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Ligue ITEKA

Burundi on the brink: looking back on two years of terror

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Cover Picture: Individuals walking at a demonstration to protest against a UN Report which accused the government of torture, kidnapping and politically motivated detentions, on February 11th, 2017, in Bujumbura, capital of Burundi.
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I. INTRODUCTION: AN INCREASINGLY VIOLENT DICTATORIAL REGIME

A. A country devastated by a low-intensity conflict

A. 1. The Human toll of the violence

Two years ago, a large part of the population in Burundi stood up and protested against President Nkurunziza's decision to run for a third term, deemed unconstitutional by many people. On April 26th 2015, the popular demonstrations started, as the country entered a cycle of violent repression, which developed into a **low-intensity conflict** that over the past two years deeply affected the country. After a controversial reelection, President Nkurunziza launched a violent **campaign of repression against all the alleged opponents** to his regime, by mobilizing the loyal security forces. In response, armed opposition groups have formed and have spearheaded targeted attacks against individuals viewed as affiliated to the government or the main political party – the National Council for the Defense of Democracy–Forces for the Defense of Democracy (CNDD-FDD).

In two years, at least **1,200 people have been killed**. There have been **400 to 900 victims of forced disappearances**. **Several hundreds or even thousands of individuals have been tortured**. And more than **10,000 are still victims of arbitrary detention**. In the hope of escaping political violence, around **400,000 Burundians have fled and are refugees** in neighboring countries. The majority of the human rights violations have been committed by the Burundian Security Forces and militias that operate under their control, and affect the civilians first and foremost.

A. 2. An authoritarian regime repressing all forms of opposition



The political scene has narrowed and functions as a **unique party, the CNDD-FDD, also working as a State Party**. A cult of the party and leader's personality has been encouraged, including monuments glorifying the CNDD-FDD all over the country, and opponents are pressured to join the party. Flags of the CNDD-FDD have been placed at the main entrances to public schools. Violent propaganda, including talk of war, is broadcast throughout the whole territory. It calls on the Burundian people to be ready to fight opponents and even to eliminate them. In a matter of two years, almost all the heads and activists of the political opposition have been silenced and hunted down by the Burundian authorities.

Even some members of the party and the youth-league of the party, the *Imbonerakure* (“those who see far” in *Kirundi*), are increasingly being targeted because they are suspected of not abiding by the authoritarian political line of the party. For instance, on December 28th 2016, Jean Luc Manirakiza, secretary of the CNDD-FDD headquarters in the Cankuzo district, was arrested and detained by the police, on the grounds that he had not participated in the “Crusade for giving thanks” organized by President Nkurunziza, in late December 2016 in the Rutana district² and because he was suspected of not being loyal enough to the party. Our organizations have also documented cases of *Imbonerakure* who had been hounded and sometimes even arrested and kidnapped, because suspected of supporting “opponents”.

The **independent media are being censored, suspended, blocked and/or shut down**. Burundian and foreign journalists are being intimidated, harassed, arrested, evicted or banned from entering the country. Others have been kidnapped and probably murdered. Burundi stands at the 160th position (among 180) in the 2017 *Reporters without Borders* (RSF) World Press Freedom Index³. According to this organization, freedom of the press in the country has experienced a major and unprecedented setback since 2015, adding, “*today dozens of journalists are forced to flee into exile*”⁴.

The activities of **human rights organizations** have been suspended and some of these structures have been permanently banned, such as the ITEKA League and FOCODE⁵. After having been threatened and attacked, human rights defenders are being forced either to flee into exile, or to operate in Burundi clandestinely and in fear. They are targeted by the authorities, who seek to prevent them from denouncing and documenting the serious human rights violations that are committed. For example, our organizations have received no news from Marie-Claudette Kwizera, the ITEKA League treasurer, since she disappeared a year and a half ago, when she was kidnapped by SNR agents⁶.

Extremely restrictive laws were passed at the end of 2016 in order to allow almost full control over the local and international associations. In short, no critical or diverging speech is tolerated by President Nkurunziza : **freedom of expression, of opinion, of association and the right to access to information have been completely decimated** (see section 5).

The Judiciary has also become a tool of repression used by the regime. Unfair and speedy trials are organized on a regular basis, against alleged regime opponents, condemning them to heavy prison sentences, often on the grounds of false or abusive accusations and in blatant violation of all the principles of fair trial. The lawyers involved in human rights defense activities or those who cooperate with the International Criminal Court (ICC) are victims of retaliation. Some of them having been disbarred from the Bar Association of Bujumbura by decision of the Appeal Court of Bujumbura⁷. Others have been victims of attempted assassination. In fact, the very **independence of the legal system is threatened**.

1. The main language spoken in Burundi.

2. See e.g. Jeune Afrique, *Burundi : qui finance les « croisades » de Pierre Nkurunziza ?*, January 6th 2017, <http://www.jeuneafrique.com/390402/societe/burundi-croisades-president-abus-biens-sociaux-dapres-lolucome/>

3. <https://rsf.org/fr/burundi>

4. *Ibid.*

5. Observatory for the Protection of Human Rights Defenders, Ban of the ITEKA League : Another blow to Burundian civil society, January 4th 2017, <https://www.fidh.org/en/region/Africa/burundi/ban-of-the-iteka-league-another-blow-to-burundian-civil-society>

6. Observatory for the Protection of Human Rights Defenders, Burundi : No news from Marie-Claudette Kwizera since her kidnapping, the Observatory refers the case to the UN, January 22nd 2016, <https://www.fidh.org/en/region/Africa/burundi/burundi-no-news-from-marie-claudette-kwizera-since-her-kidnapping-the>

7. Observatory for the Protection of Human Rights Defenders, “Retaliation against four lawyers involved in Human Rights defense”, January 18th 2017, <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/represailles-contre-quatre-avocats-engages-dans-la-defense-des-droits> (only in French)

A. 3. A disastrous social, economic and humanitarian situation

The political crisis has also brought about a **serious deterioration of the social and economic situation, as well as of the living conditions of the people** in Burundi. The reduction in the institutional and financial support from the international community to the Burundian Government, together with the State budget cuts, has notably reduced access of population to basic services. Water and environmental services were especially affected by the budget cuts (72%), as were the health (54%), education (30%) and agricultural (14%) sectors⁸. According to the latest estimates, 65 % of the Burundian population live below the poverty line⁹ and more than 2.1 million people are undernourished, 806,000 of whom are severely undernourished.

The **humanitarian needs are in continuous increase**. According to a United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA)'s report of October 31st 2016, *"the humanitarian community in Burundi evaluates the number of people in urgent need of assistance, including access to urgent basic services and means of support, to have almost trebled between February and October 2016, growing from 1.1 million to almost 3 million"*¹⁰, with women, children and young people being among the most vulnerable. These needs will keep increasing throughout 2017.

Furthermore, the populations in the northern, central and eastern parts of the country face a **dire malaria crisis**¹¹. Around two million people were infected by the virus in a three-month period. In 2016, eight million (more than 70 % of the population) developed the disease and 3000 died from it¹².

This situation has been worsened by an increase of taxes illegally imposed by the government and the CNDD-FDD, especially through the intermediary of the *Imbonerakure*. These taxes may apply either to basic products sold in markets, leading to a collapse of the local economy, or they are directly levied on salaries. In the Karusi district, the local Governor has compelled the civil servants to pay 3% of their salaries to the administration since November 14th 2016, in order to build a sports stadium. In November 2016, in the Muyinga district, the governor told the population, the merchants and the NGOs they have to contribute to the building of a soccer stadium. Taxes ranging from 500 to 100,000¹³ Burundian Francs have been imposed. NGO staff are compelled to give 1/10th of their wages, failing which they could be banned from working in the district. Some Burundians claimed to have left the country because they could no longer bear the economic pressure generated by this illegal tax system.

A. 4. Sexual violence

Those factors, combined with ongoing human rights violations, exacerbate the vulnerability of the people and the general insecurity in the country. In its October 2016 report, UNOCHA stressed the **"risk of gender-based violence, including sexual violence, has worsened [in Burundi]**. *The communities have attested to their feeling of insecurity, especially women living alone, such as widows or women who are heads of family. These are all the more vulnerable to sexual exploitation because of the collapse of protection structures, the*

8. Since 2015. See Burundian Government, General Budgetary Law of the Republic of Burundi 2016, 1/22, December 31st, 2015, <http://www.droit-afrique.com/uploads/Burundi-LF-2016.pdf>

9. United Nations Office for the Coordination of Humanitarian Affairs, « Burundi: Aperçu des besoins humanitaires 2017 », October 2016, http://reliefweb.int/sites/reliefweb.int/files/resources/hno_burundi_2017_fr_small.pdf

10. UNOCHA, « Burundi: Aperçu des besoins humanitaires 2017 », October 2016, *Ibid*.

11. World Health Organization, Fact finding Mission on malaria spreading in Burundi, <http://www.afro.who.int/fr/burundi/press-materials/item/9345-mission-dinvestigation-des-flambees-de-cas-de-paludisme-sevissant-au-burundi.html>

12. See Statement of the Public Health and fight against AIDS Ministry, « Statement on Malaria outbreak », March 20th 2017, <https://www.minisante.bi/index.php/actualites/270-declaration-de-l-epidemie-de-paludisme> See also RFI article, « Malaria outbreak declared in Burundi », March 14th 2017, <http://www.rfi.fr/afrique/20170314-epidemie-malaria-est-declaree-burundi-paludisme-oms>

13. From 3 cents to 55 Euros, considering the medium wage (which in turn suppose a paid activity, not concerning 90% of the Burundians, who are farmers) stands at around 150 000 Burundian Francs per month (around 80 Euros).

*lack of access to means of support and dysfunctional legal and administrative systems*¹⁴. This information has been corroborated by numerous allegations of sexual violence in Burundi, mostly against women and girls. Sexual violence is used as a repressive weapon by members of the security forces, police, National Intelligence Services (SNR – Service National de Renseignement) and *Imbonerakure*.

After two years of a bloody crisis, violence and daily repression have become commonplace. The fundamental rights and liberties of the Burundians have been limited *de facto* and *de jure*, the whole society has been forced into obedience, and the economy is on its last legs.

B. Heading towards the 2020 first-past-the-post presidential election: keeping power at all costs

B. 1. Towards a modification of the Constitution

The complete centralization of power into the hands of the Burundian authorities over the past two years is still not enough for them. On February 15th, 2017, they passed a law that mandated a commission to launch a project for **change in the Constitution**, which would allow unlimited presidential terms and would guarantee President Nkurunziza the possibility of remaining in power indefinitely.¹⁵ On December 30th, 2016, the president had already mentioned in a Q and A session at Rutana, in the South East of Burundi, the possibility that he may run again for office in 2020.

Should the project of amending the Constitution go forward, it would have as a direct consequence the creation of **an authoritarian regime or even a long-term dictatorship in Burundi**. It is likely that such a regime could only ensure its continued existence through the perpetration of international crimes committed within the country, or at the very least, the continuation of a permanent authoritarian system seeking to neutralize all those who do not abide by the plans of the president and his party. The lack of a perspective for political, legal and democratic alternatives could also encourage some opponents to engage in violent struggle, as it has been the case in numerous similar situations all across Africa and other parts of the world. Regarding the political and democratic impasse which President Nkurunziza has driven the country into, the risk of the **founding and strengthening of rebellions, and even the resuming of civil war**, should not be underestimated. This would have dire consequences on the stability of the whole sub-region.

B. 2. A militarized and radicalized militia

Part of the *Imbonerakure* is controlled, militarily trained and used by the regime to impose authoritarian and repressive policy, to terrorize and control the population, to put people under surveillance and spread the party ideology. In two years, their **militarization has increased, as well as the radicalization of their ideology and their role inside the repressive regime system** (see section 3).

To date, the exact number of *Imbonerakure* remains unknown. Some estimates indicate they could amount to dozens – or even hundreds – of thousands¹⁶. At least **20,000 personnel actively participate in operations of utmost repression** of civilians and alleged opponents¹⁷.

