN police officers to Bujumbura and throughout Burundi [...] for an initial period of one year”. This police component is deemed “responsible for monitoring the security situation and supporting the Office of the United Nations for Human Rights in collecting information on human rights violations and abuses”.

The Burundian authorities reacted immediately, stating, “the Government of Burundi rejects all provisions of the resolution on sending any force on its territory”. It added that “whilst at the beginning, more than six months ago, the Government of Burundi was in agreement with deploying a team of about 20 to 50 unarmed police officers to strengthen the capacity of the Burundian police in the fight against terrorism, now this assumption has no rationale and should therefore be reconsidered because the defense and security forces fully control the situation within the national territory”.³⁸⁸

Our organizations regret this decision of the authorities and urge the United Nations to continue their efforts for an international police force to be deployed as quickly as possible on Burundian soil. FIDH and ITEKA underline that only **the deployment of a force on the ground is adequate for protecting civilians targeted by the regime** and defusing the genocidal dynamics at work in Burundi. Indeed, 228 police officers cannot be expected to have real stabilization or dissuasion power, nor the ability to protect civilians or operate in different areas of the country. Nevertheless, their deployment would have the advantage of opening the door for a first deployment of UN officers whose numbers could eventually be increased.

JUDGE AND PUNISH THOSE RESPONSIBLE

Since the beginning of the crisis, the perpetrators of human rights violations have enjoyed complete impunity, which encourages the commission of new crimes and feeds the cycle of violence. Different stakeholders have reported the almost systematic interference of political power in court decisions and the total lack of independence of the judiciary. As such, this report shows how the Prosecutor of the Republic, Valentin Bagorikunda, has worked since April 2015 to cover up regime abuses and make decisions favoring the suppression of dissenting voices (though the issue of arrest warrants, declarations ignoring the serious crimes by the security services, etc.). In its investigation report released on 17 May 2016, the African Commission of Human and People's Rights (ACHPR) emphasized that “despite the complaints of different violations, the government did not investigate or prosecute or else it reacted slowly and inadequately”.³⁸⁹ It added that whilst “cases involving the opposition were investigated and were brought to justice, those involving the state security forces were not monitored with similar diligence”, concluding that this presented an “obvious manifestation of bias in the operation of the criminal justice system [which] violates Article 3 of the African Charter”.

Burundian lawyers informed the mission of the difficulties they encountered every day in carrying out their activities independently and the threats and the acts of intimidation to which they have been subject. According to information collected by our organizations from various Burundian lawyers working in the field, any lawyer defending individuals accused of supporting the political

387. UN Security Council, “The UN Security Council authorized the deployment of 228 police officers for a period of one year”, 29 July 2016, available at: <http://www.un.org/press/fr/2016/cs12469.doc.htm>

388. Government Statement after the adoption by the Security Council of Resolution 2303 of July 28, 2016, 3 August 2016, available at: <http://www.ambaburundi.be/index.php/381-communique-du-gouvernement-suite-a-l-adoption-par-le-conseil-de-securite-de-la-resolution-2303-du-28-juillet-2016>

389. Report of the delegation of the African Commission on Human and People's Rights on its mission to establish the facts in Burundi, 7-13 December 2015, available at: http://www.achpr.org/files/news/2016/05/d218/cadhp_rapport_mission_etabli_faits_fre.pdf

opposition or “armed criminals”, is himself labeled an “opponent” and considered an enemy of the regime. FIDH and ITEKA have documented a dozen of cases of lawyers who have been victims of attacks and assassination attempts by elements of the security forces or National Intelligence Service agents because of their professional activities. In this context, the international community finds itself vested with the responsibility to conduct independent, impartial and effective investigations, and to punish those responsible for serious human rights violations.

6. 3. 1. Fighting impunity: the need for independent, impartial and effective inquiries

FIDH and ITEKA have lobbied the African Union,³⁹⁰ the United Nations³⁹¹ and the International Criminal Court³⁹² intensively for the launch of inquiries into severe human rights violations perpetrated in the country.

On 17 October 2015, the AU Peace and Security Council adopted a decision³⁹³ allowing the African Union to open an inquiry into human rights violations in the country, whilst increasing the number of AU human rights observers deployed there. A delegation of the African Commission on Human and People’s Rights mandated by the PSC carried out investigations in Burundi between 7 and 13 December 2015. In its report of 17 May 2016,³⁹⁴ the Commission specifically refers to **severe and systematic human rights violations on a massive scale, perpetrated overwhelmingly by Burundian government security forces** (extrajudicial executions, arbitrary arrests and detentions, acts of torture, serious breaches of freedom of expression and association and of the independence of the judicial system). Its recommendations include *“the establishment of a special tribunal in Burundi, supported by the international community and whose mandates would include holding the perpetrators of human rights violations and other abuses during the current crisis criminally responsible.”* It also highlights the need to *“implement a joint international and regional ad hoc mechanism tasked with the thorough inquiry/investigation of all acts of violence perpetrated since April 2015”*, as well as *“a joint independent international investigation into the events of 11 December 2015 and the various reports of mass graves found in Bujumbura”*.³⁹⁵ At this stage our organizations recommend the establishment of an international commission of criminal inquiry mandated by the Secretary-General of the United Nations and tasked with leading inquiries into the serious crimes committed in Burundi since April 2015, and specifically the events of 11 December. However, they also wish to point out that the recommendations of the Commission demonstrate an urgent need for independent, impartial and effective inquiries in order to bring those responsible for these crimes before competent jurisdictions. The implication of the African Union will be decisive.

On 17 December 2015, the United Nations Human Rights Council³⁹⁶ also decided to open an

390. See in particular, FIDH, “26th Summit: The African Union must adopt an emergency plan for Burundi to avoid the outbreak of an open conflict”, 27 January 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/26emes-sommet-l-union-africaine-doit-adopter-un-plan-d-urgence-pour-le>

391. See in particular, FIDH, “Repression of a genocidal character, the UN’s response must be strong”, 14 April 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/repression-aux-dynamiques-genocidaires-la-reponse-de-l-onu-doit-etre>

392. See in particular, FIDH, “The ICC decides to open a preliminary investigation”, 25 April 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-la-cpi-decide-l-ouverture-d-un-examen-preliminaire-sur-la>

393. AU Peace and Security Council Communiqué, <http://www.peaceau.org/uploads/cps-551.burundi.17.10.2015.pdf>

394. Report by the delegation of the African Commission on Human and People’s Rights on its fact-finding mission in Burundi, between 7 and 13 December 2015, 17 May 2016, available at: <http://www.achpr.org/fr/news/2016/05/d218/>

395. *Ibid.*, para. 172.

396. Human Rights Council resolution S-24/1 of 17 December 2015 asked the United Nations High Commissioner for Human Rights to *“organize and dispatch on the most expeditious basis possible a mission by independent existing experts”* in the country *“to undertake swiftly an investigation into violations and abuses of human rights with a view to preventing further deterioration of the human rights situation; to make recommendations on the improvement of the human rights situation and on technical assistance to support reconciliation and the implementation of the Arusha*

independent inquiry into the human rights violations committed in Burundi since April 2015.³⁹⁷ Three independent experts³⁹⁸ from the United Nations travelled to the country between 1 and 8 March and 13 and 17 June 2016. The most recent visit, planned for September 2016, could not take place for security reasons. The final report of the inquiry³⁹⁹ was submitted to the Human Rights Council in September 2016 and condemns in the strongest possible terms the severe human rights violations being committed in the country described as “*systematic and constant*” and for which “*responsibility for the majority of these violations lies with the Government*”. In particular, these violations include extrajudicial executions, enforced disappearances, acts of torture (especially in unofficial detention centers), sexual violence, arbitrary arrests and detentions on a massive scale, and statements that could lead to ethnic divisions. The conclusions of the report indicate that although “*the high level of visible violence observed in Burundi in late 2015 no longer exists [...] Repression has become less overt, more secret, more difficult to identify yet more systematic and increasing.*” Echoing what our own organizations have observed in the country, the report also specifies that “*experts cannot deny that some of the incidents analyzed [...] constitute crimes against humanity.*” The report adds that “**given the history of the country, the danger of the crime of genocide is significant.**” These experts also denounce the endemic impunity prevailing in Burundi and confirm that “*almost nothing is done to offer an effective resort to victims, in particular the prosecution of perpetrators of human rights violations, or to prevent these from being repeated.*”

