

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	293
Land:	Burundi
Kilde:	UN Human Rights Council
Titel:	Oral briefing by members of the Commission of Inquiry on Burundi to the Human Rights Council
Udgivet:	27. juni 2018
Optaget på baggrundsmaterialet:	3. september 2018

1

2

2

Oral briefing by the members of the Commission of Inquiry on Burundi to the Human Rights Council

[Back](#)

27 June 2018

Mr President, Excellences, Ladies and Gentlemen,

Today, we have the honour to speak for a second time on behalf of the Commission of Inquiry on Burundi whose mandate was renewed by Resolution 36/19 adopted in September 2017. In the three months since our last oral briefing, our secretariat and ourselves have been to Ethiopia, Belgium, Uganda, the Democratic Republic of Congo and Rwanda. We wish to thank the authorities of these countries who facilitated our missions and enabled us to speak with government representatives, international organisations, experts and victims or witnesses to human rights violations in Burundi. The International Criminal Court has expressed interest in strengthening its interaction with the Commission.

In all, since September 2017, we have conducted face-to-face interviews or at a distance interviews with over 380 Burundians in exile or in Burundi. These interviews add to the 500 testimonies that we collected last year.

Excellences, Ladies and Gentlemen,

Based on the information we have gathered, we, once again, believe that the situation in Burundi remains very disturbing. The recent declaration by President Nkurunziza, according to which his mandate will end in 2020 and he will support the future President of the Republic, was welcomed by several countries, including members of this Council, even though some observers noted that this was by no means a clear and firm commitment not to run for president in the upcoming elections. The Commission for its part considers that the declaration of the Head of State must not obscure the context in which the referendum campaign was conducted, leading to the change in Constitution in Burundi.

Since the beginning of this year, the Commission has documented several human rights violations, among which extrajudicial executions, enforced disappearances, acts of torture and other cruel, inhuman or degrading treatment, targeting those opposed to the proposed amendment of the Constitution, such as members of opposition parties, first and foremost from the Forces Nationales de Libérations (FNL) - Rwsa wing and more generally, any person who is not aligned with the policy of the Government and the CNDD-FDD. This is coupled with violations of civil liberties and economic and social rights.

In particular, the Commission has received reports of numerous arrests of people who called for a "no" vote in the referendum, who sought to meet to discuss the draft amendment of the Constitution, or who refused to join the CNDD-FDD. The detentions that followed these arrests resulted in cases of torture and ill-treatment. Schools were closed by their administrators or local authorities to force students in voting-age to register on the voters lists and access to markets was denied to people who could not show a receipt as proof of registration on the voters lists.

The Commission also received information on people who were executed or abducted because they were members of opposition parties or for their refusal to join the ruling party. The fact that several missing people have not been found and that unidentified bodies continue to be discovered in various parts of the

country gives reason to fear the continuation of practices consisting of getting rid of the bodies of people arrested sometimes by individuals in police uniform or identified as agents of the National Intelligence Service (SNR) or the Imbonerakure. To the best of the Commission's knowledge, no serious investigation has been carried out by the Burundian authorities on these cases. Typically, relatives of missing persons are afraid to turn to the courts and the police because of the proximity of the alleged perpetrators to the faces of law and order. Some prefer to leave the country for fear that their safety will be compromised. Those who stay have resigned themselves to keeping quiet, sometimes under the threat of SNR agents, police or the Imbonerakure.

Excellences, Ladies and Gentlemen,

These violations were facilitated by a continuing environment of threats and intimidation. From November 2017, the President of the Republic, in a speech made on Veterans Day, threatened to "correct" all those who fail to toe the party line. On 12 December 2017, on the occasion of the launching of the campaign aimed at explaining the draft new Constitution, the Head of State this time warned "all those who would attempt to torpedo this project by word or deed"¹. Similarly, on 2nd May 2018, he declared in a speech made in Gitega: "Whether you are Burundian or foreigner, any person who stands against this election, I tell you, will have to contend with God and God, who is in heaven, is witness to this. But I know that some people are deaf to these messages, let them try"².