While some of these members of *Imbonerakure* have been part of the security forces and repressive

14. UNOCHA, « Burundi: Aperçu des besoins humanitaires 2017 », October 2016, p. 18., http://reliefweb.int/sites/reliefweb.int/files/resources/hno_burundi_2017_fr_small.pdf

15. <http://www.iwacu-burundi.org/le-parlement-pret-a-casser-les-verrous-constitutionnels/>

16. RFI, « le possible armement des jeunes du parti au pouvoir inquiète », April 11th, 2014, <http://www.rfi.fr/afrique/20140411-burundi-le-probable-armement-imbonerakure-jeunes-cnnd-fdd-inquiete>

17. The CNDD-FDD notes that 4 millions Burundians are members of the party. See European Parliament Position paper, « Burundi: partis politiques », July 2015, [http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/564390/EPRS_ATA\(2015\)564390_FR.pdf](http://www.europarl.europa.eu/RegData/etudes/ATAG/2015/564390/EPRS_ATA(2015)564390_FR.pdf)

structures for quite some time already, it seems that **their role within the repressive system has grown over 2016 and the beginning of 2017.**

The strengthening of the *Imbonerakure* role inside the regime shows both radicalization of the militia members and a growing ideological radicalization of repression by the authorities themselves. Thus, the security bodies no longer have a monopoly on repressive violence, which is increasingly delegated to an armed, trained and ideologically supervised partisan militia. The other significant feature of this ideological radicalization process is the increase, over the last months, of *Imbonerakure* who have been killed or limited in their actions by other members of security bodies or even by other *Imbonerakure*. These specific cases seem to be the result of internal retaliation. This tendency can be analyzed as a strengthening of coercion imposed on certain of the *Imbonerakure*, in a context of ideological drift or practices that not all seem to approve or accept.

B. 3. An army in a process of purge

At the same time, the authorities continue to use the political crisis by making it appear like an ethnic crisis. In their public speeches or private meetings, they designate the Tutsi, one of the ethnic minorities in Burundi, as responsible for the current destabilization of the country. The authorities accuse them of trying to take power from the Hutu majority, to which President Nkurunziza and his main advisors and henchmen belong. Hence, the Tutsi remain the primary targets of repression, especially in the FDNB (i.e., Forces de défense nationale du Burundi – the National Defence Force of Burundi). Thus, the **repression and genocidal dynamics** denounced by the FIDH and ITEKA League in November 2016 continue¹⁸.

The former soldiers of the Tutsi-dominated FAB (i.e., the Burundi Armed Forces), called the **ex-FAB, are the victims of growing targeted repression, and several hundreds of them have been murdered, disappeared, detained or have deserted** (see section 2). Thus, the ethnical balance stemming from the Arusha Accords, which requires an equal ethnical representation between Hutu and Tutsi in the army, has clearly been discredited¹⁹. The primary positions of command in the main army corps are now occupied by a Hutu majority, loyal to the president. The army has become a **highly politicized body, largely linked to the authorities**, as have the police and the SNR. The international community's efforts to depoliticized the army after the civil war, by maintaining its multi-ethnic balance and its professionalism, in the aim of converting it into a showcase for the peace process, are being obliterated.

Should the international community fail to intervene and try to stop this process, Pierre Nkurunziza's CNDD-FDD could succeed in reversing history and **establishing a Hutu-controlled regime based on a mono-ethnic army under the control of the authorities**. In Burundi, where history is marred by civil wars and inter-ethnic massacres, this would represent a major risk for peace in the country, as in the region.

B. 4. Increased targeting of the NFL

However, the Tutsi are obviously not the only ones targeted by the authorities. All those suspected of rejecting President Nkurunziza's project to stay in power are in danger and at risk of being targeted by the regime. Since the beginning of 2017, our organizations have documented a sharp **rise of retaliation against activists of the National Liberation Forces (Forces Nationales de Libération – the FNL), loyal**

18. FIDH and ITEKA fact finding mission report « Repression and genocidal dynamics in Burundi », November 2016, https://www.fidh.org/IMG/pdf/burundi_report_english-2.pdf

19. The Accords state that the army and police must have "more than 50 % of their members belonging to a specific ethnic group in order to keep the necessary balance and to prevent acts of genocide or a Coup". Regarding the FDNB's political representation, the technical agreement between the political forces specifies that more than 40 % of command positions should be occupied by CNDD-FDD members. To this end, see October 8th 2003 Pretoria Protocol and November 2003 Technical Agreement, chapter 2, article 2.

to **Agathon Rwasa**²⁰ (see section 4). This unofficial Hutu-dominated party seems to be particularly targeted because it represents the **main opposition in Burundi** and, therefore, remains a constant threat to President Nkrunziza in view of the 2020 first-past-the-post presidential election.

In this non-exhaustive report, our organizations have decided to focus on some **recent dynamics of the ongoing crisis**, which might indicate that the Burundian authorities have initiated a new step in their radicalization process, aimed at paving the way for the 2020 presidential election: an increased purge of the FDNB targeting the ex-FAB, the strengthening of the *Imbonerakure*, an increase in repression of FNL loyal to Rwasa, and new attacks and restrictive measures against human rights defenders and journalists.

20. The NFL political arm stems from an armed Hutu rebel group created during the civil war; its historical leader, Agathon Rwasa, laid down arms in 2009.

II. TOWARD THE PURGING AND SUBMISSION OF AN ARMY IN CRISIS

A. An army on the verge of division

The crisis that has been raging for the past two years in Burundi has had a huge impact on the national defense forces. Since April 2015, political polarization between loyal military personnel and those viewed as opponents has created a split in the army. Yet, at the beginning of the crisis, the army resisted against a politicization process and did not intervene in the putting down of demonstrations that started in April 2015. In some cases, it even stood up to defend demonstrators against police repression.

Nonetheless, the May 2015 attempted *coup* and the targeted assassinations of officers in both camps exacerbated the divides. This split, between “loyalist” soldiers and those who supported the attempted *coup* or who oppose President Nkurunziza’s keeping of power, has since then been amply widened by the campaign of **purge and elimination led by the Burundian authorities** against soldiers suspected of not supporting the President’s project, amongst whom the soldiers of the ex-Burundian Tutsi-dominated army (the ex-FAB) are the primary targets.

Indeed, the regime has reinstated the same ethnic divide within the army, and considers the ex-FAB as enemies because of their Tutsi ethnic background. Since April 2015, the authorities have been trying to weaken this group, which is perceived as an internal threat, and **several hundred ex-FAB (both active and retired) have been victims of repression by the regime**. This campaign of targeted repression against the ex-FAB has continued and heightened since the beginning of 2017. **Since November 2016, our organizations have collected more than 120 cases of ex-FAB** arrested and arbitrarily detained, tortured, disappeared and/or victims of assassination attempts. Numerous ex-FAB have also **deserted** to escape this purge, which, as a consequence, has increased **political and ethnic tensions** inside the army, and violently shattered the ethnic balance of the Arusha Accords.

The FDNB – between the existence of a parallel chain of command²¹ and the ongoing internal purge – appears less and less “national” and seems to be tightening into a main core of decision-makers and loyal military personnel ready to support Nkurunziza’s extremist project to stay in place, whatever the cost.

After two years of a devastating crisis that has deeply shaken the gains of the Arusha Accords, the army has not been able to avoid being used by the established power and has been deeply divided. Thus, Pierre Nkurunziza’s regime may be on the verge of taking control of what is left of Burundi’s fragmented army. With time, this could lead to the creation of a mono-ethnic force, military arm of an extremely authoritarian regime determinate to maintain itself in power. The questioning of a united army and of its internal ethnic balance within the FDNB, one of Arusha’s pillars, might lead the army to fall apart and entice many soldiers to disobey, which means a possible return of civil war.

B. Purge and waves of reprisals: increasing repression of the ex-FAB

Since the beginning of the crisis and especially since January 2017, the army has been the target of purge and reprisals mainly against the ex-FAB, active or retired. After having targeted the higher-ranking officers, the repression now seems to focus increasingly on the middle ranks, non-commissioned officers and retired soldiers.

21. On this matter, see e.g. FIDH and ITEKA fact finding mission report « Repression and genocidal dynamics in Burundi.», November 2016, *Ibid*, https://www.fidh.org/IMG/pdf/burundi_report_english-2.pdf

The SNR is particularly active in this manhunt, and has arrested many ex-FAB, often disappearing or killing them. **Bodies of ex-Fab, either active or retired, are often found in rural or urban areas.** In mid-March 2017, retired ex-FAB Emmanuel Bigirindavyi's body was found in the Mubarazi river, in Muramvya district. The victim had been bound and stabbed in several parts of his body, and had been missing since March 10th²². On March 8th, Diomède Bigirimana's body was also found on Buhinyuza Hill, in Rumonge district²³. The local authorities instructed his immediate burial, without allowing any investigation into the circumstances of his death. According to the testimony of a neighbor who helped bury the deceased, the ex-FAB had been stabbed in the right eye. This is not an isolated case.

The authorities also rely on regular attacks by unidentified armed men, in order to launch large-scale operations against ex-FAB. Local observers indicate that sometimes the authorities fully orchestrate these attacks, in order to justify repression.

B. 1. Repressive dynamics: the Mukoni camp attack

In the night of January 23rd to 24th, shots were heard close to the Mukoni military facility, in the district of Muyinga, North East of Burundi. According to neighbors and police sources, the camp was attacked around two in the morning by a group of unidentified armed men. The local Governor of Muyinga, Aline Manirabarusha, confirmed the attack. However, the army spokesman, Gaspard Baratuza, denied this version of the facts and claimed a military patrol had met with a "group of thieves" that night next to the camp and had foiled an "attempted robbery with violence", without any gunshots.

After the attack of the Mukoni camp on the 24th, a massive reprisal operation was conducted by the loyal forces against the ex-FAB.²⁴ It was partly orchestrated by Ignace Sibomana, head of Military Intelligence, and Gérard Ndayisenga, Head of the SNR in Muyinga, clearly demonstrating the involvement of high ranking security services.

During the night of the 24th, at least one ex-FAB, warrant officer, François Nkurunziza, was the victim of summary execution. Before being executed, he had been tortured, in order to make him reveal the names of other ex-FAB suspected of being involved in the armed rebellion. According to local observers, his body was buried in a mass grave, together with two other unidentified bodies. During the same night, another group of ex-FAB was interrogated and tortured with the aim of getting them to corroborate the names given by François Nkurunziza. Some of these soldiers were brought to the SNR headquarters in Muyinga and tortured again. They were beaten, notably on the bottom and back; some had their genitals crushed and their fingers mashed with pliers; and/or were forced to eat fecal matter.

In the following weeks, our organizations received information concerning these soldiers, indicating they had been detained and denied access to medical care, despite their obviously deteriorated state of health. The repression continued in the following weeks and other ex-FAB were arrested and accused of having participated in or supported the Mukoni attack.

22. See ITEKA League quarterly report, January – March 2017.

23. *Op. cit.*

24. See FIDH, ITEKA League, Intensification d'exécutions, de tortures et de détentions de militaires tutsi, February 9th 2017, <https://www.fidh.org/fr/regions/afrique/burundi/intensification-d-executions-de-tortures-et-de-detentions-de>
See also Jeune Afrique, « Burundi : l'attaque contre le camp de Mukoni, nouveau signe de division au sein de l'armée ? », February 6th 2017, <http://www.jeuneafrique.com/400842/politique/burundi-lattaque-contre-camp-de-mukoni-nouveau-signe-de-division-sein-de-larmee/>
Jeune Afrique, « Burundi : après l'attaque du camp de Mukoni, les ONG parlent de « dynamiques génocidaires » », February 10th 2017, <http://www.jeuneafrique.com/402475/politique/burundi-apres-lattaque-camp-de-mukoni-ong-parlent-de-dynamiques-genocidaires/>

For instance, on April 18th, Dieudonné Kwizera, ex-FAB, was arrested and tortured by the head of the SNR in Muyinga, to get information on the Mukoni attack. In all, around fifteen soldiers were arrested in Mukoni camp and at least four in other military camps situated in other districts across the country (in Cankuzo, Ngozi, Kirundo and Gitega), thus showing a **full-scale repression**. Those soldiers, all ex-FAB, remain in detention in different prisons (Rumonge, Ngozi, Bujumbura, Bururi, Muramvya), some of them still in urgent need of medical attention because of the torture they endured.