In light of these profoundly disturbing conclusions, on 30 September 2016 the Human Rights Council (HRC) adopted a resolution authorizing the creation of an **International Commission of Inquiry**. This Commission of Inquiry possesses a vast mandate, including investigation, fighting impunity, cooperating with all stakeholders and reporting to UN organizations (Human Rights Council and General Assembly) and other relevant international bodies. In particular, its role is to “*carry out a thorough inquiry into the human rights violations [...] committed in Burundi since April 2015, specifically to evaluate their scope and determine whether these are crimes under international law*”, as well as to “*identify the alleged perpetrators of violations [...] with a view to ensuring that the principle of responsibility is fully respected.*”⁴⁰⁰

Identifying those responsible for the violations and breaches of human rights is a new element in the mandate given to the three independent experts previously appointed by the United Nations High Commissioner for Human Rights. In another new development, the Commission of Inquiry will, via the support of the High Commissioner for Human Rights, have at its disposal “*all the resources necessary for fulfilling its mandate*”, specifically “**any specialized expertise required in terms of ballistics and legal medicine, as well as sexual and sexist violence.**” It will be able to send its reports to the Office of the Prosecutor of the International Criminal Court (ICC). This response to the crisis is the strongest that the United Nations Human Rights Council could produce within its mandate, and it should ensure the effective and prompt implementation of this resolution.⁴⁰¹

Agreement”. Available at: http://ap.ohchr.org/documents/dpage_f.aspx?si=A/HRC/RES/S-24/1

397. FIDH, “Burundi: the UN dispatches an urgent investigating mission”, 18 December 2015, available at: <https://www.fidh.org/fr/nos-impacts/burundi-l-onu-depeche-une-mission-d-enquete-urgente>

398. The three experts were: Mr Christof Heyns (South Africa), the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions; Ms Maya Sahlí-Fadel (Algeria), the African Union Special Rapporteur on refugees, asylum seekers, internally displaced persons and migrants in Africa; and Mr Pablo de Greiff (Colombia), the United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

399. Final report of the mission of independent experts to Burundi, A/HRC/33/37, 20 September 2016, available at: <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>

400. The link to the resolution was not available at the time this report was written.

401. See FIDH, “The Human Rights Council takes responsible action to prevent the worst in Burundi”, 30 September 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/le-conseil-des-droits-de-l-homme-prend-ses-responsabilites-pour>

6. 3. 2. Burundian withdrawal from ICC: Between admission of guilt and impunity bet?

The decision of the Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, to open⁴⁰² a preliminary investigation on 25 April 2015 into the situation in Burundi since April 2015 also reflects the pressing need for justice. Fatou Bensouda has stated that her *"Office has investigated a number of communications and reports listing murders, imprisonments, acts of torture, rape and other forms of sexual violence, as well as cases of forced disappearances"*, adding that *"all these acts appear to fall within the jurisdiction of the ICC."*⁴⁰³ Our organizations welcome this decision, one they have appealed for since returning from their mission.⁴⁰⁴ We hope that, given the gravity of the crimes committed and the absence of justice on a national level, the ICC will quickly open an inquiry into the serious crimes committed in Burundi. Our organizations wish to underline that the long-standing tradition of impunity in Burundi and the absence of an established mechanism for investigating severe violations in the country since its independence are major factors in the current perpetration of human rights violations. It is therefore urgent to break this culture of impunity in order to put an end to the cycle of violence.

On 12 October 2016, Burundian MPs and Senators voted overwhelmingly⁴⁰⁵ in favor of the bill passed two days earlier by the Council of Ministers for the withdrawal of Burundi of the Statute of the International Criminal Court (ICC), which he had ratified in 2004.⁴⁰⁶ Since October 18, 2016, six days after its adoption by the national Assembly and the Senate, President Pierre Nkurunziza promulgated the law *"comes into force the day of its promulgation"*.⁴⁰⁷

This decision, which makes Burundi the first state to withdraw from the ICC, comes two days after the suspension by the Government's cooperation with the UN High Commissioner for Human Rights,⁴⁰⁸ and especially near a months after the publication of the report of the independent UN investigation on Burundi (EINUB)⁴⁰⁹ indicating "grave violations of human rights have been and are committed mainly by government agents and those related to them, "that" these serious violations are systematic and constant and impunity [...] everywhere. " Concluding that "given the country's history, the danger of genocide is great."

The withdrawal of Burundi ICC sounds like an admission of guilt because it can have no impact on the ongoing preliminary examination before the court. The Prosecutor of the ICC, for at least a year, has the possibility of opening an investigation into the crimes within its jurisdiction committed in Burundi.⁴¹⁰ This provision of the Rome Statute after international custom was precisely intended to prevent untimely withdrawal a State to a treaty and that it can and shirk its obligations under

402. <https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-25-04-2016&ln=fr>

403. Statement of the Prosecutor of the International Criminal Court, Fatou Bensouda, on opening a Preliminary Examination into the situation in Burundi, 25 April 2015, available at: <https://www.icc-cpi.int/Pages/item.aspx?name=otp-stat-25-04-2016&ln=fr>

404. FIDH, "Burundi: Repression of a genocidal character, the UN's response must be strong", 14 April 2016, available at: <https://www.fidh.org/fr/regions/afrique/burundi/repression-aux-dynamiques-genocidaires-la-reponse-de-l-onu-doit-etre>

405. On 12 October, the Burundian National Assembly adopted 94 votes for, 2 against and 14 abstentions the bill providing for the withdrawal of Burundi of the Rome Statute. This project has been endorsed unanimously by the Senate in the hours that followed. <https://www.fidh.org/fr/regions/afrique/burundi/burundi-retrait-de-la-cpi-et-rupture-de-la-cooperation-internationale>

406. The Rome Statute entered into force on 1 July 2002.

407. Law No. 1/14 of 18 October 2016, see <https://twitter.com/BdiPresidence/status/788405095444668416/photo/1>

408. See above and the Declaration of the Burundi Government on collaboration and cooperation with the Office of the High Commissioner for Human Rights in Burundi, October 11, 2016, <http://www.burundi.gov.bi/spip.php?article1538>

409. See above.

410. This withdrawal shall take effect one year after notice of it to the Secretary-General of the United Nations. Article 127.1 of the ICC Statute.

the circumstances.⁴¹¹ This jurisprudence was reaffirmed in 2016 by the African Court on Human and Peoples Rights in the case *Victoire Ingabire against Republic of Rwanda*.⁴¹²

Leaving the ICC, does the highest Burundian authorities hope to avoid criminal prosecution by the Court? Burundian President in any case seems to have made the bet to block the ICC action from the political field and committing a massive movement of withdrawal of the Court by African states. And it seems to work, as the 21 and 25 October 2016, South Africa and Gambia have announced their intention to withdraw also from the ICC. They will soon be joined by other states known for their opposition to the ICC and attempting for several years to cause this massive withdrawal.⁴¹³ The leaders of these countries are known for their lack of governance, authoritarianism, even pursued or have been pursued by the ICC. To remain a member of the ICC, the leaders required to benefit from the functional immunity that would protect them from criminal prosecution for crimes they have or might commit. It is therefore to revisit one of the major advances of the ICC: the end of impunity for the most senior executives.

To justify this punitive policy against the ICC and the requirement of impunity of those African leaders, the Burundian Minister of Justice summarizes the main argument of those leaders seeking impunity denounce the *"politicization of the ICC action"* which has become *"an instrument of pressure on poor country governments or a way to destabilize under the influence of great powers"*.⁴¹⁴ Instrumentalising criticisms against the ICC by some African states – especially those that are not party to the Rome Statute or are covered by the investigations of the Court – Burundi has launched a major political and institutional crisis for the ICC to try to relay its internal situation in the background and avoid prosecution of international criminal justice.

The Burundian authorities gamble to escape justice by the policy should not be forgotten that evidence indicating that international crimes are committed and the impunity of perpetrators in the country are real. Faced with this situation, the Prosecutor of the ICC needs to comply fully with its mandate and decide to open an investigation as soon as possible.

6. 3. 3. From the suspension of cooperation to sanctions measures

In light of the intensifying human rights violations, a large number of States, the European Union and international organizations have chosen to suspend their cooperation with the Burundian authorities, and some have introduced targeted sanctions for those responsible for severe human rights violations.

In late May 2015, after only a month of work by its observers, the European Union (EU) decided to permanently withdraw its Election Observation Mission (EU EOM) in Burundi, judging the conditions insufficient for the organization of free and credible elections.⁴¹⁵ The EU has made repeated calls

411. Article 127.1 of the ICC Statute.

412. *Ingabire Victoire Umuhiza v. République du Rwanda*, Ordonnance du 18 mars 2016 - Requête no 003/2014 ; <http://fr.african-court.org/images/Cases/Orders/Ordonnance%20Req.%20003-2014%20Ingabire%20Victoire%20Umuhiza%20c.%20R%C3%A9publique%20du%20Rwanda.PDF>

413. The latest initiative was the proposed resolution made by Kenyan President Uhuru Kenyatta and adopted at the end of the AU Summit January 31, 2015 for the withdrawal of African countries to the International Criminal Court. The African Union is not a member of the ICC that resolution had no legal value.

