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Shot, Beaten Near Prayer Site

Police Responsible Should be Brought to Justice

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(Nairobi) – The survivors of a brutal police assault on a religious group in northern Burundi that caused nine deaths are still waiting for justice four months later. The police commander who ordered the assault, who was arrested but has been released from custody, should not escape justice for his role in the incident.

On the morning of March 12, 2013, police fired live ammunition into a crowd of hundreds of worshippers who are part of an informal spiritual movement that makes a monthly pilgrimage to Businde, Kayanza province. The police then apprehended worshippers, including many children and people already wounded, and brutally beat them with sticks. Burundian authorities should conduct a full, impartial, and independent investigation and ensure that the police officers responsible for the assault are held to account, Human Rights Watch said.

“There can be no justification for the fatal police shootings and vicious beatings,” said Daniel Bekele, Africa director at Human Rights Watch. “People have died or have permanent injuries just because they came together to pray.”

Human Rights Watch spoke individually with two dozen survivors and witnesses, as well as with police, judiciary, provincial, and national government officials, and other sources, in Kayanza, Ngozi, and the capital, Bujumbura, in June.

The worshippers had left the prayer site when the police blocked them on the road at Kigarama, and fired on them when they refused to stop. Six people died on the spot; three others died of their wounds in the hospital. The dead included two girls in their late teens, three women, and four men. Dozens of others were injured. Some worshippers were shot in the back as they tried to run away.

The police then apprehended the worshippers, lined them up by gender and beat them systematically with large sticks and branches, causing serious injuries, including broken bones. The police insulted the worshippers and demanded that they hand over their money and cell phones. Several said that the police encouraged young men in the area to join in the beatings.

One of the women in the group told Human Rights Watch:

They beat me, they beat me, they beat me and they beat me again. They beat me until I could die. They hit my left hand and broke my knuckles.... They beat me until I could not feel the pain. At one point I said, “Stop so that I can breathe!” One policeman said, “What?” and then they started from zero. I thought at one point that I was dead.

The police assault was apparently intended to punish the group for disobeying a 2012 government order prohibiting their worship in Businde, Human Rights Watch said. The Roman Catholic Church in Burundi has rejected ties with the group, and the group has not taken up a government suggestion to create a formal structure for a separate organization.

About 20 victims and other witnesses provided extensive and detailed accounts to Human Rights Watch about how the police commander in charge of the operation, Bosco Havyarimana, ordered officers to shoot at the crowd, then personally supervised and participated in the beatings of worshippers. Havyarimana – a first class police officer (officier de police de 1ère classe, OPC) – is the third-most-senior police officer in Kayanza, responsible for coordinating police activities and operations.

Police and government officials told Human Rights Watch that the worshippers were armed and that the police acted in self defense. While some worshippers had picked up stones and sticks, Human Rights Watch uncovered no evidence that any carried weapons or that any police officers were seriously injured. Several worshippers said they saw a policeman who had been grazed above the eye. In contrast, in addition to those who died, dozens of worshippers were hospitalized, some for several months, and have long-term injuries.

A few hours after the shootings, a high-level government delegation visited Businde. With dead bodies still on the ground, the ministers of interior and public security publicly thanked the police for their work. The interior minister told the worshippers that they now had the “martyrs” they had been looking for, and likened them to the violent Nigerian Islamist group Boko Haram. He also expressed regret for the loss of life at Businde. When Human Rights Watch researchers met the minister in June, he told them it was “deplorable that things went that far.”

On March 16, the authorities arrested Havyarimana, his bodyguard, Agent Syldie Nsengiyumva (known as Mwarabu), and Agent Innocent Nizigiyimana. On May 29 they were provisionally released, pending further investigations. None of the judicial or government officials Human Rights Watch interviewed, including the prosecutor in Kayanza, were able or willing to explain why the three policemen had been released.

The police had previously committed abuses against worshippers at Businde, particularly in December 2012 and January 2013. In January, Havyarimana ordered police under his command to beat members of the group and personally assaulted several of them. According to information available to Human Rights Watch, no members of the police were charged with crimes in those earlier instances.