B. 2. Underestimated repression

Although numerous testimonies collected by our organizations attest the ex-FAB are a specific target of the repression, a precise list of soldiers, victims of the repression could not be established because of the **underestimations** that make it a complex issue. Indeed, the authorities impede the documenting of exactions by moving the soldiers detained in the State prisons, by making them disappear or by burying their bodies, either in mass or individual graves. Secret desertions of many soldiers make the documentation of human rights violations even more complicated.

Our organizations would like to stress the fact that although the ex-FAB are the primary target of suspicion, threats and exactions committed by the regime, neither does the repression spare ex-soldiers of the Parties and Armed Political Movement (the PMPA), armed groups from the former Hutu rebellion, suspected of opposing the president. For instance, after the attempted assassination of President Nkurunziza's head communication adviser Willy Nyamitwe, on November 28th 2016, two colonels and a captain belonging to the ex-PMPA were arrested and detained in the SNR Headquarters in Bujumbura. This reveals the **tension, suspicions and internal divides amongst those supposed to be loyal to the President Nkurunziza camp**. These are not isolated cases.

C. Desertions

The purge reprisals have created an atmosphere of terror inside the army, and have pushed numerous ex-FAB **to desert and flee the country** after receiving threats and/or for fear of being arrested, detained, kidnapped and killed by members of the loyal security forces. Others who have been deployed in Peacekeeping operations in Somalia or the Central African Republic (CAR), chose not to come back to Burundi when their mission terminated, for fear of being targeted by the authorities. According to an International Crisis Group report published on April 5th, 2017, *“according to Burundian military sources, between 600 and 2000 men have defected since the beginning of the crisis, including high ranking officers”* among a total of 25,000 personnel, according to a 2011 estimate – i.e., just under **10% of the forces**²⁵.

Since January 2017, our organizations have documented **two cases of ex-FAB arrested at Bujumbura's airport on their way back from their mission**. Captain Epitace Nimbona, ex-FAB deployed on an Integrated Multidimensional UN Mission for the Stabilization of Center African Republic (MINUSCA), told our organizations he chose to apply for refugee status outside the country after his mission. He was afraid of being assassinated when he came back to Burundi. He told our organizations: *“Even when I was in the CAR, I lived under permanent threat. There were people always following the moves of all my family members and taking photos each time. One day, a fellow soldier informed me and even showed me some of the pictures of my family in Bujumbura that they had taken. I asked for a leave, as everybody else could do, but my permission was canceled in a very short time”*. He decided to report this to his superiors. *“Instead of*

25. International Crisis Group, « Burundi : the army in crisis », April 5th 2017, https://d2071andvip0wj.cloudfront.net/247-burundi-larmee-dans-la-crise_0.pdf.

See also Adrien Ndayegamiye, «Les restructurations militaires induites par la création de la Force de Défense Nationale au Burundi : perspectives et enjeux en termes de reconstruction identitaire et territoriale», Revue géographique de l'Est, vol. 51 / 1-2 | 2011 «Restructuration d'espaces militaires et développement des territoires».

helping me, they summoned my wife and accused her of being a rebel. This is why she hid for a while, before being able to leave the country”, said the officer.

At the end of December 2016, Colonel Adolphe Manirakiza, the former spokesman of the army, “resigned” when he finished his mission in the MINUSCA. He explained in an interview he gave to Iwacu: “I didn’t want to come back to my country, I was afraid, my personal security was not guaranteed. There are many abuses and breaches. I was wrongly accused of sending soldiers back to the CAR. I was being setup, and I chose to hand in my resignation”²⁶. Despite this, the authorities continue to deny the crisis within the FDNB, and claim “there are no problems with the army”²⁷ and “no defections”²⁸.

It is hard to determine whether the soldiers, including the ones who have recently deserted, have or do not have ties with armed opposition groups that have been founded since the crisis began, that is the RED-Tabara (the Resistance for the Establishment of the Rule of Law) and the FOREBU (the Republican Forces for Burundi)²⁹. Nonetheless, if the repression inside the army continues, some of these groups might as a consequence witness an increase in their members and the strengthening of their capacity for coordination, as well as of their action, over the next months or years.

The international community must not close its eyes to this very alarming situation and to the remodeling of the army in compliance with the authoritarian project of the authorities. Resuming dialogue between government and opposition in exile has become an absolute necessity because of the increasing divides within the army. **Solving the Burundian crisis and particularly the crisis in the army will require a political process, in which both loyal soldiers and opponents will have to take part.**³⁰

D. Is Burundi still a guarantor of International Peace ?

The ongoing crisis and the involvement of a substantial part of the army in the serious human rights violations that have been committed raises the issue of the Burundian army’s participation in UN and African Peacekeeping missions in Somalia and the CAR³¹.

After Uganda, Burundi is the second most important contributor of troops to the African Mission in Somalia (AMISOM) with 5,432 soldiers deployed among a total of 22,126 in this mission. The EU pays monthly bonuses to the soldiers deployed in Somalia through the African Union and, up until March 2016, it used to give approximately 1,000 dollars for each soldier in the Burundian contingent of AMISOM. The Burundian Government took approximately 200 dollars of each bonus, i.e., more than 13 million dollars per year. In March 2016, the EU decided to suspend its financial contribution and to revise the conditions on which it would continue to pay the Burundian contingent, in order to pay to the Burundian soldiers directly. The EU then asked the AU to find a way to finance the Burundian soldiers without having to go through the government.

Likewise, the United Nations **refused to send certain members of the Burundian staff to the MINUSCA** because they were suspected of having taken part in serious human rights violations³². Others, who

26. See e.g. Iwacu, « Colonel Adolphe Manirakiza : «I did not desert, I resigned » », December 28th, 2016, <http://www.iwacu-burundi.org/colonel-adolphe-manirakiza-je-nai-pas-deserte-jai-demissionne/>

27. See the interview in Iwacu, « General-major Prime Niyongabo: «Il n’y a pas de malaise dans l’armée» », published online April 5th 2016, <https://www.youtube.com/watch?v=1Qq2V6nURzU>

28. Bonesha FM, « Pas de défection au sein de l’armée du Burundi, selon le porte-parole de la FDN », March 25th 2016, <http://www.bonesha.bi/Pas-de-defection-au-sein-de-l.html>

29. Concerning this groups, see section 4. 5. (p. 151 to 153) about the rebel armed groups of the FIDH and ITEKA League report, « Repression and genocidal dynamics in Burundi. », *Ibid.*

30. ICG, « Burundi : l’armée dans la crise », April 5th, 2017, *Ibid.*

31. The Washington Post, « Is Burundi still a credible peacekeeper », May 23rd 2015, https://www.washingtonpost.com/news/monkey-cage/wp/2015/05/23/is-burundi-still-a-credible-peacekeeper/?utm_term=.807f00b555b6

32. Iwacu, « Trois hommes avertis en valent beaucoup », September 15th 2016, <http://www.iwacu-burundi.org/trois-hommes-avertis-en-valent-beaucoup/>

were already deployed, were brought back³³. In June 2016, the United Nations announced they would not replace the 280-man Burundian police contingent deployed in the MINUSCA, once its mandate expired in September 2016. This non-replacement was accounted for due to the “*current accusations of serious and continued violations of human rights in Burundi*”³⁴.

Although our organizations welcome these measures and decisions, they remain preoccupied by the reinstatement, in May 2017, of the EU’s financial support given to the Burundian soldiers deployed in the AMISOM through a trading bank in Burundi. This decision was made last January when President Nkurunziza had just threatened to pull out the troops from AMISOM³⁵ in a letter sent to the African Commission on December 8th 2016.

The deal between the EU and the AU concerning the money transfers through a private Burundian bank does not seem to ensure that the money is not taken by the Burundian government for its own benefit, especially *via* a transfer through the Burundian Central Bank, thus allowing the authorities to claim a part of the money meant for Burundian soldiers. Our organizations call on the EU and the AU to **take the necessary measures to guarantee that the bonuses destined for the Burundian soldiers deployed in the AMISOM do not indirectly finance a State that bears a major responsibility in serious human rights violations.**

The participation of Burundian soldiers in African Peacekeeping missions should be strictly conditional on the **implementation of a vetting process of the individuals involved**, as occurs in the United Nations missions. The United Nations should cooperate with the African Union to implement an efficient vetting process in the African Union Peacekeeping missions. For its part, the African Union should implement the same kind of vetting process of the Burundian forces involved in its Peacekeeping Green-Helmet led missions, such as in the AMISOM in Somalia.

33. Radio publique africaine, « Le lieutenant-colonel Alfred Mayuyu renvoyé de la MINUSCA par l’ONU », August 22nd 2016, <http://www.rpa.bi/index.php/component/k2/item/2677-le-lieutenant-colonel-alfred-mayuyu-renvoye-de-la-minusca-par-l-onu>

34. Jeune Afrique, « Centrafrique : l’ONU met un terme au mandat des policiers burundais, accusés d’exactions », June 4th, 2016, <http://www.jeuneafrique.com/331207/politique/centrafrique-lonu-met-terme-mandat-policiers-burundais-accuses-dexactions/>

35. See e.g. RTBF, « Burundi: le président Nkurunziza menace de retirer ses troupes de Somalie en janvier », December 30th, 2016, https://www.rtbf.be/info/monde/detail_burundi-le-president-nkurunziza-menace-de-retirer-ses-troupes-de-somalie-en-janvier?id=9492015

III. IMBONERAKURE : SPEARHEADS OF REPRESSION

A. An increasingly violent and predatory militia

The CNDD-FDD youth league, the *Imbonerakure*, continues to play a very active role in the repression against opponents. Armed, trained and fully deployed all over Burundi and sometimes even incorporated into the police and the army, they have been one of the main tools for repression over the past two years, together with other security and defense corps.³⁶

A. 1. Hunting and persecution of opponents

Today, **the *Imbonerakure's* role within the regime's repressive system has sharply increased.** They are more and more involved in international crimes, notably murder, kidnapping and forced disappearances, sexual violence or incitement to commit sexual violence, acts of torture, and arbitrary detention. They also play an active role in operations of repression against those who do not submit to the new political order: organization of illegal and extrajudicial "trials", imposition of curfews, maintaining public order and border control, daily levying of illegal taxes, etc.

The *Imbonerakure* are present in every district throughout the country and impose a reign of terror. They are **increasingly militarized and ideologically radicalized.** They represent **one of the regime's major tools of repression** and are driven by an extremely violent ideology. Their members are ready to be mobilized any time. The international community must urgently impose an **arms embargo, to prevent or at least limit the increasing armament process and violent actions committed by the *Imbonerakure*.**

A. 2. Racketeering and extortions

At the same time, our organizations have also registered a very alarming increase in offenses and petty crimes committed by this militia, with no obvious political motivation, which has to be analyzed in a broader context of increased criminality resulting from **the total impunity in which the security forces and the *Imbonerakure* operate.**

Illegal taxes are regularly being levied by *Imbonerakure*, as well as robberies, looting ransom and extortion, particularly in cases of arbitrary arrests. This **daily extortion** is imposed on the people by the *Imbonerakure* throughout the whole country. An increasing number of Burundians are unable to pay the illegal and abusive taxes and are forced to **leave the country.**

In an April 18th 2017 statement, the UN High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, noted that "*Some of those who have recently fled to neighboring countries described how the Imbonerakure would make regular visits to rural homes, forcing residents, irrespective of ethnicity, to pay regular financial contributions, as well as imposing 'taxes' on goods sold in markets or on traders passing through roadblocks, thus suffocating the local economy. One refugee interviewed by the UN Human Rights Office said he had to flee his province of Karuzi because the extortion by the Imbonerakure was so unbearable*"³⁷. This kind of behavior should be strongly condemned by the Burundian authorities, since it creates a permanent atmosphere of insecurity in the country and generates fear, violence and arbitrariness.