414. <https://www.mediapart.fr/journal/international/211016/les-etats-africains-ne-veulent-plus-de-la-cpi-sauf-quand-elle-les-arrange?onglet=full>

415. See the statement of the Chief Observer David Martin on the suspension of the European Union's Election Observation Mission, 28 May 2015, available at: [https://eeas.europa.eu/delegations/burundi/documents/press_corner/2015/declaration-chef-observateur-moeue-burundi-28052015_fr_\(3\).pdf](https://eeas.europa.eu/delegations/burundi/documents/press_corner/2015/declaration-chef-observateur-moeue-burundi-28052015_fr_(3).pdf); RFI, "Élections au Burundi : l'Union européenne jette l'éponge" ("Elections in Burundi, the European Union throws in the towel", 29 May 2015, available at: <http://www.rfi.fr/afrique/20150528-elections-burundi-union-europeenne-jette-eponge>

for the Burundian authorities to put an end to the violence and commit to reopening the political process to all opposition parties and conducting an open political debate in accordance with the Cotonou Agreement.

The Cotonou Agreement determines relations between the European Union and Burundi, as an “ACP” (African, Caribbean and Pacific) nation, in terms of development cooperation, economic and trade cooperation and on a political level. It includes clauses relating to respect for human rights, democratic principles and the Rule of Law.⁴¹⁶ On 26 October 2015, EU Member States decided⁴¹⁷ to trigger the consultation procedure set out in article 96 of the Cotonou Agreement in the event of human rights violations. This procedure consists of a “*thorough examination of the situation with a view to seeking a solution acceptable to the Parties.*” In the event of the failure of these consultations 120 days after they are begun, the European Union may take “*appropriate measures*” that can include the suspension of cooperation between the EU and Burundi in full or in part.⁴¹⁸ At the end of these consultations, the EU judged that “the proposed commitments presented by the Burundian government [were] insufficient in addressing the concerns of the EU. It has suspended the direct financial support provided to the Burundian administration, including budgetary support, but is maintaining its full financial support to the population, as well as its humanitarian aid.”⁴¹⁹ The EU contributed up to 20% of the national budget of the State of Burundi and, since the crisis began, Burundi has become the State with the world’s second-lowest GDP *per capita*.⁴²⁰ Nevertheless, the authorities have reacted by minimizing the impact of this decision.⁴²¹ The suspension of EU aid was accompanied by the revision and adjustment of the means and conditions of financing and funding to the Burundian contingent of the African Union Mission in Somalia (AMISOM).⁴²² While the EU paid the Burundian government 1,000 American dollars for each soldier deployed in Somalia, the organization has declared that it wishes to pay the Burundian soldiers directly, representing a loss of 13 million American dollars for the Burundian government, as the government paid 80% of this sum to officers and retained 20%.⁴²³ Our organizations encourage the European Union to implement this decision as promptly as possible.

In parallel, in light of the continuing deterioration of the human rights situation in the country and the involvement of Defense and security forces in serious crimes, on 1 October 2015,⁴²⁴ the Council of the European Union adopted targeted sanctions (restrictions on movement and the freezing of assets) on three close allies of President Nkurunziza who are considered to be compromising democracy and preventing the search for a political solution to the current crisis, as well as of the FOREBU.

These people are:

416. Cotonou Agreement, 23 June 2010, http://www.europarl.europa.eu/intcoop/acp/03_01/pdf/mn3012634_fr.pdf

417. Delegation of the European Union in Burundi: “Burundi: the EU requests the initiation of consultations within the framework of article 96 of the Cotonou Agreement”, 26 October 2015, available at: http://eeas.europa.eu/delegations/burundi/documents/press_corner/2015/ueddeouverturedeconsultationsart96cotonou261015_fr.pdf

418. FIDH, “Burundi: The EU reactions to human rights violations”, 26 October 2015, available at: <https://www.fidh.org/fr/regions/afrique/burundi/burundi-l-ue-reagit-aux-violations-des-droits-humains>

419. “Burundi: the EU terminates consultations as part of article 96 of the Cotonou Agreement”, 14 March 2016, available at: http://eeas.europa.eu/delegations/burundi/press_corner/all_news/news/2016/140316_fr.pdf

420. RFI, “UE : révision du mode de financement du contingent burundais dans l’Amisom” (“EU: revision of the financing methods of the Burundian contingent of the AMISOM”), 31 March 2016, available at: <http://www.rfi.fr/afrique/20160331-ue-sanctions-burundi-amisom-droit-homme-economie>

421. Since the beginning of the crisis, Burundi has become the State with the weakest GDP per inhabitant in the world.

422. Decision of the Council of the European Union 2016/394, 14 March 2016, available at: <http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32016D0394&from=FR>

423. Interviews conducted by the mission in Bujumbura.

424. Official Journal of the European Union, Decision (PESC) 2015/1763 of the Council on 1 October 2015 regarding restrictive measures due to the situation in Burundi, available at: <http://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32015D1763&from=FR>

- **Godefroid Bizimana, the Deputy Director-General of the national police force**, accused by the EU of having *“made operational decisions that led to a disproportionate use of force and acts of violent repression”*;
- **Gervais Ndirakobuca, the Chief of Staff of the presidential administration and head of the national police force**, accused by the EU of being *“responsible for having prevented the search for a political solution in Burundi and giving orders that led to a disproportionate use of force, acts of violence, acts of repression and violations of international law and human rights during the street protests that began on 26 April 2015 following the announcement of President Nkurunziza’s candidacy for the presidential election, and specifically on 26, 27 and 28 April in the districts of Nyakabiga and Musaga in Bujumbura.”*
- **Mathias-Joseph Niyonzima, alias « Kazungu », head of operations of the National Intelligence Service and coordinator of the arm of the Imbonerakure involved in the violence since April 2015**. He is accused by the EU of *“having prevented the search for a political solution in Burundi and inciting violence and acts of repression during the protests that began on 26 April 2015 following the announcement of President Nkurunziza’s candidacy for the presidential election”*. He is further accused of *“having helped to form Imbonerakure paramilitary militias, coordinated their action and armed them, including outside Burundi, these militias being responsible for acts of violence, repression and serious human rights breaches in Burundi.”*
- **Léonard Ngendakumana, right-hand man of the coup leader Godefroid Niyombaré**, accused by the EU of grenade attacks and incitement to violence. He is held responsible by the EU for *“having prevented the search for a political solution in Burundi and participating in the attempted coup d’État of 13 May 2015 with a view to overthrow the government of Burundi”* as well as for *“acts of violence – grenade attacks – committed in Burundi, as well as incitement to violence.”* The EU also adds that he has *“publicly declared his approval of violence as a means of reaching political objectives.”*

On 17 October 2015, the African Union followed the example of the EU by deciding *“to impose [...] targeted sanctions, including travel restrictions and the freezing of assets for all Burundian stakeholders whose actions and words contribute to the persisting violence and hinder the search for a solution.”*⁴²⁵ The list of these stakeholders has not been made public.

On 18 December 2015 the United States also announced⁴²⁶ the implementation of targeted sanctions against four individuals: Gervais Ndirakobuca, Mathias-Joseph Niyonzima, Léonard Ngendakumana and Alexis Sinduhije, MSD opposition party leader. The latter is accused of providing support to members of the armed opposition, recruiting and training combatants – some of whom appear to be directly under his command – and participating in the planning of targeted attacks and assassinations. On 2 June 2016, the Office of Foreign Assets Control (OFAC) of the American Treasury Department imposed sanctions on three more individuals.⁴²⁷ First, Marius Ngendabanka, a close ally of President Nkurunziza and commander of the 1st military district encompassing the regions of Bujumbura and Cibitoke. He is described by the United States as having *“command and control of elements of the Burundian National Defense Forces (FDNB), the National Intelligence Service (SNR) and the Imbonerakure militia”* and as being involved in operations

425. Statement from the 551st Meeting of the Peace and Security Council, 19 October 2015, available at: <http://www.peaceau.org/fr/article/communique-de-la-551eme-reunion-du-conseil-de-paix-et-de-securite>

426. See “Treasury Sanctions Four Burundian Individuals”, 18 December 2015, available at: <https://www.treasury.gov/press-center/press-releases/Pages/jl0310.aspx>

427. See “Treasury Sanctions Three Individuals for Contributing to the Ongoing Violence in Burundi”, 2 June 2016, available at: <https://www.treasury.gov/press-center/press-releases/Pages/jl0473.aspx>

of repression against opponents of the third mandate of Pierre Nkurunziza, specifically extrajudicial executions, and in the creation of the BAE. The second individual is Ignace Sibomana, a member of the President's close circle and in partial control of the Imbonerakure, having been highly involved in the repression and one of the instigators of the growing divisions that are tearing the army apart, according to the American Treasury Department. Finally, Edouard Nshimiramana, is the FOREBU Chief of Staff implicated in different attacks since the formation of this new rebel group.