Hundreds of worshippers at Businde, some under 18, have been arbitrarily arrested since late 2012. Most were accused of “rebellion” for disregarding the government’s decision to prohibit prayers at Businde. Many were released without charge; some were re-arrested several times, and at least 45 remain in detention. In some cases, one of the conditions for their release was that they would agree not to return to Businde, in violation of their right to freedom of religious belief, guaranteed in the Burundian Constitution. Many refused.

Senior government and security force officials should ensure that the Burundian police are trained in and abide by the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, Human Rights Watch

said.

The Code of Conduct specifies that “law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty,” that the use of force should be exceptional, and that “the use of firearms is considered an extreme measure.” It also states that “no law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.”

“The police deserve prosecution, not gratitude, for killing and beating worshippers,” Bekele said. “The authorities should investigate Havyarimana and his colleagues and bring all those responsible for attacking the worshippers at Businde to trial.”

The Worshippers at Businde

Hundreds of people from all corners of Burundi, as well as from other African countries, make a pilgrimage on the 12th of every month to pray at Businde, a hill in Gahombo commune, Kayanza province, in northern Burundi. They apparently believe that the Virgin Mary conveys messages to them at Businde through Eusébie Ngendakumana, a young woman viewed as a leading figure in the movement, and through other visionaries. The worshippers are commonly referred to as “followers of Eusébie.”

The worshippers are a loose and diverse movement, without a clear structure or hierarchy. They include many well-educated men and women, such as teachers, lawyers, civil servants and students, as well as peasants. Many are women.

The worshippers consider themselves Roman Catholics but have been rejected by the Catholic Church hierarchy in Burundi. The government has broadly aligned itself with the church on the matter and suggested to Ngendakumana that she needs to create a formal, separate organization if she wants to continue her activities. Her followers have clashed with local clergy, police, and government officials on several occasions since 2012 when police tried to stop them from gathering.

On October 25, the governor of Kayanza province wrote a letter to Ngendakumana ordering her to stop prayers and other activities at Businde; the letter calls on administrative and security authorities to implement this decision and to take sanctions against those who ignore it. The National Security Council and Interior Ministry supported the decision. Since November, police have been deployed at the site to enforce the governor’s decision.

Despite these measures, the worshippers have continued their monthly pilgrimages.

On several occasions, police have arrested worshippers, who have been denied due process. 32 worshippers arrested on March 31 and 181 arrested on April 12 were tried summarily on the evening of their arrest, without defense counsel, under a provision of the Burundian Code of Criminal Procedure that allows for the immediate prosecution of offenders who are caught in the act.

The adults were sentenced to three to five years in prison and the children to 18 months. A lawyer represented the worshippers in their appeal, and their sentences were reduced to a fine. All but one of those arrested were released.

On July 11, Burundian media reported that a military training camp was being set up at Businde.

The March 12 Police Assault

Witnesses described to Human Rights Watch two distinct phases of the assault: the police surrounded the worshippers and shot at them. Then the police systematically beat the worshippers.

On the night of March 11, a group of about 500 worshippers made their way to Businde to pray. After walking for many hours, from various locations, they arrived near the site at about 5 a.m. on March 12.

As they reached the small village of Kigarama, roughly 2 kilometers from the prayer site, they saw a group of police at the steps leading to the place of worship. The worshippers prayed for a few minutes, then turned back. The police did not disturb them while they were praying.

The group started leaving along the route they had taken to reach the site, singing as they went. The police stationed on the hill followed and some threatened the worshippers. One told Human Rights Watch that she heard a police officer say: "Are you going to leave like that? You will see!" Another heard a police officer say: "This time, we will kill you."

As they followed the worshippers along the road, the police began striking people at the back of the group. Worshippers said that young men in civilian clothes joined in these beatings.

The police then overtook the worshippers and surrounded them, blocking them in front while another group came from behind. A worshipper who was at the front of the group told Human Rights Watch: "As we reached Kigarama, we started to see many police.... There was a policeman calling to us, 'Come!' ... Some police had run in front of us to block the road. They said to [one of my friends], 'You! We will start with you!'"