36. See FIDH and ITEKA League report, « Repression and genocidal dynamics in Burundi. », *Ibid.*

37. *Ibid.*

B. Radicalization and ideological drift

Meanwhile, the **ideological radicalization of the *Imbonerakure* continues, and is encouraged by the Burundian authorities.**

B. 1. Videos of Bujumbura and Ntega : calling for the murder and rape of opponents

Our organizations are extremely preoccupied by the recent calls made by some *Imbonerakure* to commit sexual violence against alleged female opponents, and to kill both male and female opponents. FIDH and ITEKA had already denounced the repeated use of this slogan by the *Imbonerakure* in their fact-finding mission report in November 2016³⁸. Some *Imbonerakure* notably used this chant to entice their members to rape opponents and to force pregnancy during the April 2015 demonstrations, in April and September 2016, in several regions of the country.

On May 6th, 2017, a group of approximately twenty *Imbonerakure* was filmed in Bujumbura near the Independence Place chanting this same slogan to call to **"impregnate the opponents so that they give birth to Imbonerakure"** (*"Terinda abakeba bavyare Imbonerakure" Kirundi*). They were on their way to an event organized by the CNDD-FDD, to welcome new members of the *Imbonerakure*.

On April 1st 2017, a video published on social media shows around 200 *Imbonerakure* in front of the CNDD-FDD headquarters in the town of Ntega, in Kirundo district, North East Burundi. They chant the same hate-rhetoric slogan, repeating it about ten times, until other *Imbonerakure* take it up again, repeating dozens of times **"he or she must die !"**. This constitutes a **blatant incitement to rape, forced pregnancy and a call to murder, typical of this militia's ideological brainwashing process.**

At first, the Burundian authorities denied the authenticity of this video, and then condemned it in a press statement by Nancy-Ninette Mutoni, the CNDD-FDD National Information and Communication Secretary, on April 5th. She stated that *"the CNDD-FDD strongly condemns **this use of language** and the Disciplinary Committee [of CNDD-FDD] is already working to pinpoint accountability and designate responsibility for the sanctioning of those who are guilty. Preliminary investigations have revealed an **external influence**".*

Yet, the video clearly shows *Imbonerakure* all dressed with the same soccer tee shirts and organized in approximately fifty rows of three individuals. While they chant, they keep the rhythm with their feet and clap their hands. Some of them blow whistles to help keep the beat. The video also shows three men organizing the group. One of them wears a FDN (Burundian Armed Forces) tee shirt. Those elements suggest **this gathering was planned and organized, that the *Imbonerakure* are controlled, eventually by members of the army.** These allegations are all the more preoccupying given that some reliable information states that a significant part of the *Imbonerakure* has received or is receiving paramilitary and even military training, and are partly controlled by some SNR and army members³⁹. This information seems to belie the simple "use of language" claimed by Nancy-Ninette Mutoni.

In his April 18th Statement, the UN High Commissioner for Human Rights declared that *"the organized nature of the marches, coupled with reports of ongoing serious human rights violations, has laid bare the 'campaign of terror' being waged in Burundi."* He also called on the Burundian authorities to acknowledge that *"the Ntega rally was not an isolated incident, but rather the tip of the iceberg, brought to light only because it was captured on camera"* and to *"stop purporting that the Imbonerakure are nothing but a community*

38. See section 4. 1. 4 of the FIDH and ITEKA League report, « Repression and genocidal dynamics in Burundi.», *Ibid.*

39. *Op. cit.*

development group". He added that "Such blatant and brazen hate speech and incitement to violence must not be tolerated, nor encouraged" and concluded "In a region which has suffered so many massive outbreaks of violence and atrocities, this type of organized incitement is ringing very loud alarm bells".

B. 2. Context of widespread hatred

Other information collected shows this is no isolated case. Other large-scale gatherings organized by the Burundian Government took place in April 2017, in which incitement to hatred and violence was conveyed through the same chants. According to the information collected by the United Nations Human Rights office of the High Commissioner (OHCHR)⁴⁰, on April 8th at the inauguration of a party's new headquarters in Ruyigi, in the East of Burundi, approximately 200 individuals, including *Imbonerakure*, chanted the same slogan calling to rape and to impregnate opponents. CNDD-FDD officials intervened and interrupted the chants. On the same day, several dozens of *Imbonerakure* demonstrated in the center of Giharo, in the southern Rutana district, promoting hatred.

Last March, local observers already reported to our organizations on a gathering they had witnessed, of *Imbonerakure* coming from cities of the Muyinga district in the North, calling to "**make more Tutsi girls and women pregnant so that they give birth to Imbonerakure**".

According to an April 7th audiotape that our organizations obtained, the President of the Burundian Senate, Révérien Ndikuriyo, was in Makamba, South East of Burundi, where he made a public speech calling to violence. Notably, he called on the population to "silently pick up" ("*kwegeranya mu Gbacerere*", in *Kirundi*) the opponents. "Pick up" can be interpreted as "arrest" or "execute". He is also said to have called to keep a close watch on people coming from the Mwaro district (Gisozi and Rusaka), the Bururi district (Mugamba and Matana) and from the Bujumbura rural area (Mugongo, Manga et Mukike). **These areas are seen as hostile because a majority of Tutsi live there.** These very preoccupying statements are but the latest in a series of speeches made by Révérien Ndikuriyo, in which he has called to "crush" and "exterminate" opponents.⁴¹

According to other information from OHCHR, on April 3rd, the local governor of Makamba, a district viewed as a one of the hot beds of the opposition to a third presidential term, has "*urged the locals to organize for their own security by arresting any suspect individual, searching all bags and luggage, and to immediately eliminate any individual suspected of being a rebel*". Other information coming from the field tends to confirm that violent slogans are being chanted every weekend in this district, by groups of *Imbonerakure*. On April 1st, approximately 2,500 *Imbonerakure* demonstrated in the northern town of Kayanza, also calling to rape and to kill both male and female opponents.

B. 3. Organized and supervised violence

The persistent use of the same kind of slogans all across the country in organized and supervised gatherings, these sometimes even being backed by the authorities, is a very worrying sign and reflects the atmosphere of violence maintained by the Burundian authorities. The ideology of hate has been maintained within the *Imbonerakure* militia by the authorities, who format and condition them to act

40. OHCHR, « Grottesque rape chants lay bare campaign of terror by Burundi militia », April 18th 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21505&LangID=E>

41. On November 1st 2015, the President of the Burundian Senate, Révérien Ndikuriyo, had already been suspected of hate rhetoric in public speeches to his supporters and some of the *Imbonerakure* - speeches that were not meant to be recorded: "*If you hear the signal with the message that this has to end, there will be no more time for emotions and tears!*". Then he added "*you must crush, you must exterminate these people (...) Wait for the day we will call upon you to 'work' and, you will see the difference!*". The word "work" is the word that used to be used by the Hutu genocidal Government in Rwanda, to call for the systematic elimination of Tutsi.

violently against the enemies of the established power. **The ongoing ideological and sometimes ethnic-based conditioning, together with the increased militarization of the militia, could have dire consequences in the next months and years to come.**

C. Growing militarization of the *Imbonerakure* militia

C. 1. Paramilitary trainings and war rhetoric

Recently, new information states that a radical fringe of *Imbonerakure* **is in a process of growing militarization**. According to a report made to our organizations in early April 2017 by an observer on the spot “*the Imbonerakure appear to be involved in military training and is more and more being used as a reserve force*”.

At the end of April 2017, local observers told our organizations that some *Imbonerakure* are involved in **paramilitary training sessions in all the cities of the central district of Karusi**, where they are using machetes and clubs. This paramilitary training appears to be supervised by heads of the local administration and the CNDD-FDD ruling party.

In December 2016, the inhabitants of Bugiga Hill, in Bukemba, in the Rutana district, told our organizations they were “terrified” by the nocturnal physical training of young *Imbonerakure*. Between 20 and 100 *Imbonerakure* armed with clubs participated in these trainings in December 2016. Observers specified that the trainings are supervised by an *Imbonerakure* member known as “Bayisabe” and by the local administrator of Bukemba, Salvator Emerusenge⁴². In December 2016, the inhabitants of Nkayamba, located in the Rumonge district, told our organizations they were afraid of these *Imbonerakure* paramilitary training sessions being held near the town of Nkayamba. They stated that they have been hearing gunshots on a regular basis since a CNDD-FDD headquarters opened in an isolated area of Nkayamba Valley.

On November 19th, 2016, at the Veterans Day, some armed *Imbonerakure* dressed as soldiers demonstrated in several districts. In all of them, the *Imbonerakure* chanted violent slogans threatening President Nkurunziza’s opponents, claiming they were ready to fight against the “*Mujeri*”. This word is used to designate the opponents and means “stray dogs” in *Kirundi*. According to some observers, on that occasion, *Imbonerakure* armed with rifles made of wood took part in a military training session in Rugombo Stadium, in the North East district of Cibitoke. After that, they demonstrated in the streets together with demobilized CNDD-FDD soldiers, some of them in wearing military uniforms. At this rally they apparently chanted slogans such as “***we can hear the opposition forces and we are ready to fight***”. Local observers said that demobilized soldiers belonging to other armed movements were banned from participating in the demonstration.

On November 19th, in Kayanza district, some *Imbonerakure* wearing military uniforms and bearing weapons and clubs also demonstrated. In Muyinga, the *Imbonerakure* chanted violent slogans, some of them in military dress and armed with clubs and rifles made of wood. In the Gitega district, in the town of Rutegama, President Nkurunziza himself gave a commemorating speech and said **the country is preparing for “war”**, urging the ruling party members’ to be ready to fight against political opponents called “enemies of peace”. These reports are in contradiction with recurring statements made by the authorities according to which the country lives in “peace”. Inhabitants of these districts describe an atmosphere of “terror” to our organizations.

42. See e.g. ITEKA League monthly Publication, December 2016, <http://www.ligue-iteka.bi/images/Bulletin/Bulletinmensuel9.pdf>

C. 2. Intensification of nocturnal acts of repression

The **nocturnal acts of repression** carried out by *Imbonerakure* have increased significantly since November 2016. In several districts throughout the country, *Imbonerakure* groups patrol regularly **and conduct night raids on the villages**. They often wear security service outfits and bear weapons. In Ngozi, on the border with Rwanda, observers reported to our organizations that *Imbonerakure* patrol at night, armed with clubs and wearing the same long black raincoats as the national Burundian Police. The president of the Senate Révérien Ndikuriyo has approved and supported these patrols⁴³.

In the town of Kirundo, *Imbonerakure* regularly conduct night patrols. They serve under the command of Colonel Ildephonse Baranyikwa, Chief of Mutwenzi Camp in Kirundo, in collaboration with about fifty soldiers⁴⁴. In Burambi, Rumonge district, the inhabitants reported that *Imbonerakure* dressed as soldiers and carrying rifles are making night patrols⁴⁵. These *Imbonerakure* members appear to come from other districts (mainly Ngozi and Kirundo) and are hosted in Burambi, in the homes of political leaders and local administration members. Thus they appear to be specifically mobilized to carry out these activities under the authorities' orders. During the patrols, the *Imbonerakure* have made arrests and sometimes perpetrated forced disappearances, as well as acts of torture against those they suspect of belonging to the opposition.

This surge of nocturnal repression, including the involvement of armed *Imbonerakure* operating together with members of the army, is yet another disturbing signal attesting the fact that a part of the militia is armed and under supervision in order to intervene in the repression of opponents.