On 3 June 2016, the United Nations decided⁴²⁸ not to renew the deployment of Burundian police contingents in the Central African Republic as part of the multi-dimensional United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), when these units reached the end of their mission in September 2016. This decision was justified by the prevailing "political context" in Burundi and by the possibility that these new elements of the Burundian Defense forces could be involved in human rights violations in Burundi.

Our organizations commend these measures and call upon the European Union, the African Union, the United Nations and foreign diplomats to reinforce this regime of sanctions. The United Nations should also impose an arms embargo on Burundi as soon as possible in order to put a stop to the deadly escalation of violence.

428. United Nations Radio, News in brief, 3 June 2016, available at: http://www.unmultimedia.org/radio/english/2016/06/news-in-brief-03-june-2016-pm/#.V_ZDKbVb-AQ



Soldiers stand guard at Mugongomanga, 30 km east of Bujumbura, in early June 2015. © CARL DE SOUZA / AFP

VII. CONCLUSION: ACT BEFORE IT'S TOO LATE

In October 2016, the Burundian authorities took the extreme step of suspending cooperation with the United Nations and withdrawing from the International Criminal Court (ICC) while systematically repressing its population and commit crimes of the most serious nature. FIDH and ITEKA have gathered evidence for this report over the course of the past 24 months, through investigative missions and permanent monitoring of crimes committed. This report seeks to explain, a year and a half after the outbreak of the crisis in Burundi, the political and human rights situation as well as the dynamics at play. Is this a political or an ethnic conflict? What crimes are being committed, who are the perpetrators and who is responsible? Is Burundi really on the brink of genocide? What does the future hold for this country, after emerging from a decade of civil war, in which 300,000 people were killed? Is the withdrawal of Burundi from the ICC a sign that the situation is deteriorating?

Using any and all means to retain power

Since April 2015, when large popular protests broke out against the decision of President Pierre Nkurunziza to seek a third term, Burundi has been in violent political crisis, characterized by the bloody crackdown of the authorities. In response to this state-sponsored violence, armed rebel groups have conducted attacks and targeted killings, fueling the cycle of violence. The crackdown by the security services and the *Imbonerakure* – the youth organization of the ruling party, whose members act as their proxy – aims primarily at retaining power through any and all means.

To date, the human toll is more than 1,000 dead, 8,000 people detained on political grounds, 300 to 800 people missing, hundreds of people tortured, hundreds of women victim of sexual violence, and thousands of arbitrary arrests. These abuses, committed mainly by Burundian security forces, have already forced more than 310,000 people to flee the country.⁴²⁹ Civilians are the main victims of the violence.

From open repression to abuses behind closed doors

Initially, the authorities targeted protesters and opponents of the ruling party, and then progressively those considered hostile to the established power: youth, political opponents, journalists, members of civil society, and simple citizens. The attempted coup on 13 May 2015 was the breaking point, leading authorities towards a logic of systematic repression. Up until that date, the police would fire into the crowd, arrest protesters and seek ringleaders, all the while limiting the violence of the security services and *Imbonerakure*. In the aftermath of 13 May 2015, the authorities increasingly radicalized their action (throughout July, November, December 2015, and January-February 2016) initiating a policy of systematic repression. After every attack by armed groups, the protesting neighborhoods of Bujumbura were raided by regime forces and men were found handcuffed and executed by a bullet in the head. There were hundreds of arrests, and

429. According the numbers provided by the United Nations High Commissioner for Refugees (UNHCR), updated 27 September 2016, UNHCR, Burundi Situation, <http://data.unhcr.org/burundi/regional.php>

torture became systematic, notably on the premises of the National Intelligence Service (SNR). Secret detention facilities multiplied and served as torture centers used for extracting information on all those who are believed to oppose the ruling party, CNDD-FDD. On 11 December 2015, in retaliation for three attacks by armed opposition groups in Bujumbura and its surroundings, the security forces and their auxiliaries raided areas of the capital and summarily executed at least 150 people, whose bodies were then abandoned in the streets. 150 others are still missing. Several mass graves have since been identified in the capital and its surroundings.

This repression in broad daylight triggered reaction from human rights organizations, and beginning in January 2016, the regime changed its *modus operandi*, continuing its repression under the radar of the international community: secret locations for detention and torture, covert executions, enforced disappearances, concealment of bodies in cemeteries, the muzzling of the press and of NGOs, propaganda attributing these crimes to the armed opposition, etc. Yet these crimes have been committed almost entirely by groups dedicated to the regime.

Special forces recruited for the repression

The majority of arbitrary arrests, acts of torture and summary executions are carried out by the police security services, the army and the special services, and supported by the *Imbonerakure*. All of these units, around a dozen in number, including the SNR, the anti-Riot Squad (BAE), the Institutional Protection Agency (API), the mobile rapid response group (GMIR) and the Special Research Bureau of the judicial police (BSR) or the Combat engineer Battalion (BGC), the 221st Commando de Ruyigi Battalion, and the special Brigade for the protection of institutions (BSPI), are run by close allies of President Nkurunziza. Their leaders report directly to the president through official channels or through a parallel chain of command that leads directly to the Presidency of the Republic, particularly via the civil cabinet. These units have been largely purged of all those – Tutsi and Hutu, “*who cannot see things through*” according to a well-placed Burundian informant.

Part of the *Imbonerakure*, the youth section of the CNDD-FDD ruling party, is used as auxiliaries to the regular forces and has participated in the repression of all individuals considered hostile to the government. These *Imbonerakure* – considered a militia by the United Nations – whose abuses have been denounced for years, are trained, armed and mobilized throughout the country. Their role in the repression has increased to the point that some of the *Imbonerakure* have also formally joined the police forces, the SNR or the army. They arrest, torture and commit extra-judicial executions. They conduct repressive actions against civilians, disseminate the pro-Hutu ideology of the ruling party, monitor activities in Burundi and in neighboring countries, and provide first hand information to the SNR.

For their part, the armed groups of the opposition (the Republican Forces of Burundi – FOREBU – and the Resistance for the Rule of Law – the Red-Tabara) have responded to this state-sponsored violence with attacks and targeted killings, fueling the cycle of violence and reinforcing the divisive vision of the regime.

From the challenging of the Arusha Agreement to the “us versus them” rhetoric

In less than one year, the CNDD-FDD transitioned from a logic of power conservation to the “us versus them” rhetoric. The protests and demonstrations of April 2015 were representative of a more urban, young, multi-ethnic kind of contestation. It was more a reaction to the economic si-

tuation, the growing authoritarianism of President Nkurunziza and the omnipotence of the CNDD-FDD than a questioning of balance established by the Arusha Agreement, the which demonstrators actually supported. Calling into question the Arusha Agreement to justify the third term of President Nkurunziza cracked the fragile structure and consensus of Arusha, which the CNDD-FDD had neither participated in nor adhered to. If the popular demonstrations were perceived by the government as a threat, it was the attempted coup of 13 May 2015 which appears to have led the regime to its totalitarian logic. To legitimize their grip on the country, the CNDD-FDD started to use the classic rhetoric of defending the Hutu majority as being persecuted and threatened by the risk of the return of an oppressive Tutsi military. For the regime, the coup attempt of 13 May 2015 has implemented this threat, preparing its followers for the final confrontation. Thus, the seeds of the genocidal logic have been planted. The army is now the main target for purging ex-FAB, those soldiers from the former Tutsi-dominated army, which was the armed wing of the military regimes of the past. Dozens of former FAB have been murdered in 2016, or arrested or transferred.

Crimes against humanity and/or genocide?