These speeches, which constitute barely concealed incitements to hostility or violence³ were relayed across the country by local authorities and members of the ruling party. Burundian courts initially sentenced Melchiade Nzopfabarushu, a former deputy chief of cabinet at the Presidency of the Republic, to three years in prison following the release of a video that showed him using hate speech on 28th April 2018 in the commune of Kabezi (Bujumbura province). The latter was released on 20th June 2018 after a reduction of sentence in appeal. Along the same lines, the Commission received reports and videos with similar statements by Government or CNDD-FDD officials without the authorities taking any action to prosecute their authors. For instance, on 13th February 2018, Désiré Bigirimana, administrator of the Gashoho municipality (Muyinga province), warned: "Anybody who will come and tell you anything other than a "yes" to the referendum, or different from what President Pierre Nkurunziza says, should be lynched. Is that clear? Call me once you have this person tied up"⁴. This is just one example out of many others documented by the Commission. They add to videos in which, as in the previous year, we see the Imbonerakure chanting war songs in a show of force⁵.

Excellences, Ladies and Gentlemen,

Human rights violations identified by the Commission during the referendum campaign are mainly perpetrated by the Imbonerakure acting with the complicity and/or approval of State officials, or on their own initiative, undisturbed. In this regard, the Commission is preoccupied by the importance the Imbonerakure have acquired in the repressive machinery which has developed since 2015. The Imbonerakure cover the country, informing State bodies and/or the CNDD-FDD about the presence of real or perceived opponents in each locality or on each "colline", harassing, controlling and intimidating the population, conducting police operations outside the framework provided by the law, carrying out

forced recruitment campaigns into the ranks of the CNDD-FDD. These campaigns result, in several cases, in torture or ill-treatment.

Furthermore, the Commission also documented several cases where the Imbonerakure were mobilised to collect contributions for the "2020 elections" or to put pressure on people who were unwilling to pay their contributions. This illustrates the confusion that exists today between organs of the CNDD-FDD and State services. It also shows that contrary to what the Head of State recently declared⁶, contributions for elections are not "voluntary" but obtained by force. It should be recalled that the amounts of contributions as determined in December 2017⁷, stand at 10 per cent or more of the monthly salary of civil servants, 2 000 Burundian francs per year for households and 1 000 Burundian francs per year for pupils and students of voting age. In the case of civil servants, this is coupled with the obligation, as documented by the Commission, to pay an additional contribution in the name of their ministry or institution⁸.

These contributions are in addition to taxes, deductions and other contributions decided on an *ad hoc basis* at the local level. In a context of continuing deterioration of the socio-economic situation that places Burundi today in the last but one position according to the world GDP per capita ranking⁹. This, 3.6 million Burundians – more than 30 percent of the population – are in need of assistance¹⁰, these multiple contributions increase the overall poverty of the country's population, in particular the most vulnerable and goes against the obligation for ensuring the equal enjoyment of rights to an adequate standard of living, to food, health and education. The issue of economic and social rights will be addressed in more details in the Commission's final report.

In addition, the manner in which the contributions are being collected has facilitated violations of civil and political rights. The Commission received several eyewitness reports of roadblocks set up throughout the country by the Imbonerakure in order to verify if inhabitants of the region had receipts showing that they had paid their contributions. These roadblocks undermine the freedom of movement of people and result in extortion. The Commission also documented cases of abuses, unlawful arrests and detention, threats and intimidation in connection with victims' refusal or inability to pay their contributions. These cases are mostly carried out by the Imbonerakure. Several people emphasized that the threats or pressure they suffered following their refusal or inability to pay their contributions pushed them to flee Burundi.

Excellences, Ladies and Gentlemen,

Democratic space and civil liberties remain limited in Burundi today. Members of civil society organisations, who are still in the country, continue to experience pressure. On 26th April 2018, Germain Rukuki, former accountant with the Association of Christians for the Abolition of Torture (ACAT) - Burundi, was sentenced to 32 years imprisonment for undermining internal State security, following an investigation and trial that was not fair, especially in view of the lack of independence of the judicial system that the Commission has documented and will be further detailed in our final report.

It is also still very difficult for independent media to work in Burundi and on Burundi, as illustrated by the suspension of the BBC and the Voice of America (VOA) on 4th May 2018 following reports that were deemed "biased" by Burundian authorities. Radio France

Internationale (RFI) and two Burundian radio stations (Isanganiro and CCIB FM+) also received "warnings" on the same day from the national media regulatory body¹¹.