C. 3. A new law conferring the status of army reserve force on the Imbonerakure?

Our organizations are preoccupied by the National Assembly's December 2016 adopting of a draft bill to reform the Burundian army (*Draft Organic Law on the missions, organization, composition, instruction, service conditions and organization of the National Defense Force of Burundi*). This text has not been made public. However, according to the short description published on the National Assembly's website⁴⁶, Article 114 of the bill states: "*The FDNB may employ personnel for a reserve force. The reserve force is composed of citizens militarily trained for this purpose by the FDNB and veteran professional soldiers, and for a maximum of two years after limited retirement age. They are called reservists*".

Our organizations fear this law could confer the status of reserve forces to a fringe of *Imbonerakure*, and thus allow them to be armed, trained, structured and mobilized for military operations, on a fully legal basis.

43. The president of the Senate would have paid for police raincoats for *Imbonerakure* in Ngozi. See ITEKA League, Monthly publication n°8, November 2016.

44. See e.g. ITEKA League, Monthly publication n°9, December 2016.

45. *Op. cit.*

46. National Assembly of Burundi, *Analyse et adoption du Projet de loi organique portant Missions, Organisation, Composition, Instruction, Conditions de service et Fonctionnement de la Force de Défense Nationale du Burundi*, <http://www.assemblee.bi/Analyse-et-adoption-du-Projet-de,1357> (Analysis of the Draft Organic Law on the missions, organization, composition, instruction, service conditions and organization of the National Defence Force of Burundi).

IV. INCREASING REPRESSION AGAINST MEMBERS OF THE FNL

Since the end of 2016 and the beginning of 2017, our organizations have documented **a sharp rise in repression targeting the National Liberation Forces** (Forces Nationales de Libération – FNL) **opposition party, loyal to Agathon Rwaswa** (not officially acknowledged by the government). They are being arrested and are the victims of an increasing number of arbitrary detentions, in which cases they often suffer torture or ill treatment, as well as harassment and intimidation. A significant number of them have been compelled to become members of the CNDD-FDD, failing which they face retaliation. Some have even been victims of forced disappearances, of murder and attempted assassination.

Since November 2016, our organizations have documented **more than 110 cases where NLF members** loyal to Agathon Rwaswa, have been the victims of arbitrary detention and torture, and also of assassination and forced disappearance.

The increasing repression of pro-Agathon Rwaswa FNL members, considered the main opposition force, has grown along with President Nkurunziza's making it known that he will run for a third mandate in the 2020 presidential election. This seems to indicate that the authorities are already preparing the ground for the election, by weakening the opposition. Agathon Rwaswa, who is vice president of the National Assembly, has himself said that he does not feel safe, and fears for his life⁴⁷.

A. Forced disappearances and possible murders of FNL members

On March 23rd, 2017, Ferdinand Vyimana and another man called Ernest, respectively members of the Movement for Solidarity and Development (Mouvement pour la solidarité et le développement – MSD) and FNL, originally from Bujumbura's City Hall, were kidnapped in Rutana, south East of Burundi, by an SNR agent. The agent was not a native of that district and is thought to have followed them from Bujumbura, according to local sources. The two opponents had been in Rutana for professional matters, without political purpose. **They have been missing since then.** Ferdinand Vyimana had received death threats on several occasions.

On March 21st, Amatus Nshimirimana, representing the Agathon Rwaswa fringe of the FNL and city councilor of Mutimbuzi in the rural area of Bujumbura, was arrested by an SNR agent and a group of *Imbonerakure* in the area of Carama, in Mutimbuzi. His family and friends have sought to locate him, searching especially in prisons and police departments and at the SNR headquarters. **He has remained missing since then.** A reliable source told our organizations that the political head of the FNL claimed he had been brought to the "Iwabo w'abantu" bar, well-known as a hot-spot of illegal detentions and torture⁴⁸ and whose owner was the late General Adolphe Nshimirimana. According to another internal SNR source, Amatus Nshimirimana was murdered, and his body was buried in an unknown location⁴⁹.

47. See e.g. Iwacu, « Un plan pour éliminer Rwaswa », April 11th 2017, <http://www.iwacu-burundi.org/un-plan-pour-eliminer-rwaswa/> RFI, « le camp de l'opposant Agathon Rwaswa s'inquiète pour sa sécurité », March 13th 2017, <http://www.rfi.fr/afrique/20170330-burundi-le-camp-opposant-agathon-rwaswa-s-inquiete-securite>

48. See e.g. section 3. 5. 2. of FIDH and ITEKA League report, « Repression and genocidal dynamics in Burundi », *Ibid*, on the matter of unofficial and secret locations of torture and arbitrary detentions.

49. See ITEKA League quarterly report, January – March 2017, *Ibid*.

B. Acts of torture, arrests and arbitrary detention of FNL members

On April 20th, 2017, Charles Niyomukiza, a member of the FNL, was arrested by *Imbonerakure* in Makamba district and tortured, on the orders of the Kibago town council president Hermenegilde Hatungimana. Temporarily back from Tanzania for professional matters, he was interrogated on his stay outside the country and his political activities. He was then set free. On April 6th, on Buringa Hill in the Bubanza District, Claude Nshimirimana, an FNL member loyal to Agathon Rwasa, was arrested by police officers and accused of collaborating with rebel armed groups. He was brought to a secret detention facility, in the home of a former SNR member in Buringa, then transferred to the local police headquarters in Gihanga. He was finally released on April 7th.

Three FNL activists, including Célestin Sindyigaya, head of the local section, were arrested in Muramvya by mid-March 2017 and accused by the police and local authorities of having participated in an attack carried out by unidentified armed men on Kayange Hill during the night of March, 13th to 14th, but no evidence could be brought to corroborate the accusation. In November 2016, the three opponents had been arbitrarily detained for a week in a cell at the local police headquarters in Muramvya, suspected of "having created a parallel administration" and of plotting against the Government. They were brought before a judge who declared them not guilty.

On March 10th, **seven FNL members, including two women, were arrested** in the town of Mutambu, in the rural area of Bujumbura, by police members and Salvator Ntunzwenimana, head of the local *Imbonerakure* group. They were arbitrarily detained on the grounds that they had held an illegal meeting at the home of one of the members, and then were released. A few days before, between March 5th and 6th, **eight FNL activists had already been arrested** by the police in Kazirabageni, Makamba District, and arbitrarily held at the regional police headquarters on the same grounds. These arrests and arbitrary detentions are meant to intimidate and harass FNL members, who are often victims of torture or of cruel, inhuman or degrading treatment while in detention, all over the country.

Numerous FNL members have also told our organizations that they had been **intimidated by heads of the ruling party in order to force them to join the CNDD-FDD**, failing which they faced retaliation that might even mean their murder. Many of them were compelled to become party members; others fled from Burundi, mainly to Tanzania.

C. Other political parties also targeted by the regime

Although FNL members are the main targets of the repression, all forms of political opposition continue to be repressed. Thus, the activities carried out by the MSD were suspended for 6 months on April 4th, 2017. The minister of the interior, Pascal Barandagiye, issued a ruling that states the "*party is committed to forming an armed group to fight Burundi*" and that "*the party members continue to display behavior of repeatedly inciting to violence and hatred*". The ruling orders the shutting down of local MSD headquarters throughout the whole of Burundi.

At the same time, members of this opposition party continue to be the victims of attacks and harassment. On March 13th 2017, Protais Kwizera, an MSD member in Gitanga, Rutana district, was the victim of attempted murder by a police officer, who shot real bullets in his direction while he was sitting inside a bar. No investigation was conducted. On December 9th 2016, MSD activist Lionel Nduwimana was arrested by a group of *Imbonerakure* who were on a night patrol on Bigwa Hill, in the rural area of Bujumbura. Because of his membership in an opposition party, he was subjected to torture and cruel, inhuman and degrading treatment. He was left for dead on the scene of the crime. Rescued by neighbors and family members, he was subsequently taken to the Red Cross Hospital in Kigobe, in the Bujumbura City Hall.

On March 30th 2017, the lifeless body of François Sagahutu, member of the Union for National Progress (Union pour le progrès national – UPRONA – which is an opposition party headed by Charles Nditije and seen as a Tutsi-dominated party, unrecognized by Burundian authorities) was found on Murambi Hill, in the Makamba district. The circumstances of his death remain unknown.

Since November 2016, the homes of supposed opponents and members of opposition parties have been targeted by acts of vandalism several times over in different parts of the country. Threats and distinctive marks were drawn on the walls. On December 17th, on Kigunga Hill in the rural area of Bujumbura, some *Imbonerakure* wrote threats on the walls of the houses of four alleged opponents, notably former members of the UPRONA and the FNL. Crosses were drawn in blood in order to identify the houses, as well as the sentence: *“If you don’t go into exile like the other Mujeri [stray dogs], it will get even worse”*. The local administration has not condemned these acts.

During the first week of December 2016, in the South East district of Rumonge, approximately sixty houses of alleged-opponents were marked with a cross. Inhabitants claimed that *Imbonerakure* had drawn them while they were night-patrolling⁵⁰. In November 2016, in the district of Karusi, in the city of Gihogazi, some *Imbonerakure* vandalized the houses of political opponents, particularly the homes of FNL members on the Taba and Bihembe Hills.

The increased targeting of FNL members loyal to Agathon Rwasa and the widespread repression of political opponents seems to suggest that **the authorities have initiated a new phase in their process of radicalization, which will probably escalate as the 2020 presidential election approaches**, if nothing is done to break the vicious circle of the ongoing crisis.

50. See e.g. RFI, Burundi: des croix sur les maisons inquiètent les habitants de Rumonge, December 4th 2016, <http://www.rfi.fr/afrique/20161204-burundi-croix-maisons-inquietent-habitants-rumonge-imbonerakure>

V. ONGOING ATTACKS AGAINST HUMAN RIGHTS DEFENDERS AND JOURNALISTS

A. Controlling NGOs and hounding human rights defenders

Since the crisis started, the authorities have done everything they could to prevent human rights defenders from documenting the situation, deploying a **repressive arsenal** to this end: laws to suspend their activities or to close down human rights organizations, smear campaigns against these organizations, assassinations and attempted assassinations, forced disappearances, arrests and arbitrary detention, the harassment and intimidation human rights defenders have become commonplace⁵¹. Even though the Burundian civil society, including its human rights organizations, had been extremely dynamic before the beginning of the crisis, it has, over the past two years, been laminated by President Nkurunziza's authoritarian regime. Being a human rights defender in Burundi today has become extremely dangerous. All the remaining independent human rights defenders in Burundi are risking their lives, working in secrecy to document and report on the situation. All the executive directors of human rights organizations have left the country.

A. 1. A legal arsenal to bring NGOs to heel

Extremely restrictive laws, the latest in a long series of freedom-killing decisions, were passed by the National Assembly on December 23rd and 28th, aimed at imposing a **very close control on local and international NGO activities**.

The first one⁵², adopted on January 27th 2017, requires that local NGOs shall obtain the authorization of the Ministry of the Interior for any and all activity, "*failing which they shall be suspended*" (article 82) and making it compulsory that all international money transfers pass through the Burundian Central Bank under the control of the government (article 74).

In accordance with this law, the Ministry of the Interior may also "*suspend any association whose purpose does not correspond to its official object*" (article 86), without consulting Burundian justice or any other independent legal body. Thus, it gives arbitrary power to the government to control civil society organizations.

The second law⁵³ adopted on January 23rd regulates international NGOs and requires that their financial transfers pass through the Burundian Central Bank (article 16), as well as requiring them to "*follow the Burundian government's programs and guide lines*" (article 6). These **laws infringe on the freedom of association** and should immediately be repealed by the National Assembly.

A. 2. New suspensions and revocations

De facto, the Burundian authorities had already severely limited the capacity for action of human rights organizations by suspending or closing down the independent organizations viewed as troublesome. The ITEKA League is the latest to have been permanently removed from the officially authorized NGOs' list, by a ruling published on January 3rd 2017. The ruling became effective on December 21st 2016.

51. For more on this matter, see section 3. 13. of the FIDH and ITEKA League report, « Repression and genocidal dynamics in Burundi », *Ibid*.

