

***BURUNDIAN LEAGUE OF HUMAN RIGHTS "ITEKA"***

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***Report on human rights situation 26 April 2015-26 April 2018***



***In memory of Madam Marie Claudette Kwizera, Treasurer of Iteka, reported missing since December 10 2015. From December 2015 to 26 April 2018, Iteka has documented at least 483 cases of enforced disappearances.***

## **Summary**

Since the beginning of April 26, 2015 protests against President Pierre Nkurunziza 3<sup>rd</sup> term, 3 years to the day, the Burundian government has continued repressing relentlessly all forms of political opposition or alleged, independent national and international media and local and international NGOs, not to mention the United Nations. This repression has resulted in crimes of international law such as extrajudicial executions, targeted killings, enforced disappearances and torture. Other forms of inhuman and/or degrading ill-treatment as well as arbitrary arrests and unjust imprisonment have been recorded. Oppressive laws have been enacted to silence the human rights space and legalize the crimes committed by the regime in Burundi. This period, characterized by worrying moments in a security, political, social and economic point of view, particularly marked human rights history in Burundi.

### **Politico-security level:**

The country has been plunged into insecurity since April 25, 2015, the day Pierre Nkurunziza was announced as CNDD-FDD party candidate in the presidential elections, while this candidacy was considered by some to be unconstitutional. From 26 April to 26 June 2015, demonstrations against this candidacy took stock of several people killed and wounded following the bloody crackdown of security forces firing live on protesters. The Government described these demonstrations of insurrection.

After this period, man-hunting operations conducted by elements of the police, elements of the Presidential Guard (API and BSPI), elements of the FDN, the Riot Brigade (BAE) and the Imbonerakure militia that targeted protesters and/or political opponents were observed in protesting quarters and then spread across the country. Corpses, some bound, mutilated or decapitated are thrown in streets, in rivers and in other public places in order to terrify the already traumatized people especially after the attacks of some military camps on December 11 and 12, 2015. Illegal detentions and arbitrary arrests followed by enforced disappearances are reported and some victims are accused of insurrection and rebellion that breach internal security of the state. Some neighborhoods of Bujumbura City said to be Pierre Nkurunziza's 3<sup>rd</sup> term protesters have continued and continue to be the target of the repression by CNDD-FDD regime. Mugamba commune has been particularly targeted by bloody repression compared to other rural communes until it was deserted by young people. Those who have not been killed are imprisoned, others have exiled.

Burundian political and security climate worsened by the coup attempt on May 13, 2015, which was followed by bloody repression and the restriction of fundamental freedoms. The wicked destruction of independent media, the suspension and striking off of civil society organizations, the arrest warrants issued against leaders of opposition parties, civil society organizations, media professionals, journalists and independent lawyers were observed.

A violent anger against the work of civil society and independent media was demonstrated by the assassination attempt of the president of the Burundian Association for the Protection of Human Rights and Detained Persons (APRODH), the murder of his son-in-law Pascal Nshimirimana and the extrajudicial execution of his son Welly Nzitonda, the abduction of Marie Claudette Kwizera, treasurer of Iteka League by agents of the national intelligence service of Burundi, Jean Bigirimana, IWACU journalist whose fate remains until today unknown, murder of journalist Christophe Nkezabahizi and all his family, arrest and imprisonment of 3 members of PARCEM, Emmanuel Nshimirimana, Marius Nizigiyimana and Aime-Constant Gatore, Germain Rukuki, former employee of ACAT Burundi and Nestor Nibitanga, former APRODH observer in Gitega.

Measures and laws aimed at the almost total prohibition of surveillance and observation of the human rights situation not only against national and international organizations but also regional and international bodies have been taken. We can mention the law on non-profit associations, the race for change of the 2005 constitution of the Republic of Burundi and the adoption of a new penal code. The Burundi government has accepted only about 40 African Union observers who today have no legal status. He rejected UN Security Council Resolution 2023, which recommended sending a maximum of 228 police personnel and the 33/24 UN Human Rights Council resolution to establish an international commission of inquiry.