Crimes against humanity are being committed in Burundi today. The systematic nature of the arrests, summary and extrajudicial executions, acts of torture and other crimes constituting crimes against humanity is manifest and has been documented in this report. Is there an “intent to destroy – in whole or in part – a national, ethnical, racial or religious group”? In other words is a genocide imminent? Serious and massive human rights violations have been perpetrated for over a year and a half in Burundi. The security services and youth militia are pursuing opponents and dissenting voices, even in countries neighboring Burundi. An effective security network has been set up in the capital and throughout the country to supervise and control the population. In addition to this widespread surveillance, the regime has also set up propaganda organs and tools, which broadcast pro-Hutu ethnic ideology, using the country’s history to justify systematic repression. Thus, the mass killings – labeled by some as the Hutu genocide – committed in 1972 justify preventive measures for the protecting of the Hutu majority against the Tutsi minority. Evidence in this report indicates the willingness of authorities to make Tutsi leaders responsible for the contesting of their power, which is “legitimate” since Hutus are the major ethnic group. The desire to do this is expressed in the speeches of senior Burundian dignitaries who increasingly and brazenly denounce Tutsis as “enemies of the regime.” Such rhetoric is used by members of the defense and security forces, the SNR, the *Imbonerakure* and the ruling party, all of whom support President Nkurunziza’s project. The ethnic element has increasingly become an element of discrimination and an engine for the repression exercised by these bodies. Many victims have told our organizations having been arrested and/or tortured after indicating they were Tutsi, or after having allegedly been identified as such. The following remarks by officials or officers of the regime are an illustration: “You, the Tutsi, we are going to clean you out, we will kill you all”, or “We are going to throw you out of the country.” The use of terms such as “cleaning out”, “crushing”, or “exterminating” further indicate the explicit intent to destroy. If the original project of President Nkurunziza and the Burundi ruling circles was the preservation of power, it is clear that they have undertaken all means at their disposal to achieve this. Thus, all the criteria and conditions for the perpetrating of genocide are in place: ideology, intent, security institutions and relaying mobilization via, notably, the militias, the identifying populations to be eliminated, and the using of historical justifications. If the Tutsi are not the only ones targeted by the regime, ethnicity is sufficiently being instrumentalized for the current situation in Burundi to be called a repression with genocidal dynamics. Our organizations warn that these dynamics are intensifying and could lead to genocide in Burundi.

Radicalization dynamics

In October 2016, in less than a week, the Burundian authorities took a series of dramatic actions demonstrating the radicalized nature of the regime: the denouncing of a UN report on human rights quite damning of the regime; three UN experts and the African Union being declared *personae non gratae*; the suspension of cooperation with the UN High Commissioner for Human Rights; the withdrawal from the International Criminal Court (ICC); and the suspension of five Burundian organizations defending human rights including ITEKA and the exclusion of five others. Moreover, it is to be feared that this breaking, now completed, with the international community heralds a new intensification of repression and crimes against citizens who are considered hostile to the regime. Any reaction of armed opposition groups or neighboring countries – in particular Rwanda – to ensure the protection of civilian populations could signal mass murder, genocide or a new and deadly civil war.

This spate of rash actions by the Burundian authorities comes after more than a year of attempts by the African Union, the UN and the international community to urge the government and the opposition to participate in political dialogue, which is now stalled. Several mediators have been unable to soften the government's position. It is not so much the fact that the Burundian authorities benefit from the backing of African countries and the international community, as it is a question of international context: the clash between, on the one hand, proponents of nationalism invoking state sovereignty to thwart any interference – to the point of accepting what is unacceptable – and on the other hand, proponents, of a much too-selective interventionism, unable to offer a suitable alternative to the downward spiral of abuses committed by the Burundian regime, increasingly reclusive. And yet, positive measures have been adopted by the European Union and countries such as the United States, Belgium, and France. The African Union sent a commission of inquiry to Burundi and made a list of sanctionable individuals, which has not been made public. It also sent just under 70 military and human rights observers, who cannot operate on the ground. Burundi having systematically obstructed all decisions of the AU and the UN since the onset of the crisis, the situation seems to be blocked, whilst the country has but limited strategic interest for powerful countries, and there are currently a multitude of crises in Central Africa. President Nkurunziza is equally counting on the passivity of some African leaders who are reluctant to denounce authoritarianism in Burundi, since they employ similar tactics to retain power in their own countries.

For many observers, only a blatantly visible catastrophe will lead the international community to intervene in Burundi, with the African Union at the forefront. Remember that the African Union had failed, in early 2016, to send in an African peacekeeping force composed 5,000 men (MAPROBU) nor did the United Nations send a police force of 228 men in July 2016.

FIDH and ITEKA do not share this fatalism and urge the African Union, the UN, the EU and the international community to:

- Send a civilian protection force to Burundi;
- Adopt targeted and individual sanctions against perpetrators and those responsible for serious human rights violations cited in the report;
- Make every effort to resume political dialogue and find a peaceful solution to the crisis;
- Continue to conduct incriminating investigations into serious human rights violations.

In addition to detailed recommendations to each player, this report contains confidential annexes that will be securely transmitted to the Prosecutor of the International Criminal Court (ICC) to contribute to the opening of an investigation into crimes that fall under its jurisdiction committed since April 2015.



The United Nations General Assembly in New York. © AFP



VIII. RECOMMENDATIONS

I. TO THE BURUNDI AUTHORITIES

Concernant the protection of human rights

- Ensure that Defense and security forces, as well as the *Imbonerakure*, immediately stop arbitrary arrests and detentions, summary and extrajudicial executions, torture and other inhumane, cruel and degrading treatments, enforced disappearances, sexual violence, looting and destruction of private property, and other serious human rights violations; Initiate independent, impartial and effective investigations into allegations of such abuses;
 - Proceed with the immediate and unconditional closure of all illegal places of detention;
 - Ensure unimpeded access to the AU, OHCHR and ICRC teams to all official and non-official places of detention;
- Release all persons arbitrarily detained or held incommunicado, ensuring their rehabilitation and physical integrity out of prison as well as their right to legal Defense, including the right to be defended by counsel of their choice;
- Promptly lead independent, impartial, and effective investigations into all cases of forced disappearance that have been brought to the attention of the Burundian authorities and to the international community in order to locate these individuals and to process to their immediate and unconditional release;
- Guarantee the voluntary return of all refugees abroad in respect of their human rights and safely;
- Refrain from inflammatory statements as well as divisive and conspiratorial speech and propaganda aimed at inciting tension in the Burundian population, with the neighboring countries or the international community;
- Resume cooperation with the Office of the High Commissioner for Human Rights of the United Nations in Burundi (OHCHR) as well as with the various Special Rapporteurs and with other international organizations in Burundi in the execution of their mandate;
- Ensure the provisions of the Arusha Agreement for Peace and Reconciliation of August 2000 and the Constitution of 2005, especially as regards respect for fundamental rights and freedoms of individuals, pluralism, and tolerance values between the various political and ethnic components of the Burundian people, democracy and good governance;
- Implement the recommendations adopted by the African Commission on Human Rights and Peoples in its resolution of 7 August 2015 concerning the situation of human rights in Burundi⁴³⁰;
- Fully cooperate with the African Union in the deployment of one hundred human rights observers

430. ACHPR/Res. 309 ((EXT.OS/ XVIII) 2015, <http://www.achpr.org/fr/sessions/18th-eo/resolutions/309/>

- and one hundred military experts in Burundi, in accordance with the decision of AU Heads of State and Government made during their 26th summit in late January 2016⁴³¹; to sign, in the shortest possible time, the Memorandum of Understanding so that these personnel can fully exercise their mandate;
- Implement the recommendations of the independent UN investigation on Burundi (EINUB) and the Committee against Torture, in particular on the preservation of graves, family participation procedures, and sexual violence;⁴³²
 - Implement the recommendations adopted by the United Nations Security Council in its resolution 2248 of November 12, 2015⁴³³ and 2279 du 1 April 2016;⁴³⁴ in particular as regards respect for human rights and the fight against impunity;
 - Guaranteeing free and unhindered access to aid workers involved in Burundi;
 - Commit to implement the recommendations⁴³⁵ of the Special Rapporteur on the situation of defenders of human rights following his visit to Burundi, presented to the Council of Human Rights at its 31th session in March 2016.
 - Fully ensure civil and political rights, including the right to peaceful demonstration and freedom of expression, to association and peaceful assembly, and the right to information;
 - Put an end to all threats and forms of intimidation and harassment, including legal threats, against members of the political opposition and civil society, including human rights defenders and journalists; remove all international arrest warrants against members of the political opposition and civil society as well as against journalists;
 - Fully ensure the right of all political parties to peacefully participate in Burundi's political life; allow all nonviolent political opponents to freely express their opinions and/or resume their jobs, including in the National Assembly, the Senate, the Parliament and the Constitutional Court;
 - Allow the unconditional reopening of all privately owned radio stations so that they can resume their dissemination, and guarantee their independence;
 - Allow the unconditional resumption of activities of all civil society organizations that have been suspended and unfreeze their bank accounts;
 - Ensure the full independence and impartiality of the Independent National Commission on Human Rights to ensure that it operates in accordance with the Paris Principles and that it has the human and material resources necessary for performing its mandate; also ensure future transparency of application processing procedures for new Commissioners.