52. Law n°1/02 of January 27th establishing an organic framework for the nonprofit organizations, <http://www.presidence.gov.bi/wp-content/uploads/2017/04/loi-02-2017.pdf>

53. Law n°1/01 of January 23rd 2017 amending the law n°1/011 of June 23rd 1999 amending the Act n°1/033 of August 22nd 1990 establishing a framework for the cooperation between Burundi and international NGOs, <http://www.kiriho.org/wp-content/uploads/2017/02/Loi-23-01-2017-sur-les-ONGE-au-Burundi.pdf>

According to the Minister of the Interior, Pascal Barandagiye, the ITEKA League has “*tarnished the country's image and sought to divide the Burundian national community*”.

This ruling followed the publication on November 15th 2016 of the joint report by the FIDH and the ITEKA League, in which massive human rights violations documented throughout the country since the start of the crisis in April 2015, were denounced. This report: “*Repression and genocidal dynamics in Burundi*” together with the social media campaign [#StopThisMovie](#), aims at raising public-opinion awareness on the crisis, and the risk of genocide in Burundi. The ITEKA League continued to - and moreover still continues to - publish weekly reports on the crimes committed in Burundi and questioning the responsibility of authorities at the highest level of the State.

The ITEKA League has already been on provisional suspension since October 24th 2016, on the grounds that it was “disrupting public order and State security”. Four other organizations fell under the same ruling: **SOS-Torture/Burundi**, which works in the field together with the OMCT, the **Coalition of Civil Society for Election Monitoring** (the COSOME), the **Burundian Coalition for the ICC** (CB-CPI) and the **Burundian Union of Journalists** (the UBJ).

In the meantime, five organizations had been permanently removed: the **Civil Society Empowerment Forum** (FORSC), the **Consciousness and Development Forum** (FOCODE), the **Action by Christians for the abolition of torture** (ACAT), the **Burundian Association for Human Rights and Detainees Protection** (APRODH) and the **Law-Abiding Citizens Network** (RCP).

These are measures that are hitting the independent human rights organizations in Burundi very hard, as they try to reorganize outside the country. Even in exile, they continue to be threatened by the authorities and the individuals affiliated to them, notably the *Imbonerakure* and agents of the SNR.

Inside the country, **a repressive wall of silence continues to hamper any human rights reporting work**. On December 14th 2016, in Bukemba, Augustin Bakunduwukize - an observer from the National Human Rights Observers Network (RNODH) was threatened with assassination by Jovin Cishahayo, head of the SNR in the Rutana District. He was accused of carrying on with his human rights activities, whilst one of the founding organizations of the Network, the APRODH, had been closed down. Yet, the RNODH had itself not been suspended.

B. Silenced media and journalists

The Burundian authorities continue to **severely infringe freedom of the press, freedom of expression and access to the information**. Journalists remain primary targets of arrests and arbitrary detentions, threats and intimidation, attacks, or they are expelled or kept out of the country. Since 2015, all the independent radios have been suspended, new radio broadcasts are being blocked and a suspension measure has been taken against the Union of Burundian Journalists (UJB). All dissenting speech and opinions, either of journalists or of any Burundian, is silenced and controlled.

To report and denounce the violations is now the sole responsibility of exiled journalists or of the last two independent media inside Burundi : *Iwacu* (the last free newspaper authorized in the country) and *SOS Media Burundi* (online media). In order to protect themselves, however, they may only relay factual information, avoiding political perspective or critical analysis that could lead to retaliation.

Burundi stands at the 160th position (among 180) in the 2017 *Reporters without Borders* (RSF) World Press Freedom Index⁵⁴. It used to be at the 90th position among 160 in 2005, and at the 108th among 172 in 2010. According to this organization, press freedom in the country has experienced a major and unprecedented setback since 2015 : “every statement or piece of information is immediately interpreted as in favor of or against the regime” underlines RSF⁵⁵. In a March 2017 Statement, RSF also noted “the necessary space for critical, balanced and objective thinking is shrinking day after day. The goal pursued by the regime is to impose a unique version of the facts”⁵⁶.

B. 1. Continued harassment of journalists

On April 5th 2017, radio *Isanganiro* chief-editor Joseph Nsabiabandi, was summoned to the SNR headquarters and interrogated by SNR agents on his alleged cooperation with members of Burundian radio stations, broadcasting from Rwanda, where they live in exile⁵⁷. The SNR agents accused him of not respecting the editorial line and of having “incited public opinion and populations to rebellion”, without providing any evidence. He was released afterwards.

On November 11th 2016, radio *Bonesha FM* chief-editor and executive director, León Masengo, was the victim of arbitrary detention together with one of his technical staff members, Innocent Muryango, at the hands of SNR agents. The two were on their way to the public prosecutor’s office in Bujumbura to cover the court appearance of Désiré Uwamahoro, former commander of the riot squad (Brigade anti-émeutes – BAE). Both men were taken to the SNR Headquarters and interrogated for several hours. They were released later that same day.

On November 2nd, Pascal Kararumiye, radio *Isanganiro*’s special reporter, was arrested together with two fellow journalists in the Karusi district, and then released after being interrogated by a local police officer. According to some witnesses, he was accused of having made a documentary on violations committed by *Imbonerakure*. The day before, a reporter from the newspaper *Iwacu* and also *Radio Isanganiro*, Jackson Bahati, had been arrested in the Ndava area, in Buganda, Cibitoke district. He was released on the same day after having been interrogated on his activities as a journalist by Buganda’s chief of police. These arbitrary detentions and interrogations constitute clear acts of intimidation and harassment and impediments to their activities as journalists, which our organizations firmly condemn.

At the end of October 2016, the independent Belgian journalist Marc Hoogsteyns was also a victim of intimidation whilst in Burundi. He had come to do a short documentary on the situation in the country and to train journalists working for the independent newspaper *Iwacu*. In a open letter to the Belgian Prime Minister Charles Michel, published on November 5th, Marc Hoogsteyns wrote: “In Bujumbura, I applied for an accreditation as I always do. First of all they told me there wouldn’t be any problem, but when I came for the documents, I was called in to the office of one of the heads of the National Communication Council (the CNC), which is the body which delivers press accreditations. He clearly informed me that according to them I had entered the country ‘illegally’ and that as a journalist my safety on Burundian territory could not be guaranteed as long as I would stay in the country”. Hoogsteyns added, “That, Mr Prime Minister, is a direct threat! At the CNC, I was also openly told that almost all the Belgian media were against them”⁵⁸.

54. <https://rsf.org/fr/burundi>

55. <https://rsf.org/fr/burundi>

56. RSF, Fake News : Government weapon for destroying independant media, March 7th 2017, <https://rsf.org/en/news/fake-news-government-weapon-destroying-independent-media>

57. RFI, « Le rédacteur en chef de Radio Isanganiro entendu par les renseignements », April 7th 2017, <http://www.rfi.fr/afrique/20170407-burundi-radio-isanganiro-snr-pouvoir-ingerence-incitation-revolte-rsf-burundi-radio>

58. Bujumbura News, « Lettre ouverte du journaliste Marc Hoogsteyns au Premier ministre belge sur la situation au Burundi », November 5th 2016, <https://bujumburanewsblog.wordpress.com/2016/11/05/lettre-ouverte-du-journaliste-marc-hoogsteyns-au-premier-ministre-belge-sur-la-situation-au-burundi/>

He described an environment of “terror”, and explained how he was “*blatantly followed by people from Documentation*” while he was in Bujumbura, and that he had troubles leaving the inner center of the city for security reasons.

On October 23rd, the American journalist Julia Steers, the BBC Burundian journalist Gildas Yihundimpudu and their personal driver Pascal Sinahagera were arrested by soldiers in the dissenting area of Mutakura, in Bujumbura. Julia Steers was doing a report on this bastion of the mobilization against President Nkurunziza’s third presidential mandate, at the beginning of the crisis. Julia Steers, who was in possession of a CNC accreditation, was returned to the US authorities. Gildas Yihundimpudu and Pascal Sinahagera were held and interrogated at the SNR headquarters, and freed on the following day. Their material was confiscated from them and never given back, suggesting that the authorities were trying to prevent the information collected by the journalists from being broadcasted. The Police spokesman, Pierre Nkurikiye, declared on Radio France Internationale on October 25th that the police had interrogated them on their “*attempt to destroy the evidence of the crimes committed by the rebellion*”. He added that the CNC was also contacted to “*evaluate whether the American journalist had respected the terms of her accreditation*” **and that the journalists were not ‘off the hook’ yet**⁵⁹.

Two weeks before that, *Voice of America’s* journalist **Fidélité Ishatse**, had been victim of arbitrary detention carried out by member of the local Police in Bukemba, South East of Burundi, while she was doing a report on micro-finance. She was accused of not having informed the local authorities of her coming; she was held for several hours and released on the same day.

Journalists who remain in Burundi continue to be silenced, intimidated and victim of harassment, arrests, detentions and even forced disappearances⁶⁰. Jean Bigirimana of *Iwacu*, arrested without a warrant by members of the SNR in Muramvya on July 22nd 2016, is still missing and our organizations fear that he might have been murdered⁶¹.

Since the second half of 2016, foreign journalists who wish to come to Burundi are almost systematically denied entry. For instance, the visa applications of two journalists from France 24 were denied by the Burundian authorities last November⁶².

B. 2. Control and censorship of the press

At the same time, **the press and journalist associations are constantly controlled and censored**. On October 24th 2016, a ruling issued by Pascal Barangadyie, Minister of the Interior and Patriotic Training⁶³, declared a provisional suspension of the Burundian Union of Journalists (UBJ). This journalists’ union has actively denounced the violations of freedom of the press that have taken place since the beginning of the crisis in April 2015. The ruling also suspended four human rights organizations, including the ITEKA League, and specifies that the activities of these associations are susceptible to “*disturbing public order and the security of the State*”.

59. RFI, « Médias au Burundi: Gildas Yihundimpudu et son chauffeur ont été libérés », October 25th 2016, <http://www.rfi.fr/afrique/20161025-medias-burundi-gildas-yihundimpudu-chauffeur-liberes-nkurukiye>

60. For more on the attacks against journalists before October 2016, see section 3. 13. Of the FIDH and ITEKA League report, « Repression and genocidal dynamics in Burundi », *Ibid*.

61. Journalist missing for 100 days: RSF dumps 11,000 envelopes outside Burundian embassy in Paris October 28th 2016, <https://rsf.org/en/news/journalist-missing-100-days-rsf-dumps-11000-envelopes-outside-burundian-embassy-paris>

62. France 24, « Burundi : à visage caché », January 20th 2017, <http://www.france24.com/fr/20170120-reporters-burundi-refugies-opposants-pierre-nkurunziza-tanzanie-ouganda-rwanda>

63. See https://twitter.com/RSF_Africa/status/790612034941489153

On that same day, Karenga Ramhadani the President of the CNC⁶⁴, signed a **restrictive circular regarding several press institutions**. In doing so, he dealt another severe blow to press and information freedoms in the country. The broadcast "*Karadiridimba*" ("What is moving forward" in *Kirundi*) on *radio Isanganiro*, which enables the Burundian Diaspora to express itself, has been suspended for a month, on the grounds that it had broadcast "*a song that does not comply with professional ethics, and democratic and ethical values*". The song that was aired talked about respecting the journalists' rights. Its title in *Kirundi* means "*human rights for journalists*". The circular also prohibited *Radio Buja FM*, former *Radio 10*, from broadcasting for a month and forbade the use of its new name until the CNC would authorize it. This radio modified its name in order to escape persecution by the authorities. *Buja FM* is broadcasting again, but remains under a **tacit self-censorship**, to avoid being closed down. Finally, the circular states it is "strictly forbidden" to work as a journalist - Burundian nationals and foreign journalists alike - unless your name appears on the national register of media. This measure means the authorities get to **choose who can or cannot work as a journalist in Burundi, and to fully control opinions and means of expression**.

