

BURUNDIAN LEAGUE OF HUMAN RIGHTS "ITEKA"

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Weekly bulletin « ITEKA N'IJAMBO » n° 54 of the Burundian League of Human Rights "ITEKA"

Week from 10 to 16 April 2017



In memory of Madame Marie Claudette Kwizera, Treasurer of Iteka, reported missing since December 10 2015. From December 2015 to 16 April 2017, Iteka has documented at least 421 cases of enforced disappearances.

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ACRONYMS

API : Support to Protection of Institutions

CNDD-FDD: National Council for the Defense of Democracy

CNI : National Identity Card

CPI : International Criminal Court (ICC)

CPP : Code of Criminal Procedure (CCP)

CVR : Truth and Reconciliation Commission

DAF : Administrative and Financial Officer

DPAE : Provincial Direction of Agriculture and Rearing

EAC: East African Community

ECOFO: Fundamental School/Ecole Fondamentale

FAB : Burundi Armed Forces

FNL : National Liberation Front

FRODEBU : Front for Democracy in Burundi

IPA : Applied Pedagogy Institute

MSD : Movement for Solidarity and Democracy

SNR: National Intelligence Service

SOSUMO : Moso Sugar Factory

TGI : High Court

UA : African Union

UB : University of Burundi

UE : European Union

VBG : Gender Based Violence

0. INTRODUCTION

Allegations and violations of human rights were recorded during this reporting period: at least 3 persons killed, 2 reported missing, 4 tortured, 35 arbitrarily arrested and 1 person was a GBV victim.

Policemen, SNR agents, the Imbonerakure, the CNDD-FDD ruling party's youth are blamed as the perpetrators of most of human rights violations.

This bulletin protests against the impunity of crimes granted to those close to CNDD-FDD party. Members of this party involved in various crimes enjoy impunity with the complicity of the government services.

This bulletin reports cases of arbitrary arrests of alleged opponents to President Pierre Nkurunziza's 3rd term.

Members of Agathon Rwasa's FNL wing, ex-FAB soldiers have always been a privileged target of the repression organized by President Pierre Nkurunziza's regime.

The security context is characterized by cases of assassination, arbitrary arrests and torture, continuing acts of terrorism organized by the Imbonerakure youth against alleged opponents to the regime.

This bulletin makes recommendations to various partners likely to influence on the change in the precarious human rights situation in the country.

I. ALLEGATIONS AND VIOLATIONS OF HUMAN RIGHTS

I.1. ALLEGATIONS OF VIOLATIONS OF THE RIGHT TO LIFE

Two persons killed in Bujumbura Mayorship

On 12 April 2017, two persons were shot dead by policemen on patrol in Kibenga and Buterere quarters of Bujumbura mayorship. According to police spokesman Pierre Nkurikiye, the killed were accused by the police of belonging to a group of bandits who strip people of their possessions using machetes.

I.2. CASES OF ABDUCTION AND ARREST FOLLOWED BY ENFORCED DISAPPEARANCES

Two persons abducted and then reported missing in Bukemba commune, Rutana province

Information received by Iteka League on 10 April 2017 indicates that Ferdinand Vyimana, alias Setu, aged 33, living in Gihosha-rural quarter, Bujumbura mayorship, MSD party

member and his friend Ernest, FNL party member were abducted on 23 March 2017 by SNR agents in Rutana province. According to sources on the spot, these two people went to SOSUMO in Bukemba commune for an appointment that Ferdinand Vyimana had with the SOSUMO DAF concerning supplies on 23 March 2017. The same sources add that Ferdinand Vyimana had already received extremely serious death threats.

1.3. CASES OF TORTURE AND ILL-TREATMENT

One person arrested and tortured in Kibago commune, Makamba province

On April 16, 2017, in Kibago commune, Juvénal Ndayishimiye, an ex-FAB pensioner, over 60 years old was beaten by a policeman who wanted to impose a curfew. He defended himself with a bottle before being arrested by the chief of police station of the area. He was led, handcuffed to Kibago police station cell and the head of police station left with the key of the handcuff.

One person arrested and tortured in Kayanza province

The information received by Iteka League on 10 April 2017 indicates that 6:00 pm on 9 April 2017, on Rukere hill in Kabarore commune, Kayanza province, Kibaya of Karama hill, Kabarore commune was beaten up and then tied up by Imbonerakure in a pub before being taken to the police cell at the commune. They accused him of contempt of the head of state for the mere fact of having said that those who voted for CNDD-FDD had voted badly.

Two persons tortured in Nyabikere commune, Karusi province

On April 10, 2017, Butoyi and Rukara of the hill and Rurwiza zone, Nyabikere commune, Karusi province were tortured and tied up by Imbonerakure from this area. According to sources on the spot, Butoyi and Rukara were charged with 20,000 Bif before being released. They were accused of destruction of environment.

1.4. CASES OF ARBITRARY ARRESTS AND ILLEGAL DETENTION

One person arrested in Nyanza-lac commune, Makamba province

On 15 April 2017, in Nyanza-Lac commune, a group of young Imbonerakure arrested a police brigadier named Cyriaque Ntakirutimana, assigned to Kayogoro police station. The events occurred in the night of 15 April 2017 at the bus stop in Muyange. The latter was taken to Nyanza-Lac police cell and spent the whole night there before being released.