Excellencies, Ladies and Gentlemen,

This situation, which is aggravated by a continuous political stalemate, raises fears that positions will be hardened, as illustrated by the recent call to "revolution" by several opposition and civil society actors in exile. Moreover, it increases risks of deterioration of the security context. The attack in the Buganda municipality, in the Province of Cibitoke, on 12 May 2018, by an unidentified armed individuals, killing at least 24 people, including women and children, is particularly disturbing. There has been no incident of such magnitude since December 2015. The Commission calls on the Burundian authorities to conduct credible investigations into this attack and to prosecute the perpetrators. It also calls on political stakeholders and others who are opposed to the Government of Burundi to refrain from any acts or speeches of a violent nature that could significantly worsen the situation in the country. In this regard, the Commission will remain alert to human rights violations committed by individuals or non-State organizations and again invites the Government of Burundi to provide any relevant information on this issue.

Within this framework, we call on all Burundian stakeholders to engage in and conclude at the earliest opportunity an inclusive political dialogue in a context where all the parties are safe. In this regard, we wish to reiterate our support to the mediation process under the auspices of the East African Community, with the backing of the African Union and the Special Representative of the Secretary-General who, regrettably, has been experiencing for the past months a smear campaign and a show of hostility in Burundi.

Still in this context, we regret once again that Burundi continues to refuse to "fully cooperate" with the Commission, as requested by this Council¹²– which would help reflect the views of Burundian authorities in our final report. Burundi recently reiterated its position by turning down recommendations relating to the Commission of Inquiry, stemming from its Universal Periodic Review (UPR) of January 2018. We also note with regret the fact that the Burundian Government also failed to accept recommendations calling for the resumption of monitoring activities by the United Nations Office of the High Commissioner on Human Rights in Burundi whose headquarters agreement has remained suspended since October 2016. It is disturbing to note that to date, no independent and credible mechanism is able to collect information without hindrance on the situation of human rights in Burundi. Indeed, the visas of the experts dispatched to Burundi under Resolution 36/2 of this Council have been withdrawn, no agreement has been reached since 2015 to enable African Union observers to operate in the country and Burundian human rights defenders are exposed to multiple dangers when doing their work. This finding was also recently made by the African Commission on Human and Peoples' Rights at its 62nd regular session¹³.

Excellencies, Ladies and Gentlemen,

Burundi still deserves your attention. The Commission continues its inquiries and remains open to any information on the situation in Burundi, including from the Burundian Government. We will be in a position to present our final report to you this upcoming September.

Thank you for your attention.

1. See: <https://www.presidence.gov.bi/2017/12/12/discours-du-chef-de-letat-lors-du-lancement-de-la-campagne-pour-le-referendum-constitutionnel/> [Kirundi to French translation by the Commission]. See also: https://www.youtube.com/watch?v=BxCbQqjV_8M&feature=youtu.be.

2. See: <https://www.youtube.com/watch?v=C3Xab7MsUYQ>.

3. Article 20 of the International Covenant on Civil and Political Rights prohibits "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

4. See: <https://www.youtube.com/watch?v=M1p55gMHctQ&feature=youtu.be>. See similar speeches on: <https://www.youtube.com/watch?v=kk9nzXGskz4&feature=youtu.be>, <https://www.youtube.com/watch?v=v1WMYijJzJs&feature=youtu.be>.

5. See for instance the video published on: <http://observers.france24.com/fr/20180504-burundi-membres-cnddfdd-haine-referendum-vote-pierre-nkurunziza>.

6. Speech made on 7th June 2018 on the occasion of the promulgation of the new Constitution.

7. Order No. 530/540/1772 of 11th December 2017.

8. The ministries of justice, foreign affairs, environment and transport, as well as the Ombudsman, the National Assembly, the Senate and some universities have already paid some envelopes for the 2020 election.

9. World Economic Outlook database, October 2017, Gross domestic product per capita, current prices, Purchasing power parity; international dollars, on International Monetary Fund, October 2017.

10. OCHA, Humanitarian Bulletin - Burundi – Burundi, May 2018.

11. Press release No. 004/CNC/KR by the National Communication Council, 4th May 2018.

12. A/HRC/36/19, para. 5.

13. See resolution CADHP/Rés. 396 (LXII) 2018 adopted on Burundi.

[Back](#)

FOLLOW US



© 2018 United Nations
Human Rights Council