Moreover, private radios that have been suspended since the demonstrations have not been allowed to resume their broadcasts yet, except *Rema FM*, considered as having close ties to the power, and *radio Isanganiro*. On February 20th 2016, these two radios signed an "act of commitment act" authorizing them to resume their broadcasts but drastically limiting their editorial margin of liberty. This act notably compels them to only broadcast non-sensitive information that would not put State "security" in peril. In February 2016, *Radio Isanganiro's* former director, Anne Niyuhire⁶⁵, who left to Rwanda, was replaced by Samson Maniradukunda, considered to be close to the power. According to RSF, the radio's director has since been receiving "*regular calls from the Nkurunziza Administration to dissuade him to report on certain issues*". "*Instructions are transmitted to the editorial team, thus limiting journalists' freedom of work, and leading lots of them to self-censorship in order to protect themselves*"⁶⁶, RSF added⁶⁷. In April 2017, the organization also acknowledged that "*Isanganiro's editorial line is much more careful [...] than it had been in the past*" and that there is "*blatant interference coming from the ministries and other State bodies, when a report is does not please*"⁶⁸.

64. See https://twitter.com/RSF_Africa/status/790615452531757056

65. RSF, Government seeks extradition of seven journalists, February 3rd 2016, <https://rsf.org/en/news/government-seeks-extradition-seven-journalists>

66. RSF, Fake News : Government weapon for destroying independant media, March 7th 2017, *ibid*.

67. See also Committee to Protect Journalist, « Mounting press freedom crisis in Burundi », October 25th 2016, <https://cpj.org/2016/10/mounting-press-freedom-crisis-in-burundi.php>

68. RSF, Radio Isanganiro under pressure, April 6th 2017 <https://rsf.org/en/news/burundi-radio-isanganiro-under-pressure>
See also RFI, « Le rédacteur en chef de Radio Isanganiro entendu par les renseignements », April 7th 2017, <http://www.rfi.fr/afrique/20170407-burundi-radio-isanganiro-snr-pouvoir-ingerence-incitation-revolte-rsf-burundi-radio>

VI. THE INTERNATIONAL COMMUNITY MUST REACT BEFORE IT IS TOO LATE

A. Political dialogue at a standstill

The international community's permissiveness and failure to force the Burundian Government to negotiate and soften its positions seems to have encouraged an already authoritarian and dictatorial regime to harden even further. **The political dialogue between the government and independent political opposition has been stalled** for two years. The East African Community (CAE)'s mediation process, in which it was represented by the President of Uganda Yoweri Museveni, with the help of the former President of Tanzania, Benjamin Mkapa, failed to convince the Burundian government to resume dialogue with the main opposition organization in exile, namely the National Council for the Implementation of the Arusha Accords for Peace and Reconciliation in Burundi and the Reestablishment of the Rule of Law (CNARED). Throughout the year 2016, the Burundian authorities ignored invitations to dialogue with the CNARED on several occasions, on the grounds that some of its members are "armed rebels" with whom a political dialogue initiative is out of the question.

B. Failure to deploy forces of protection

Regarding security issues, all African Union and United Nations initiatives have failed as well. The 5000-man military force that should have been sent by decision of the African Union in December 2015 (the African Mission for the Prevention and Protection of Burundi - MAPROBU) was never deployed. Neither was the police force numbering 228 maximum that the United Nations Security Council had decided to send to Burundi in its July 2016 n°2303 resolution⁶⁹. Over the past two years and despite a steadily increasing context of violence, **populations have benefited from no significant measures of protection.**

C. A country closed to international investigations

All investigations and human rights violations documentation work, which regional and international organizations are doing, are systematically hindered and denigrated by the Burundian Government.

In January 2016, at its 26th Summit, the African Union adopted a decision that respectively increased the number of human rights observers and military experts to be deployed in Burundi up to a hundred, in order to monitor the situation. To date, only 40 human rights observers are in Burundi and no more than 70 military experts. They experience difficulty in fulfilling the terms of their mandate, since the Memorandum of Understanding, necessary to their operational functioning, has not yet been signed.

The United Nations Human Rights Council also decided to set up an International Commission of Inquiry with a mandate to fully investigate the human rights violations in Burundi since April 2015⁷⁰ and to identify the main perpetrators of the crimes in order to bring them to justice. Burundian authorities immediately reacted by stating they did not endorse the resolution and would not authorize the Commission to enter the territory.

In December 2015, United Nations Human Right Council's experts had already been given mandate to investigate in the country. However they decided not to carry out their last fact-finding mission in

69. United Nations Security Council, S/RES/2303 (2016), [http://www.un.org/fr/documents/view_doc.asp?symbol=S/RES/2303%20\(2016\)&TYPE=&referer=/fr/&Lang=E](http://www.un.org/fr/documents/view_doc.asp?symbol=S/RES/2303%20(2016)&TYPE=&referer=/fr/&Lang=E)

70. OHCHR, Commission of inquiry on Burundi, <http://www.ohchr.org/EN/HRBodies/HRC/ColBurundi/Pages/ColBurundi.aspx>

September 2016 for fear that their security, as well as the security of witnesses and interviewed victims, could not be guaranteed. Indeed, several interviewed witnesses had left the country in March 2016 after having received death threats from members of the SNR. In a report published by the United Nations Independent Inquiry on Burundi (UNIIB), it was stated that “severe human rights violations have been and still are committed, mainly by State agents and those who have close ties with them”, that “these violations are ongoing and systematic, and impunity is persistent” and concludes: “Given the History of the country, there is a substantial risk of genocide”⁷¹. The authorities rejected the conclusions, and the three experts who wrote the report were declared *personae non gratae* in Burundi.



Cooperation with the United Nations High Commissioner for Human Rights office in Burundi has been suspended since October 2016, which prevents international observers from operating on the ground.

Burundi's withdrawal from the Rome Statute of the International Criminal Court (ICC) will become effective in October 2017.

All these decisions are major obstacles that the Burundian authorities have raised and prevent the international community from witnessing the crimes committed in the country, especially those committed by Burundian security services and the *Imbonerakure* militia.

71. UNIIB Report, September 20th 2016, <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>

V. CONCLUSION : A NEED FOR A STRONG COMMITMENT BY THE INTERNATIONAL COMMUNITY IN ORDER TO BREAK THE DEADLOCK

Over the course of two years, the international community's lack of determination and its incapacity to implement its own decisions, notably civilian protection measures and the resumption of political dialogue, will have allowed President Nkurunziza to **substantially remodel the political, social and security landscape of Burundi**.

The regime **is becoming a dictatorship and is conducting a campaign of elimination against a part of the population which it considers hostile to its authoritarian objectives**. Repression has further hardened over the past and current years of 2016 and 2017, seeking to maintain the president in power and to clear the path to the 2020 presidential election.

The signs of this further radicalization are manifest: the ongoing purge in the army, which may lead to the constitution of a mono-ethnic army under the regime's exclusive control; militarization and increased ideological brainwashing of the *Imbonerakure* militia; increased repression against the primary opposition party able to prevent President Nkurunziza's reelection in 2020 - namely the FNL loyal to Agathon Rwaswa; and of course the project for the amending of the Constitution, to allow unlimited presidential mandates and to abandon ethnic parity within the Institutions, two of the main gains of the Arusha Accords.

The international community must react urgently, first and foremost, the African Union and the United Nations. These institutions must **take strong measures to force President Nkurunziza's regime to dialogue** with the independent civil society organizations and the political opposition, and to do everything in its power to get the project for amending Constitution abandoned. This project for constitutional change, together with the repressive dynamics detailed in the present report, may push the country into a new cycle of violence which, regarding the current situation – particularly the situation in the army and the *Imbonerakure* militia – could escalate into massive violence and even civil war, which would create a serious threat to the entire region.

However, there is still time to get Burundi out of deadlock. The diplomatic priorities should be: the resumption of political dialogue, the protection of civilians, the ending of violations to International Humanitarian and Human Rights Law, and the guarantee that the authors of violations committed since April 2015 be brought before independent judicial bodies and prosecuted. The AU and the UN must resume control of the situation and commit resolutely to this process by coordinating their actions. Finally, they must use all possible leverage: both institutions should threaten all those who would obstruct such a process with **effective individual sanctions**.

Regarding the security issue, they should reconsider a deployment of an international force to protect civilians and immediately declare an **arms embargo**. Moreover, the AU should consider the suspension of Burundi from the Peace and Security Council, in compliance with its own rules and procedures. The **vetting of the Burundian forces** currently involved in UN and African Peacekeeping missions, has proven to be efficient. It should be fully applied to African Peacekeeping missions, such as AMSIOM, in view of dismissing any soldier who would have participated in human rights violations. The Burundian State receives close to one million dollars per month, in compensation for the participation of its 6,000 soldiers in several UN and African Peacekeeping missions. Should severe human rights violations continue to be committed and no significant progress in the political process be observed, the UN and the AU must not keep financing the Burundian State through the Peacekeeping missions, and thus should suspend all involvement of Burundian forces in the missions.

In March 2016, the European Union suspended its financing of the AMISOM's Burundian contingent through the Burundian Central Bank, in order to prevent the regime from benefiting from those funds. Nevertheless, this suspension had to be repealed, since no alternative solution could be found to replace the Burundian contingent in AMISOM. In May 2017, after signing an Agreement with the AU, the EU resumed financing and paid the AMISOM's Burundian soldiers all outstanding remuneration. The money now goes through a private Burundian Bank, but this solution does not fully guarantee that the regime is kept from controlling part of the funds⁷². Therefore, it is crucial that the EU clarify which mechanisms it envisions to implement securing full traceability of the funds, in order to guarantee the money which is paid to the soldiers, does not finance a regime responsible for international crimes.

The EU must also continue to politically and financially support Burundian civil society and especially human rights defenders inside and outside the country, to allow them to keep doing their essential monitoring of the situation. To counter the petition from several African States for the suspending of targeted sanctions (the freeze of assets and ban on visas), the EU must send out a strong message and work, on the contrary, towards the extension of sanctions in order to also include the authors of all human rights violations, as well as anyone obstructing efforts to find a political solution to the crisis. The EU and all the member States must use all their weight to incite all the regional actors to come to a proposal for settling the crisis, which should imply real, inclusive national dialogue in respect of International Law and the Arusha Accords, and guarantee a genuine fight against impunity. To support this solution, the EU must reiterate that the framework for a future normalization of the cooperation with Burundi depends on the implementation by the Burundian authorities of all the dispositions enshrined in the "matrix of commitments" for consultations stipulated by Article 96 of the Cotonou Agreement⁷³.

Regarding judicial issues, the AU and the UN must support all measures to fight against impunity of the authors of the most serious crimes, notably by **exhorting the ICC to open an investigation** before October 2017. The AU should envisage cooperation with the Court, as for instance by passing on all information collected by its observers. The UN should also support the cooperation between the International Commission of Inquiry and the ICC. The UN Human Rights Council should suspend Burundi's membership until the Government allows the Commission to enter Burundian territory.

Both institutions should publicly call on the regime to abolish suspension and radiation measures against independent civil society organizations and journalists, and to create an enabling environment for them to work in.

All the achievements of the Arusha Accords, which were adopted with much difficulty by the international community, are at risk of being permanently lost. Whereas the possible announcement by President Nkurunziza of his candidacy for a fourth mandate poses a new risk of escalation in Burundi, and while Central and East Africa could be at serious risk of further destabilization, the international community bears the **responsibility for finding a sustainable solution to the Burundian crisis**.