431. <http://www.peaceau.org/fr/article/communique-de-la-visite-de-la-delegation-de-haut-niveau-de-l-union-africaine-au-burundi>

432. http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/BDI/INT_CAT_COC_BDI_24871_F.pdf

433. http://www.un.org/fr/documents/view_doc.asp?symbol=S/RES/2248%282015%29

434. http://www.un.org/fr/documents/view_doc.asp?symbol=S/RES/2279%282016%29

435. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/293/95/PDF/G1529395.pdf?OpenElement>

Concerning security

- Ensure the provisions of the Arusha Agreement on ethnic balance within Defense and security forces;
- Proceed in disarming armed rebel groups and armed militias operating in the territory, including the *Imbonerakure*;
- Ensuring the neutrality and professionalism of Defense and security forces;
- Launch independent, impartial and effective investigations into allegations of disproportionate use of force during demonstrations; ensure proportionate use of force by Defense and security forces, and strictly prohibit the use of lethal weapons against civilians in accordance with the UN Basic Principles on the use of force and use of firearms by those responsible for law enforcement; implement the provisions of the UN Basic Principles on the use of force and use of firearms by those responsible for law enforcement;
- Publicly address and condemn all serious human rights violations including those committed by the Defense and security forces, and remind that the perpetrators will be held criminally responsible;
- Immediately stop all recruitment of members to the CNDD-FDD and *Imbonerakure* youth leagues, and to other militias and Defense and security forces; ensure that no *Imbonerakure* and/or member of another militia interrupts peacemaking missions, and to maintain security alongside regular forces;
- Publicly address and condemn all serious human rights violations; call for the *Imbonerakure* to immediately end their abuses for fear of being held criminally responsible;
- Ensure that police forces and the army are trained in human rights and international humanitarian law;

Regarding the inter-Burundian dialogue process

- Fully engage in the inter-Burundian dialogue process conducted under the auspices of the East African Community and Ugandan mediation;
- Ensure inclusiveness of the inter-Burundian dialogue by agreeing to hold talks with the political opposition and independent civil society.

Concerning the fight against impunity

- Guarantee the independence of judicial bodies and grant them adequate financial and material resources to fulfill their mandates;
- Ensure that those responsible for human rights violations are prosecuted and tried before courts, including when it comes to members of the *Imbonerakure*, police, SNR, or the army;
- Discontinue any form of intimidation, harassment and attacks against lawyers and human rights defenders and journalists;

- Accept the deployment of an independent international inquiry mission tasked with shedding a light on the human rights violations that have taken place in Burundi since April 2015;
- Ensure that those responsible for inciting racial or ethnic hatred are held accountable for their actions before the competent courts in accordance with the Penal Code (Article 253);
- Assure that victims of serious crimes have access to justice and to an independent court;
- Ensure the Truth and Reconciliation Commission, set up in 2014 to investigate crimes committed in Burundi between 1962 and 2008, the human and material resources necessary to independently fulfill its mandate and ensure the creation of an independent criminal justice mechanism to prosecute those responsible for the most serious crimes committed during this period.
- Cancel exit of the Rome Statute and cooperate fully with the International Criminal Court.

Concerning regional and international ratification

- Ratify the Protocol to the African Charter on Human Rights relating to Women's Rights, the International Convention for the Protection of All Persons against Enforced Disappearance, and the Optional Protocol to the international pact on economic, social and cultural rights;
- Make a declaration under Article 34.6 of the Protocol establishing the African Court on Human Rights, allowing individuals and NGOs before the Court directly.
- Cancel exit of the Rome Statute and cooperate fully with the International Criminal Court.

II. TO POLITICAL OPPOSITION PARTIES

- Refrain from any action that could lead to an escalation of violence under threat, if necessary, to be held criminally responsible;
- Publicly condemn acts of violence by all parties involved in the crisis; ensure compliance with the Charter of nonviolence co-signed by the political parties, including ensuring that their members do not take part in or foment violence;
- Fully engage in the inter-Burundian dialogue process conducted under the auspices of the East African Community and Ugandan mediation; cooperate fully with the Ugandan mediation and its facilitator Benjamin Mkapa so that a peaceful solution to the crisis may be found as soon as possible;
- Commit to define, in cooperation with the United Nations and in consultation with the Government and organizations of independent civil society in Burundi, a roadmap for human rights in Burundi that would include measures to put an end to serious and massive human rights violations, ensure the protection of human rights and the fight against impunity for perpetrators of such violations, and strengthen the normative framework on the protection of human rights. This roadmap would be based on the recommendations of the African Commission on Human Rights, treaty bodies of the UN, and special procedures of the Council of Human Rights.
- Refrain from any declaration that may maintain or exacerbate tensions.

III. TO ARMED GROUPS

- Cease all attacks, human rights violation and murder carried on Burundian territory or elsewhere;
- Refrain from acts and declarations that could lead to an escalation of violence under penalty, if any, to be held criminally responsible;
- Fully engaging with a peace process conducted under the auspices of the international community, including full cooperation with the mediation for a peaceful solution to the crisis is found as soon as possible;
- Commit to cooperate fully with intergovernmental organizations, including the African Union, the UN, the International Criminal Court to put an end to serious and massive violations of human rights, to ensure the protection of human rights, the fight against impunity for perpetrators and a political solution to the crisis;

IV. TO THE INDEPENDENT NATIONAL COMMISSION ON HUMAN RIGHTS

- Fully perform its mandate to protect and promote human rights with complete independence and impartiality in accordance with the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);
- Condemn the human rights violations committed by all parties to the crisis, including those committed by the police, the army, the SNR and the *Imbonerakure*;
- Call on the authorities and the Defense and security forces to put an immediate end to all current serious human rights violations, including arbitrary arrests and detentions, summary and extrajudicial executions, torture and other inhumane, cruel and degrading treatments, enforced disappearances, sexual violence and other serious crimes; call the Burundian authorities to release all those arbitrarily detained or held incommunicado;
- Investigate all ongoing violations of human rights and prosecute all reported cases of violations, making both announced and unannounced visits in all places of detention and reporting on the conditions of detention in prisons, preventing torture and other cruel, inhuman, or degrading acts; fight against gender-based violence, including sexual crimes, and bring or facilitate legal assistance to victims of human rights violations, in accordance with Article 4 law No. 1/04 establishing a non-exhaustive list of the Commission's tasks; investigate in particular the availability of illegal and secret detention facilities;
- Set up a special unit to document and investigate cases of enforced disappearances and provide legal assistance to families;
- Work for the effective guarantee of freedom of opinion, expression, peaceful assembly and association, particularly by encouraging the authorities to unfreeze the bank accounts and activity bans taken against major human rights advocating NGOs in Burundi and to allow the reopening of private radio stations so that they resume their broadcasts independently and outside any interference from the authorities;
- Abort the bill on NGOs and non-profit organizations whose current status is greatly libticide,

- or if necessary, to bring it into line with international standards and Burundi's obligations;
- Ensure the protection of human rights defenders and ensure that they can operate in an environment conducive to the free exercise of their legitimate activities.

V. TO THE RWANDAN AND NEIGHBORING COUNTRIES AUTHORITIES

- Refrain from any interference in the internal affairs of Burundi; if necessary, put an immediate end to all recruitment, training and arming of Burundian rebels;
- Refrain from inflammatory statements that might perpetuate or exacerbate tensions between the Burundian and neighboring countries authorities.

VI. TO THE INTERNATIONAL COMMUNITY

Work to ensure as part of any process and political agreement

- The inclusiveness of the process and participation of opposition parties, civil society and government;
- The support of a peace process that leads to free, transparent, and pluralistic elections;
- The support of an international commission of inquiry to investigate incriminating serious human rights violations committed during the crisis;
- The prosecution of the authors and perpetrators of serious human rights violations;

To international donors

- Set clear conditions for the resumption of aid, including the cessation of serious human rights violations committed by the Defense services and the Burundian security under the order of the authorities, the immediate release of all persons arbitrarily detained or held incommunicado, the reopening of private radio stations and the guarantee of their independence, and the unfreezing of assets and annulling of activity suspension for the main Burundian NGOs defending human rights;
- Make public statements condemning human rights violations and calling on the Burundian authorities to engage fully in the inter-Burundian dialogue process and return to peace.

To the East African Community and Ugandan mediation

- Condemn human rights violations committed by all parties to the crisis, and demand that Burundian authorities release all persons arbitrarily detained or held incommunicado;

- Continue efforts to mediate so that the inter-Burundian dialogue process leads to a peaceful resolution of the crisis; develop a timetable and a binding agenda for discussion;
- Ensure the inclusiveness of the inter-Burundian dialogue by inviting all parties to the crisis to the various stages of the dialogue, including the main opposition platform, the CNARED, and organizations of independent civil society.