A worshipper who was at the back of the group told Human Rights Watch: "The police in the back shouted 'Is it time to shoot?' A commander shouted 'Wait.'"

The police ordered the worshippers to stop, but they refused because they were afraid, they said. They told the police they were going home and some of them put their hands up in the air to show they were doing nothing wrong. Nevertheless, the police prevented them from leaving.

Some worshippers threw stones in the direction of the police. Some of those interviewed by Human Rights Watch confirmed this, but said they only saw a few people throwing stones. One said: "We did have stones and sticks to protect us from attacks at night.... I didn't see people throwing stones at the police, but it is difficult to know. There were so many of us. But the police shot at us. I saw that."

Police Shootings

As the police blocked the road, the worshippers tried to push ahead. The police response was quick and appeared to have been planned. A total of about 20 to 30 policemen were present.

A number of worshippers told Human Rights Watch that they heard Havyarimana order the police to fire. Many heard him say "Shoot!" One witness heard him say, "Let's start!" Havyarimana was

heard calling his bodyguard and saying to him: “Mwarabu, attack!” Witnesses said Havyarimana fired a first shot into the air, and then policemen started firing live ammunition into the crowd. Several worshippers said that some of the policemen knelt down, apparently to get a better aim into the crowd. Although many of the policemen shot at the worshippers, some did not and later indicated privately to some worshippers that they did not agree with the orders.

As Havyarimana fired into the air, a worshipper heard him say to the group: “You’re not obeying. You are rebels. You are disobeying the church and the state. You are insubordinate.”

A worshipper watched as a young man, Divin Ngabire, collapsed, hit by gunfire: “They shot Divin. I saw the blood go out of him. They started with him.”

Several worshippers described the death of a young woman, Médiatrice Ndacayisaba. “As the shooting started, I held the hand of a friend,” one said. “She was shot in the leg. Her name was Médiatrice. Then I was shot in the leg. I fell down.” Another said, “I saw Médiatrice shot. She was shot in the knee. There was some tissue holding the leg on. Then she was shot in the head.”

Other worshippers said that a young man, Steve Nkengurutse, died, hit by a bullet in the stomach, then three times in the back. A worshipper said that a young woman, Seconde Nibiraba, was shot in the head: “She was right next to me. Her head was crushed. I fell and others fell on top of me.”

A man who was one of the first to be shot told Human Rights Watch: “I suddenly realized my right leg did not have any strength. I fell down and saw that my leg was stuck out straight. I was one of the first ones shot in the back of the group... There was so much shooting.”

As the shooting continued, people panicked. Some threw themselves onto the ground in an attempt to avoid the bullets, falling on top of each other, while others tried to run away. The police ran after some of them into a nearby valley, shouting, “Come back or we will kill you!” At least one woman was shot dead in the valley.

A 14-year-old boy was shot in the foot as he tried to run away. He told Human Rights Watch he was terrified when the shooting started:

I felt something enter my foot, but it did not hurt, I felt nothing. Thirty minutes later, I could not put my foot down on the ground because it was bleeding so much and because it was cold. I was bleeding a lot. There were many police shooting.

It is difficult to estimate the duration of the shooting as accounts varied, and some worshippers were too traumatized to remember the timing accurately. Most said that the shooting was continuous, while some said that it started, stopped, and started again. Many said they believed the police only stopped shooting when they ran out of ammunition.

Nine worshippers died: three women (Nibiraba, Claudine Ndayisenga, and Germaine Sinzobakwira), four men (Ngabire, Nkengurutse, Désiré Niyonkuru, and Noël Nduwimana), and two girls, about age 17 (Ndacayisaba and Magnifique Ngabirano).

Systematic Beatings

The worshippers’ ordeal did not end with the shooting. After they stopped firing, the police herded

all the remaining worshippers into one place, and ordered the males and females into separate lines. They then beat the worshippers, including the children, systematically, one by one, enlisting the help of young men in civilian clothes. Some witnesses described these young men as imbonerakure, members of the youth league of the ruling party, the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD); some said they recognized them from previous encounters in the area.