72. RFI, L'UE débloque les arriérés des soldats burundais engagés dans l'Amisom, May 24th 2017, <http://www.rfi.fr/afrrique/20170524-ue-debloque-arrieres-soldats-burundais-engages-amisom>

73. Council Decision of 14 March 2016 concerning the conclusion of consultations with the Republic of Burundi under Article 96 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016D0394&from=EN>

VI. RECOMMENDATIONS

In order to put an end to the violence and to fight against impunity for perpetrators of serious crimes committed in Burundi since April 2015, our organizations urge:

1. Burundian Authorities to:

- Ensure that Defense and security forces, as well as the *Imbonerakure*, immediately stop committing human rights violations;
- Initiate as promptly as possible independent, impartial and effective investigations into allegations of such abuses;
- Immediately put an end to military and paramilitary training and ideological brainwashing of *Imbonerakure* and proceed in disarming armed rebel groups and armed militias operating in the territory, including the *Imbonerakure*;
- Release all persons arbitrarily detained or held *incommunicado*;
- Engage fully in the inter-Burundian political dialogue conducted under the auspices of the East African Community and Ugandan mediation and ensure its inclusiveness;
- Suspend the constitutional amendment project, which, to be credible and legitimate, should be submitted to a large national consultation which cannot be undertaken in the current political and security conditions;
- Put an end to all threats, forms of intimidation and harassment, including judicial harassment against members of the political opposition, civil society, human rights defenders, and journalists; remove all international arrest warrants against political figures, civil society leaders, and journalists;
- Repeal the provisional measures suspending the activities of all civil society organizations in Burundi that have been canceled or/and have had their bank accounts frozen; create an enabling environment allowing them to freely and safely fulfill their mandate;
- Allow the unconditional reopening of all private radio stations so that they can resume their dissemination and guarantee their independence;
- Cooperate fully with the AU and the UN mechanisms; proceed to the signing, in the shortest possible time, of the Memorandum of Understanding with the African Union so that the deployment of one hundred human rights observers 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 2016, is made possible;
- Fully cooperate with the UN to ensure an effective compliance with resolution 2303 of the Security Council adopted on 29 July 2016, including the deployment of 228 UN police officers “to monitor the security situation and to support OHCHR in monitoring human rights violations and abuses”;
- Allow deployment of a joint AU-UN Force to protect civilians and monitor armed groups and security and defense Forces’ activities;
- Cancel withdrawal from the Rome Statute and cooperate fully with the International Criminal Court;
- Ratify all pending regional and international human rights instruments still not ratified by Burundi⁷⁴.

2. The East African Community to:

- Bring the Burundian government to cooperate with the mediation process and to participate in an inclusive political dialogue with the political opposition and in attendance of independent civil society, and if needed to adopt individual sanctions in the framework of the Economic Community of Central African States (ECCAS) and the AU against anyone who would try to sabotage the political dialogue;
- Call on Burundian authorities to stop and refrain from committing violations of the International Human

74. See the Recommendations in the FIDH and ITEKA League Report, « Repression and genocidal dynamics in Burundi », *Ibid*, Part VIII, p. 191 to 194.

Rights and Humanitarian Law; urge them to immediately and unconditionally release all persons arbitrarily detained;

- Convince Burundian authorities to drop the Constitutional amendment project and to renounce the upholding of Pierre Nkurunziza's candidacy in the next 2020 presidential election;
- Condemn the violence of *Imbonerakure* and call on the Burundian government to immediately stop its increasing militarization and radicalization;
- Call on the government to annul the suspension and/or cancellation and/or assets freezing of Burundian human rights organizations, and to repeal the draft laws adopted on December 23rd and 28th 2016 by the National Assembly to limit the freedom of local and international associations; urge them to immediately put an end to the threats and attacks targeting human rights defenders and to create an enabling environment for them to work in;
- Call on Burundian authorities to guarantee freedom of the press and access to information by unconditionally allowing independent media to broadcast freely and to stop harassment and intimidation against journalists.

3. The African Union and the United Nations to coordinate their efforts in order to:

- Promptly implement the United Nations Security Council's (CSNU) decision to deploy in Bujumbura and throughout Burundi "a ceiling of 228 United Nations individual police officers for the United Nations police component" charged with "monitoring the security situation and supporting the OHCHR in monitoring human rights violations and abuses", in compliance with Resolution 2303 of the CSNU adopted on July 29th 2016⁷⁵.
- Uphold the creation and further deployment of a joint AU-UN Force, under Chapter VII of the United Nations Charter and in accordance with the African Union Charter, accepted by the Burundian authorities, to ensure the protection of civilians and the monitoring of the activities and practices of the Burundian security forces, as well as the activities of armed groups and militias, with a civilian component and the mandate and necessary resources to document human rights violations in order to prosecute the alleged perpetrators;
- Impose new targeted individual sanctions, including asset-freezing and bans on travel, on the Burundian government representatives or to any individual who would hinder the inclusive political dialogue between the Burundian government and the political opposition in attendance of independent civil society;
- Establish an arms embargo, with the objective of stopping the escalation of violence of all stakeholders and the dissemination of such weapons to armed groups and militias;
- Proceed to the withdrawal of all Burundian National Defense Forces involved in all UN and AU Peacekeeping missions, in absence of any progress in the political dialogue and in case of serious ongoing human rights violations in Burundi;
- Deploy 100 human rights observers and 100 military experts, in accordance with Heads of States and Governments' decision taken at the AU 26th Summit at the end of January 2016, and proceed as promptly as possible to the signing of the Memorandum of Understanding so that the staff members can fully execute their mandate;
- Support the opening of an ICC investigation before October 2017 and cooperate with it. The AU should envisage cooperation with the Court, as for instance by passing on all information collected by its observers. The UN should also support the cooperation between the International Commission of Inquiry and the ICC;
- Support a political mission of the new presidency of the African Union to meet with the Burundian authorities and lead them to agree on the deployment of an international force in order to help the political process;

75. UNSC, S/RES/2302, 29 July 2016, [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2303\(2016\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2303(2016))

- Take strong measures to force the Burundian authorities to allow the UN International Commission of Inquiry to operate on Burundian territory;
- Suspend Burundi's membership unless the Burundian authorities immediately put an end to serious human rights violations committed in the country and take part, in the shortest possible time, in the political dialogue process.

4. The European Union to:

- Clarify in coordination with the AU, the traceability of funds dedicated to Burundian soldiers deployed in AMISOM, to fully guarantee they are not taken by the government for its own benefit;
- Extend targeted restrictive measures *"against those whose actions have led or lead to violence and repression in serious human rights violations, and/or obstruct 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, 2016⁷⁶;
- Ensure further implementation of its decision to review and adjust the terms and conditions on financial support to Burundi, as well as the cooperation programs in support of populations (including refugees) in key sectors as health, nutrition and education.
- Involve regional stakeholders to reach a proposition to solve the crisis, which should imply real inclusive national dialogue in the framework of the Arusha Accords, and must respect International Human Rights Law, and guarantee a real stand against impunity. To support this solution, the EU must reiterate that the framework for a future normalization of the cooperation with Burundi depends on the implementation by Burundian authorities of all the provisions enshrined in the "matrix of commitments" for consultations stipulated by the Article 96 of the Cotonou Agreement.

5. The International Criminal Court :

- The Office of the Prosecutor of the ICC should continue to speak publicly on the progress of the preliminary examination and to request the opening of an investigation into the crimes committed in Burundi since April 2015, which fall under its jurisdiction;
- The Pre-Trial Chamber may accept the Prosecutor's request to open an investigation into the crimes in Burundi, while it allows the victims time to submit their communications on the matter;
- The Victims Participation and Reparation Section should contact the Burundian NGOs as quickly as possible, including those in exile, as well as the international NGOs, in order to help them inform the victims on their legal rights and further submit their comments.

76. Conclusions the European Council meeting on Burundi, February 15th 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/02/15-fac-burundi-conclusions/>



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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The **Forum pour le renforcement de la société civile (FORSC)** was created in 2002 to help Burundian civil society organisations coordinate their actions and build a harmonious and democratic society characterized by tolerance and integrity, based on respect for human rights and the promotion of social justice.

FORSC is intended to be a forum promoting consultation between Burundian civil society organisations. The Forum also aims at fostering capacity building through the exchange of information, strategies for action and experience. This Forum is a channel for galvanizing the energies of associations to build a strong and active civil society.

It is compounded of women's organisations, youth organisations, human rights defenders, activists operating in the field of good governance, grassroots community groups, lawyers, trade unions, media, journalists and others stakeholders in various areas. The 146 member organisations of the Forum today are divided into thematic clusters according to their fields of intervention in order to ensure a synergy of actions.



The **Association burundaise pour la Protection des Droits humains et des Personnes détenues (APRODH)** was founded in 2000 with the aim of protecting human rights in Burundi and in particular the rights of detained persons.

APRODH provides legal and psychological assistance to detained persons and victims of violations of their rights and works to ensure that vulnerable persons have access to fair justice.

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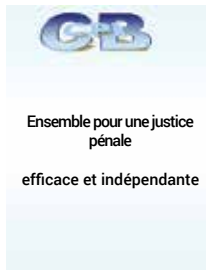
The Action des Chrétiens pour l'Abolition de la Torture (ACAT-Burundi) is a non-profit organisation, created on November 24, 2001, and officially approved by Ministerial Order n ° 530/266 of February 21, 2003. Today, it counts 50 members from different profession (lawyers, historians, psychologists, law students, journalists, etc.). The founding members of the organization, a majority of jurists, judges and lawyers, started from the observation that, State agents are committing torture and other ill-treatment on a daily basis, enjoy impunity and that victims do not have access to justice. Acat-Burundi is affiliated with Fiacat (International Federation of Christian Action for the Abolition of Torture). The mission of ACAT-Burundi is to promote respect for human dignity, and more particularly the abolition of torture and the death penalty. ACAT acts to support all those who are tortured, detained in inhuman conditions, sentenced to death or have disappeared, regardless of their origins, political opinions or religious beliefs. ACAT-Burundi also combats violence, including sexual violence.

Its means of action are advocacy and lobbying, human rights education and awareness-raising, prayer for victims of torture, monitoring of detention facilities and assistance to victims and families of victims.



The Forum pour la Conscience et le Développement (FOCODE) is a Burundian human rights organisation focuses on engaging leaders at all levels and grassroots communities using advocacy, training, information and mobilization to promote the ideals of peace, democracy and good governance for social justice, development and well-being of citizens.

FO.CO.DE



The Coalition burundaise pour la Cour pénale internationale (CB-CPI) is a platform gathering seven Burundi's most active civil society organisations, created to promote the universal ratification of the Rome Statute of the International Criminal Court (ICC). The organisation also documents crimes within the jurisdiction of the ICC, denounces them before the Court and provides legal and psychological assistance to victims. Since its creation in 2010, it has carried out several advocacy activities:

- The CB-CPI alerted the national and international community to the danger of the Imbonerakure militia (the youth affiliated with the ruling party, CNDD FDD) and other crimes that have been committed in Burundi through statements and press releases on this subject.
- In early 2015, the Burundian Coalition jointly wrote a correspondence to the United Nations Security Council to urge them to protect the Burundian people under threat of a dictatorial regime.
- The Coalition participated in consultations on the promotion and protection of human rights.
- At the regional and international levels, the Coalition was invited to various meetings and actions for the promotion of international criminal justice. As member of the NGO Coalition for the International Criminal Court, the Coalition participated in meetings organised by this international coalition and in activities of the ICC or its organs.
- Capacity building and information activities: with a view to improving knowledge and information of the Burundians on the activities of the ICC, the CB-CPI has carried out various information, awareness and capacity building activities. These activities, led by legal experts, lawyers and university professors working in the field of criminal justice are dedicated to human rights defenders and activists from the civil society, magistrates and lawyers; Journalists; Law students; etc.

Keep your eyes open

fidh

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Establishing the facts - Investigative and trial observation missions

Supporting civil society - Training and exchanges

Mobilising the international community - Advocacy before intergovernmental bodies

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For FIDH, transforming societies relies on the work of local actors

The Worldwide movement for human rights acts at national, regional and international levels in support of its member and partner organisations to address human rights abuses and consolidate democratic processes. Its work is directed at States and those in power, such as armed opposition groups and multinational corporations.

Its primary beneficiaries are national human rights organisations who are members of the Movement, and through them, the victims of human rights violations. FIDH also cooperates with other local partner organisations and actors of change.



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an international
human rights NGO
federating 184 organisations
from 120 countries**

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ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 184 member organisations in 120 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

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