To the African Union

- Support the deployment of an UN-AU international force of under Chapter VII of the UN Charter tasked with independently overseeing the Burundian security forces exercising the use of force and ensure the protection of civilians in the face of extrajudicial killings, arbitrary arrests and detentions, the increase in enforced disappearances, and the acts of torture perpetrated almost systematically on detainees. Ensure that this force has the capacity to plan a role that ensures stability, deterrence, and monitoring of the activities and practices of the Burundian security forces, and has a civilian component, including human rights protection officers, with the mandate and necessary resources to document human rights violations for the purpose of incrimination;
- Support the process of inter-Burundian dialogue and make every effort to ensure its inclusiveness and effectiveness;
- Suspend Burundi from these bodies if the Burundian authorities do not comply with the schedule and/or the agenda of discussions prepared by the Ugandan mediation, do not show good faith in the talks, do not implement concrete measures for an effective resolution of the crisis and/or prosecute serious human rights violations in accordance with Article 30 of the constitutive Act of the AU, which provides for the suspension of *“governments which come to power through unconstitutional means”*;
- Ensure, in coordination with the Burundian authorities, the immediate deployment of 100 human rights observers and 100 military experts, according to the decision of the Heads of State and Government of the AU decision on the occasion of its 26th summit in late January 2016⁴³⁶; to sign without delay the Memorandum of Understanding so that these personnel can fully exercise their mandate; produce and publish regular reports of developments on the human rights situation in the country;
- Implement the recommendations of the African Commission on Human and Peoples’ Rights presented in its investigative report published May 17, 2015, in particular as regards the measures of inquiry and the fight against impunity. These measures should include establishing the presumed responsibilities of individuals who have committed or instigated the acts of violence;
- Implement in accordance with the decision of the AU Peace and Security Council of 17 October 2015,⁴³⁷ targeted sanction measures against *“Burundian actors whose actions and words contribute to the persistence of violence and hinder the search for a solution”*;
- Call on the president of the African Union Commission to conduct a political mission to meet with the Burundian authorities in order to deploy an international force, and support the political process;

436. <http://www.peaceau.org/fr/article/communique-de-la-visite-de-la-delegation-de-haut-niveau-de-l-union-africaine-au-burundi>

437. <http://www.peaceau.org/uploads/cps-551.burundi.17.10.2015.pdf>

- Predicate the participation of Burundian Forces in the peacekeeping operations on the national authorities' respect for the fundamental rights;
- Strengthen the coordination of the African Union's actions with those of the United Nations;
- Condemn human rights violations, calling for them to be ended by all parties to the crisis, in particular the Burundian authorities, and require the latter, in particular, to release all persons arbitrarily detained or held incommunicado, and urge the revelation of information on the situation of all missing persons, including Marie-Claudette Kwizera and proceed with her immediate and unconditional release;
- Define, in the framework of the mediation or any other political negotiation and in cooperation with the UN and in consultation with the government and other Burundian political actors and independent civil societies, a roadmap for human rights in Burundi that would include measures to put an end to serious and massive human rights violations, to ensure the protection of fundamental rights and freedoms, and to fight against impunity for perpetrators of such violations and strengthen the normative framework on the protection of human rights.

To the African Commission on Human and Peoples' Rights

- Continue to publicly condemn the grave violations of human rights in Burundi; continue to call on the Burundian authorities to stop the human rights violations perpetrated by the Defense and security services;
- Continue monitor the situation on the ground;
- Make every effort to ensure that the recommendations in its investigative report published May 17, 2016 are implemented in the shortest possible time by:⁴³⁸
 - Encouraging the African Union to increase the number of human rights observers and military experts deployed in Burundi;
 - Urging the AU to support the deployment – as soon as possible – of an international force responsible for providing independent oversight of the Burundian security forces in their exercise of the use of force and to ensure the protection of civilian populations;
 - Calling on the CAE and mediators to ensure resume, inclusiveness and effectiveness in the political dialogue process and to set a timetable for discussions and an agenda including taking into account the question of human rights violations and the fight against impunity as a principal piece of the peace process and therefore to contribute to it;
 - Supporting the UN Peace and Security Council and the establishment of an independent international criminal mechanism to investigate the violations committed in the country since April 2015, including the events on December 11, 2015;
 - Publicly calling on the Burundi authorities to “turn in all members of the SNR and participants in the GDP in order to remove those who are guilty of human rights violations” and to “put in place a transparent and independent monitoring mechanism to oversee daily operations and

438. See recommendations of ACHPR in its fact-finding mission report on Burundi, 7-13 December 2015, 17 May 2015. http://www.achpr.org/files/news/2016/05/d218/cadhp_rapport_mission_etabli_faits_fre.pdf

patrols of law enforcement personnel, and to report on this monitoring and take measures to ensure that human rights and other standards regarding conducting arrests and the use of force are effectively respected”,⁴³⁹

- Make every effort to establish the alleged responsibility of individuals who committed or instigated acts of violence.

To the United Nations Security Council

Adopt a resolution under Chapter VII of the United Nations Charter, to:

- Require compliance with the resolution of 29 July 2016, including in deployment in Bujumbura and Burundi all 228 UN police officers;
- Authorize the deployment of a peace-keeping mission, under Chapter VII of the United Nations Charter, comprising an international police force tasked with independently overseeing of the Burundian security forces in using force and ensuring the protection of civilians in the face of extrajudicial killings, arbitrary arrests and detention, the increase in enforced disappearances and the acts of torture perpetrated almost systematically on detainees. Ensure that this force has the capacity to plan a role that ensures protection, stability, deterrence, and monitoring of the activities and practices of the Burundian security forces, and has a civilian component, including human rights protection officers, with the mandate and necessary resources to document human rights violations for the purpose of incrimination;
- Authorize an international commission’s criminal inquiry as mandated by the Secretary-General of the United Nations, to investigate the serious violations of human rights committed during the crisis;
- Establish a sanctions mechanism that includes individual sanctions for presumed perpetrators of human rights violations and an embargo on arms;
- Invite and support [the efforts of] the African Union to strengthen its forces on the ground by increasing the number of observers and police personnel deployed in the country, in the face of the deteriorating security situation and the increased difficulty for the human rights observers to document human rights violations, in particular sexual crimes. Ensure the production of regular reports on changes in the human rights situation;
- Urge and support [the efforts of] African Union to convince the Burundian authorities to sign the Memorandum of Understanding required to operationalize the African Union personnel;
- If the human rights violations were to continue, invite the African Union to suspend Burundi from the Peace and Security Council and, if applicable, from other AU bodies, in compliance with the Constitutive Act of the African Union;
- Predicate the participation of Burundian Forces in the peacekeeping operations on the national authorities’ respect for the fundamental rights;
- Strengthen the coordination of the African Union’s actions with those of the United Nations;

439. *Ibid.*, paragraph 173, points b. and d.

- Condemn human rights violations and demand that the Burundian authorities release all persons arbitrarily detained or held incommunicado, and in particular urge them to reveal information on the situation of Marie-Claudette Kwizera, Treasurer of the ITEKA League, who has been missing since 10 December 2015 and proceed with her immediate and unconditional release;
- Urge the Burundian authorities to unconditionally end all suspension of activities and/or freezing of assets of Burundian human rights organizations and independent media;
- Call upon the United Nations Secretary General, via the office of the High Commission for Human Rights, and in consultation with the Burundian political actors and the Burundian independent civil society, to draw up a road map for human rights in Burundi, that would include measures to ensure the protection of fundamental rights and freedoms, to fight against impunity for the perpetrators of human rights violations and to strengthen the normative framework on the protection of human rights.