On October 11, 2016, the Government suspended cooperation and collaboration with the Office of the United Nations High Commissioner for Human Rights following the publication of a UN report on the human rights situation in Burundi. At the same time, the three UN experts who produced this report were declared *personae non gratae* on the national territory. Even the three experts mandated by the UN to establish the responsibilities of human rights violations committed in the country were banned by Bujumbura's regime to come to the country. On October 18, 2016, Burundi withdrew from the ICC to avoid prosecution. The lack of mechanisms for the effective protection of human rights has greatly exacerbated the climate of fear in the country.

The reports on the human rights situation produced by Iteka League from exile have been at the origin of other measures taken by the regime. On October 24, 2016, the Burundian government temporarily suspended the activities of Iteka League. On December 21, 2016, the same government released a measure of delisting of Iteka League appeared on January 3, 2017 on social networks just after the publication of the report on the human rights situation on November 2015-November 2016 and the special report on the repression of the regime against soldiers from April 2015 to December 30, 2016.

After the publication of the FIDH report in collaboration with Iteka League in November 2016, the Burundian authorities showed their hostility towards these two organizations through public demonstrations in which insulting and intimidating slogans our human rights organizations were launched. On December 29, 2016, a new law that significantly reduces the freedom of association and strictly controls national and international NGOs was passed by the National Assembly. This law gives exorbitant powers to the Minister of Interior who can now decide,

without going through the Burundian justice, to suspend or ban organizations that have not "satisfied" the regime.

The fear of a rebellion that would fight against the regime is behind the repression of ex-FAB soldiers and policemen, as well as the retired and/or demobilized members of the same group. People have been arrested, tortured and/or assassinated, accused of joining or belonging to rebel groups. Ex-FAB soldiers serving or retired continue to be subjected to assassinations, abductions followed by enforced disappearances, torture, arbitrary arrests and confinement. A controversial armed attack on Mukoni military camp in Muyinga province on January 24, 2017 resulted in killings, abductions, torture, and arrests of several ex-FAB soldiers from different camps, accused of working with groups rebels and incite the desertion of some members of the military and the police.

During this crisis, senior government officials and senior army officers were targeted for assassinations. Minister of Environment Emanuel Niyonkuru; Hafsa Mossi, EALA Member; Lieutenant General, Adolphe Nshimirimana, former SNR head; Brigadier General Athanase Kararuzza, Advisor to the First Vice President; Colonel Darius Ikurakure, commander of Muzinda Combat Engineer Battalion, were murdered.

#### **The socio-economic level:**

The social and economic activity has been slowed in Bujumbura capital since the beginning of the demonstrations against Pierre Nkurunziza's unconstitutional 3<sup>rd</sup> term. A large part of the population traumatized by the repression by the regime was forced to flee to different countries of the world, particularly neighboring countries. The latter was a human capital for production and others were key players in the country's economy. The country's development assistance has dried up in the face of decided positions taken by some foreign partners as a result of gross violations of fundamental rights and political instability as a result of the new institutions set up in the context of disputed elections. The economy has suffered enormous losses and to cope with this situation, the government has opted for an exorbitant rise in taxes without taking into account the poverty situation of households in families. A law was implemented by the Finance and Interior Ministers to contribute to the 2020 elections. Deductions at source have been planned on the salaries of all civil servants. This law paved the way for forced contributions made in different departments where some department heads forced employees for additional contributions. The population in general was not been spared where access to some public services was conditioned by evidence of the contribution to the 2020 elections.

The economic situation in the country is precarious and food insecurity is the consequence. The Burundian government had tried to hide the fact that Burundians are starving in some parts of the country. Following alerts from local and international NGOs and UN agencies, the Government of Burundi broke its silence and acknowledged that the food situation of Burundian households is precarious and that they should be helped. The malaria epidemic worsened the situation with 2 215 336 cases of malaria, including 1 010 deaths in a period of the first thirteen weeks of 2017.

The education sector was also affected since 26 April 2015. Alongside the disturbances linked to insecurity in the country, the phenomenon of doodles on President Pierre Nkurunziza's photo in textbooks has left traces in the school. Students were systematically arrested, others wounded during demonstrations for the liberation of their classmates. This has led to massive expels in schools across the country. Public institutes and universities have not been spared. The first quarter of 2017 was marked by the strike movement of university students and public institutes on the issue of pre-loan, causing big damage. Some students were abducted and then reported missing, others arrested and their associations suspended. A phenomenon of introduction of political teachings in some schools of the country has been observed.