The police and young men mostly used large sticks and branches to beat the worshippers. Witnesses described how they would lift up the big sticks with both hands and bring them down so hard on the victims that they caused fractures and other serious injuries. One worshipper told Human Rights Watch, “The police hit some people so hard that their heads split open.” Some witnesses said the police and young men also threw stones and bricks. A woman showed Human Rights Watch researchers a scar on her head that she said was caused by these stones.

The police did not spare those who had been wounded in the shootings. One worshipper said:

They hit most of them at random, saying, “You, come here!” Sometimes they picked out individuals they recognized and said, “You, it’s the second time you’re coming back!” They looked people in the eyes and said, “Look at me, you fool!”

A woman who had been shot in the leg said, “A policeman said to me, ‘I see you’ve been shot. Are you going to return to Businde to pray?’ I said yes. When I said that, he hit me in the right eye with his stick.” Another woman said, “They beat us in an incredible way... They beat each person, then went on to the next person. They stopped when they were tired or when they saw we were very weak.” One worshipper said she overheard a police officer tell his colleague, “You have to hit them until they understand.”

An 18-year-old woman told Human Rights Watch that she tried to hide, but the police found her and hit her on the head with a stick. She fainted and woke up in hospital in Ngozi, where she lost consciousness again. The next thing she remembered was waking up in a hospital in Bujumbura. Her skull was fractured.

One worshipper, who showed her scars, said:

They beat us like cows. They made me sit with the other women and they started to beat us. They would call out to people and take them aside and beat them.... A policeman approached me and searched me. He said, “Where is your money? Give me your money or your telephone.” I said [I did not have any money or a phone]. He made me lie down on the ground and two other police arrived with long sticks they had already prepared. They hit me from my hips down until I was almost dead. They hit me on the ankles. When I walk now, my legs swell and it still hurts. My legs were black and swollen for three weeks.... It is a miracle that I can walk.

Havyarimana personally supervised and actively participated in the beatings, worshippers said. One said that he told her, “You, whatever happens, I will kill you one day.” Another said he was “going around and checking people’s faces. If he recognized someone he said, ‘Come here, we are going to beat you again.’” An elderly man said that as he was lying on the ground Havyarimana personally hit him four times with a big stick.

Several worshippers said that Havyarimana was looking in particular for a young man thought to be a leader of the group. Someone pointed him out to Havyarimana. The police ordered him to take off his clothes and lie down, then beat him severely on the front and back of his body. Havyarimana picked up a stick and hit him hard around his midsection. The police left him lying on the ground for a few minutes. Then a policeman returned and hit him hard on the chest.

The police and the young men assisting them also stole the worshippers' personal belongings, many told Human Rights Watch. As that had happened on previous occasions, many worshippers had carried few possessions to Businde. This seemed to further anger the police. One worshipper said that when she had no money to give the police, the police ripped off her and other worshippers' rosaries and threw them into the bush. A policeman who pulled another woman's rosary off her neck told her, "Even if I break your neck, it doesn't matter."

The administrator of Gahombocommune, Jacqueline Ruragoka, was present during the beatings, worshippers said. She did not beat people herself but numerous worshippers said that she encouraged the police and insulted and threatened them, particularly those she recognized and who she believed were leaders of the group. One woman said she heard Ruragoka say, "If only we could beat all of you!"

Government and Police Response

The beatings only stopped when the regional police commissioner, Eustache Ntagahoraho, arrived on the scene at around 6:45 a.m.

Witnesses said that the police commissioner appeared upset with Havyarimana. One worshipper said that the commissioner "called Bosco [Havyarimana] and reprimanded him. I heard him say 'Oh, Bosco, you have killed people like this?'" Another told Human Rights Watch that Ntagahoraho asked Havyarimana, "Who gave you the order to kill?" A woman saw Ntagahoraho clutch his head in his hands when he saw what had happened.

Ntagahoraho arranged for those who were seriously injured to be taken to the hospital. However, the police prevented the other worshippers from leaving until the interior minister and the public security minister arrived in the afternoon.