To the European Union

- Continue to condemn acts of violence and other grave human rights violations committed in Burundi by the authorities, security forces and armed rebel movements, as well as the impunity from which their perpetrators continue to benefit;
- Ensure, through close coordination with all international actors involved in resolving the crisis in Burundi, that international mediation efforts succeed as soon as possible in ending the violence, and pursuing an effective inclusive national dialogue, in good faith;
- Politically and financially support the deployment of a sufficient number of human rights observers and military experts from the African Union;
- Support the UN Security Council's establishment of an international force under Chapter VII of the UN Charter responsible for ensuring the protection of civilian populations, and providing independent oversight of Burundian security forces in exercising their use of force and;
- Implement as soon as possible its decision to review and adjust the terms and conditions on financial support, contingent on Burundi's participation in the African Union Mission to Somalia (AMISOM)⁴⁴⁰;
- Extending targeted restrictive measures *"against those whose actions have led or lead to violence and repression in serious human rights violations, and/or hinder the search for a political solution within the framework proposed by the AU and EAC"*, as proposed in the conclusions of the Foreign Affairs Council on February 15, 2016⁴⁴¹;
- Assess the lack of results in expected progress through the commitments matrix and annexed indicators in the European Union Counsel's decision of March 14, 2016, terminating the consultations under the aegis of Article 96 of the Cotonou Agreement⁴⁴²;
- Make certain that in ensuring Burundi's expected commitment to the freedom and security of

440. <http://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:32016D0394&from=FR>

441. Conclusions of the European Council on Burundi, 15 February 2016, available at: <http://www.consilium.europa.eu/fr/press/press-releases/2016/02/15-fac-burundi-conclusions/>

442. <http://eur-lex.europa.eu/legal-content/FR/TXT/HTML/?uri=CELEX:32016D0394&rid=1>

civil society and human rights defenders, the EU is also following the process of the bill on NGOs in order to give up it or bring it into line with international standards and Burundi's obligations; Effectively guarantee the right to freedom of assembly and association, in particular through unfreezing bank accounts and lifting the activity bans against major human rights NGOs in Burundi;

- Continue the implementation of its decision to redirect funds initially earmarked for financial support and co-operation programs to support the population (including refugees) in key areas of health, nutrition and education. Strengthen strategic coordination of the various financial instruments of the European Union to propose fortification of civil society, human rights defenders – including those engaged in observing the human rights situation of activities and both inside and outside of Burundi – and reporters. This strategic approach should allow the EU to remain active in the protection and the emergency relocation of human rights defenders and journalists at risk because of their activities in Burundi, while supporting long-term activities of independent civil society in Burundi and those in exile.

VII. TO MEMBER STATES AND OBSERVERS OF THE UNITED NATIONS COUNCIL ON HUMAN RIGHTS

- Remain apprised of the situation in Burundi and dedicate special attention in discussing Burundi during the 34th, 35th and 36th sessions of the Council, and stand ready, in any event, to convene a special session of the Council if the situation in Burundi were to deteriorate further;
- Discuss with the greatest attention the conclusions of the Commission of Inquiry on Burundi, which will make its final report to the Council at its 36th session, and consider the possibility of recommending that the UN General Assembly bring the report to the attention of the Security Council;
- Recommend that the General Assembly to consider, in paragraph 8 of its resolution 60/251, the suspension of Burundi's rights to serve as a member of the Council on Human Rights;
- Be informed of developments in the country, as documented by regional and international bodies and mechanisms, as well as non-governmental organizations, which supply information to the discussion content for Burundi to the Council on Human Rights. In this regard, the discussions and oral interventions of States and other stakeholders should reflect the seriousness of the human rights situation in the country, especially the persistence of grave and systematic violations, including extrajudicial executions, enforced disappearances, arbitrary detention, acts of torture and ill treatment, alongside the narrowing scope of civil society and human rights defenders and reprisals against them and against their families;
- Establish a permanent mechanism dedicated to monitoring and surveilling the situation, and the fight against impunity for violations committed in the country, which would take over the work of independent experts dispatched by the high Commissioner of the United Nations Counsel on Human Rights in accordance with resolution A/HRC/S-24/1 of the Council. A mandate by the Special Rapporteur with the fullness of the means of intervention of the Counsel's special procedures under item 4 of the agenda would be the most suitable mechanism for this purpose.
- Adopt additional measures depending on developments in Burundi, including recommending that United Nations General Assembly, in the light of flagrant violations by the Burundian authorities,

consider the implementation of measures envisaged in paragraph 8 of Resolution 60/251 of the General Assembly and to suspend Burundi's right to sit on the Council.

VIII. CONCERNING THE INTERNATIONAL CRIMINAL COURT (ICC)

To the Office of the Chief Prosecutor of the ICC

- Continue to speak publicly on the progress of the preliminary examination;
- Promptly open investigations into the most serious crimes committed in Burundi since April 2015 that fall under the jurisdiction of the ICC.

To the Registrar of the ICC

- If an inquiry is opened in Burundi, quickly define an outreach program to explain the mandate of the ICC and its means to contribute to the people of Burundi.

To the Burundi authorities

- Cooperate with the Office of the Prosecutor of the ICC in accordance with its obligations under the ICC Statute;
- Abstain, including at the next session of the Assembly of States Parties, from any condemnation and criminalization of Burundian civil society, exercising its right to freedom of expression.

To the other States Parties to the Statute of the ICC

- Submit any information relevant to the ongoing preliminary examination of the Office of the Prosecutor, and if necessary, cooperate fully with the ICC if and when an investigation is opened.

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Ligue ITEKA

The Burundian League for human rights – Ligue ITEKA was created in 1991. Its vision consists of a democratic and unitarian Burundi where peace and security rely on the Rule of Law.

Its mission is to defend and promote human rights and the development of the Rule of Law in Burundi.

ITEKA has a network of 17 federations (one in each province) with 32 sections in the whole country.

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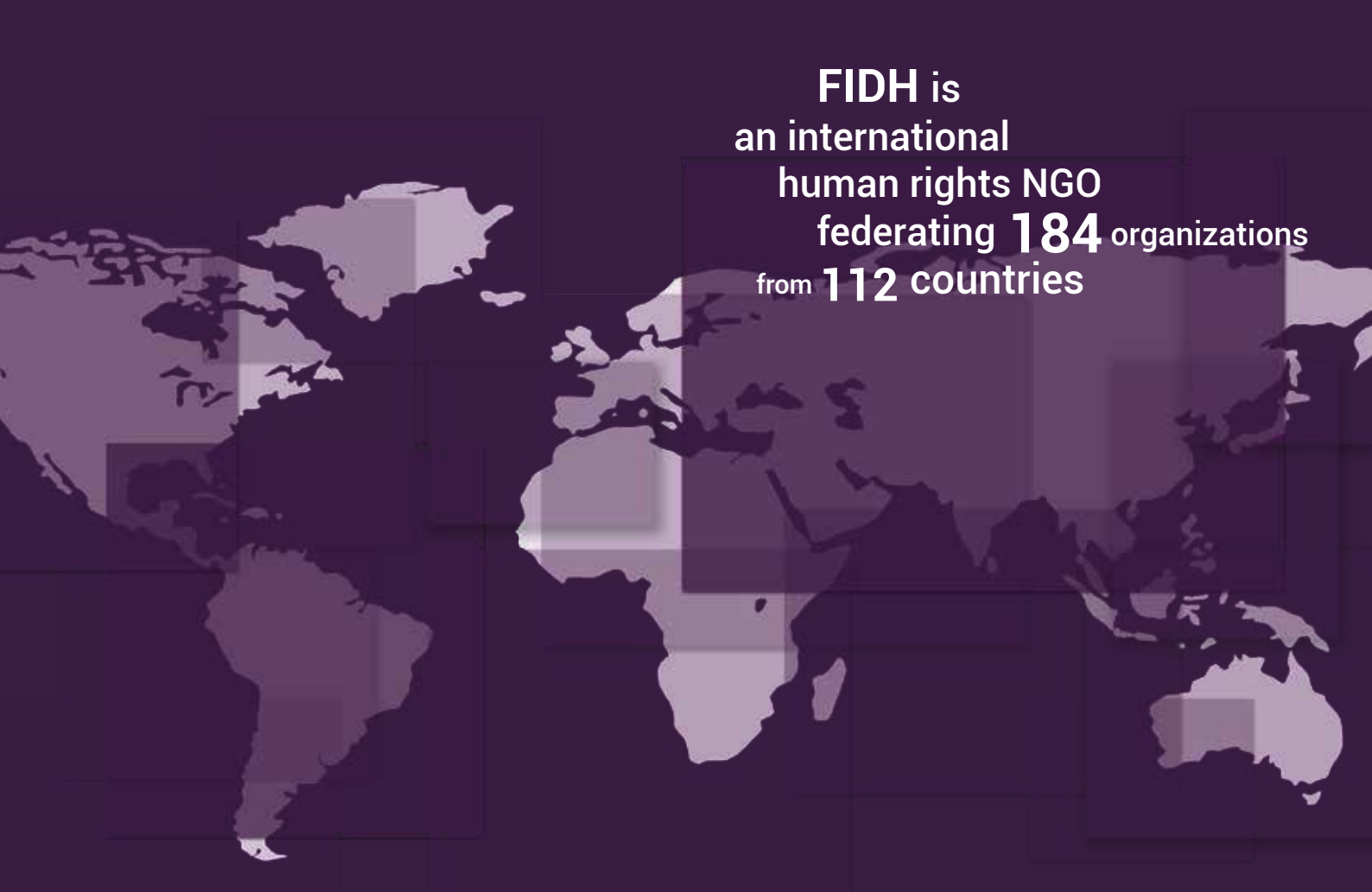
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