### **Judiciary and human rights:**

Since 26 April 2015, a situation of massive violations of human rights and increasing impunity for crimes has been taking place in the country. The judiciary is used to repress any citizen alleged opponent or against the ideology of the ruling party. Political considerations have taken precedence over the values of justice and respect for rights and freedoms. Justice sometimes instrumentalized is activated when crimes are attributed to political opponents or people who do not defend the cause of regime and turn their back when these crimes are committed by those close to them. It has been activated even for cases that are purely political, simply because manipulated by the executive power. The Supreme Court of Burundi issued a press release against anyone suspected of disrupting the referendum poll to be held on May 17, 2018. A permanent justice system will be in place to crack down on offenses that may be committed during this election. This context comforts the perpetrators of human rights violations and the consequences are the perpetuation of crimes, frustrations and the perpetuation of cycles of war and violence. More importantly, the political rhetoric emanating from some authorities awakens the old demons of ethnic hatred and fuels the fire with calls for violence.

Since the beginning of the announcement of Pierre Nkurunziza's candidacy, the country has also experienced a new movement of exile of the population towards new refugee camps especially in the neighboring countries, namely Tanzania, Rwanda, the DRC and Uganda.

### **Summary of cases of allegations of documented human rights violations**

Before and after the announcement of Pierre Nkurunziza's candidacy, Iteka League has documented cases of allegation of following violations: at least 1701 people were killed including 395 corpses found, 483 reported missing, 542 tortured and 8442 arbitrarily arrested.

The phenomenon of corpses has been worrying throughout this period and no investigation has been conducted to know the perpetrators and reasons of these murders.

The various allegations and violations of human rights and other security facts observed in the country are indicative of the still worrying situation in Burundi. The fear of a rebellion that fights President Pierre Nkurunziza's regime, political intolerance and the diversion of the political crisis into ethnic crisis through hate speeches of different authorities and dignitaries of the country is the source of multiple cases of assassinations, torture, abduction followed by

enforced disappearances and arbitrary and illegal arrests. Also, arbitrary and illegal arrests related to the constitutional referendum that will take place on May 17, 2018 were observed.

The fear of seeing the crimes against the alleged opponents become widespread is the result of Burundi's withdrawal from the ICC, the enactment of oppressive laws and the minimization of any kind of foreign pressure by the of President Pierre Nkurunziza's regime.

These allegations of violations and security facts highlight, in fact, unhealthy political and security situation that should challenge various protagonists to tackle the search for long-lasting solutions to restore serenity in the country.

Considering the current situation, Iteka League recommends the following:

**A) To the Government of Burundi**

- To dismantle and disarm the Imbonerakure militia which spread terror in the country and which has replaced security corps
- To punish policemen, soldiers, soldiers, Imbonerakure militia youth, SNR and administrative agents involved in human rights violations and intimidation of the population

**B) To the AU**

- Implement its decision to send a military force to protect the Burundian population in distress.

**C) To the EU**

- Use its power as Burundi's first financial partner to force the Bujumbura regime return to the negotiating table;

**D) To the United Nations Security Council**

- Take all resolutions likely to restore peace in the country and guarantee the protection of human rights;
- Implement the decision to send a protection force for Burundians in distress.

**E) To the Mediation**

- Not to minimize the damage caused by the violation of the Constitution and the Arusha Accords, including the thousands of people killed, exiled, arbitrarily imprisoned and hundreds of tortured and reported missing person as well as hundreds of women and girls raped;
- Use his powers to bring the Burundian government back to the negotiating table;

- Take into account the inclusivity of all the antagonistic parties in the Burundian conflict in order to guarantee a good success of the negotiations between Burundians

**F) To the EAC**

- Take sanctions if the Burundian government continues to decline the offer of the Mediation.
- Reinforce the mediation team to ensure a successful conclusion of the negotiation process

**G) To the population**

- To stay united and not yield to the demands and divisive teachings or any demand to violence;
- To denounce any act likely to spread or maintain insecurity

**H) To the ICC:**

- To speed up the inquiries and carry out necessary indictments.