Worshippers said that the ministers' speeches further upset them. Standing near the dead bodies that had not yet been removed, the ministers thanked and congratulated the police. Interior Minister Edouard Nduwimana, who is originally from Businde and a former governor of Kyanza province, told the worshippers, "You wanted martyrs? Now you have them," and compared the worshippers to the Nigerian Islamist armed group Boko Haram.

He also expressed regret in his speech as well as condolences to the victims' families, and said he hoped these victims would be the last. He announced that there would be an inquiry into the deaths and into any human rights abuses. The worshippers were allowed to leave once the officials' speeches were over.

On March 16, three policemen – Havyarimana, Nsengiyumva, and Nizigiyimana – were arrested on the instruction of the prosecutor at the appeal court of Ngozi, on charges of cruel treatment and death through grievous bodily harm. On May 29, they were provisionally released from detention.

The police commissioner in charge of the northern region, including Kayanza, told Human Rights Watch in June that the police were carrying out their own internal investigation, separate from the criminal investigation, as well as a disciplinary procedure. He said that the three policemen had been suspended from their duties and a different police team had been deployed in Businde. He admitted that there had been “mistakes” on March 12 and that the commander responsible for operations – Havyarimana – had not been up to the task.

He said that, according to the information he had been given, the worshippers had clashed with local residents. In trying to separate them, Havyarimana had ordered the police to fire in the air and people had been hit by stray bullets. He denied that the police had beaten worshippers.

Interior Minister Nduwimana told Human Rights Watch that the events of March 12 were “horrible. It’s deplorable that things went that far, whatever happened.” He alleged that the worshippers had clashed with the police and that the worshippers were armed with stones and clubs, prepared for a confrontation. He said that the police had acted in legitimate self defense, even if it was not proportionate, and that they were ill-equipped and not trained for this kind of situation.

In a debate on Radio Isanganiro on March 16, the Interior Minister appeared to retract some of the comments he had made at Businde, admitting he may have made an inappropriate comparison (with Boko Haram). He said that a commission of inquiry would be set up, that individual responsibilities should be established, and that justice should prevail. He said that “no circumstance, no motive can justify people’s deaths.”

Some victims have been left with disabilities. A young man who had been shot in the leg told Human Rights Watch that three months later, he was still finding it difficult to walk: “I cannot feel my right foot or my lower leg. The doctor said that a nerve had been cut and there was nothing he could do... Right now I cannot walk a kilometer.” A woman hit with a bullet above her right eye was suffering from serious eyesight problems and could no longer read.

Beatings on January 12

The attack on March 12 was not an isolated event. On January 12, the police severely beat worshippers at Businde and on the road to Kigarama. As on March 12, Havyarimana was in charge of the operation and was seen personally abusing worshippers. Worshippers who were present on both dates said that even though no one died on January 12, the beatings were even more severe than on March 12.

A young woman told Human Rights Watch:

When we arrived at Businde [it was] about 5 a.m. The police were there... Bosco [Havyarimana] came and told us to stop. We had started singing and praying. We ignored him. He told us again to stop. Then he told us to stop a third time. We continued singing. He called his policemen who surrounded us. Bosco came into our midst and hit us with sticks, at random. He was hitting us himself. We lay on the ground. He ordered us to get into a line. We obeyed. He handed each of us over to a group of five policemen so that they could hit that person. Bosco hit us very hard. He said [to me], “I will hit you on your hips so that you won’t be able to have children.” He also hit us on the neck, on the head, feet and arms. Everyone was beaten.

Another worshipper said eight policemen beat her “each in his own way.” One of them was

Havyarimana, who broke her hand, she said, bending it backward until the backs of her fingertips touched her wrist. Her hand is now partly paralyzed.

A 14-year-old boy told Human Rights Watch: “I was beaten by a policeman with a stick. I do not know how many times I was hit because many police beat me that day. I was beaten on my buttocks and my back; they made me lie down. I do not know why they beat me; maybe it was because we were praying. Other children were beaten too.”

Police also beat worshippers at Businde on November 12 and December 12. Human Rights Watch spoke to victims and witnesses of these beatings, who described patterns of abuse similar to those of January and March.