Two persons arrested in Bubanza province

On April 13, 2017, Jean Paul Barutwanayo, ex-DPAE Bubanza and Philippe, Mpanda communal agronomist were arrested by the police and taken to Bujumbura by SNR agents. They were accused of diverting chemical fertilizers, sources said.

A person arrested in Kayanza province

On 12 April 2015, an ex-FAB soldier named Cyprien Runyange was arrested by policemen at his workplace in Kayanza province. He had spent a few days in Rwanda. Once in Burundi, the police searched his home and workplace but nothing compromising was found. Cyprien Runyange has been released.

A person arrested in the province Gitega

On April 14, 2017, Gaston Gahungu, head of Songa hill, commune and Gitega province was arrested on the order of the anti-corruption police commissioner in Gitega province. According to sources on the spot, Gaston Gahungu was accused of embezzlement of communal taxes of 180,000 Bif, a charge rejected by the latter. According to the same sources, this commissioner would have received orders from the communal administrator of Gitega, Valentin Nahimana for political reasons. This head of hill arrested is a member of FRODEBU political party of Léonce Ngendakumana and would be among local authorities who constantly denounced the cases of burr in Gitega province. In 2012, he was awarded the "Good Citizen" award by FOCODE for his commitment to respect human rights.

A member of FNL wing of Agathon Rwasa arrested in Ruyigi province

On April 12, 2017, Adrien Nsengiyumva, a member of FNL wing of Agathon Rwasa was arrested and imprisoned in Bweru commune police cell, Ruyigi province. Adrien Nsengiyumva is a teacher of ECOFO Mubavu of the same commune. According to police sources, he is accused of planning the assassination of a person.

The chair of FNL wing of Agathon Rwasa in Ruyigi province, Honorable Pascal Bizumuremyi talks about the hunting of their members. This happens when, as of 6 April 2017, Anaclet Magemanya, chair of FNL wing of Rwasa in Bweru commune was arrested and imprisoned in Rusengo police cell, accused of illegally holding clandestine meetings.

In addition, during his arrest, reasons were sought to arrest him. According to our sources, Magemanya was accused of fraud and as of April 3, 2017, Mubavu zone head came to see the governor of Ruyigi province to inform him that Magemanya had collected more than 530,000 Bif from the population by promising to give them goats and that they waited in vain. The warrant was brought out upon request of the governor and Bweru zone head.

A person arrested in Ruyigi province

Information received by Iteka League on 10 April 2017 indicates that Moise Nimbona was arrested on 7 April 2017 around 7:00 pm by Imbonerakure of Bwome hill, Muhwazi zone, Ruyigi province. He was on a motorcycle and as the group of Imbonerakure was pursuing him, he had to escape leaving his bike behind but he was caught and taken to Ruyigi police cell before being transferred to prison, according to our sources. According to police spokesman Pierre Nkurikiye, a rifle was found in his bag that was on the motorcycle. Moise

Nimbona was sentenced to 5 years' imprisonment on April 12, 2017. He is accused of trafficking in weapons, according to our sources.

A student of the UB arrested in Bujumbura mayorship

As of April 14, 2017, Jean-Claude Hatungimana alias Kabizi, a student at the UB, Faculty of Economics Bac II was arrested by API policemen in a vehicle registered D 4930 A on Muyinga Avenue close to IPA, Bujumbura mayorship. He was taken to one of SNR cells. According to police sources, he is accused of sowing disorder at Mutanga campus.

Twenty-one persons arrested in Cibitoke urban zone, Bujumbura mayorship

As of April 14, 2017, 21 persons were arrested by police and soldiers during a search and control of household records from the 13th to 16th Avenue of Mutakura quarter, Cibitoke urban zone, Ntahangwa commune, Bujumbura mayorship. Twenty were released while one of them remains imprisoned in Cibitoke zone cell because they are accused of selling hemp.

Three people arrested in Mugamba commune, Bururi province

As of April 10, 2017, three persons, P. Claver Nduwayo, Francois Sinzumusi, and Karagira, all from Mwumba zone were arrested by police and the reason for their arrest remains unknown, sources said. They were taken to Mugamba commune cell, our source says.

One person arrested in Gitaramuka commune, Karusi province

On April 11, 2017, Alexandre Ngendakumana was arrested by police in Kirwati quarter of Rubuga hill, Gitaramuka zone and commune of Karusi province. According to sources on the spot, the police organized a search to Alexandre Ngendakumana's home, no weapons were seized although the police took him to Gitaramuka police cell.

1.5. RIGHT TO EDUCATION

Expel of eight representatives of UB students, Bujumbura mayorship

As of April 12, 2017, Ndayishimiye Pacifique, Evrard Gashirahamwe, Epimede Kwizera, Emery Ncutinamagara, Jean Bosco Bakanibona, Désiré Havyarimana, Patience Mbonabuca and Aloys Bigirimana, all student representatives were expelled from UB following the decision of the Rector of the UB, Gaspard Banyankimbona. These students are accused of having falsified signatures on the correspondence to President Pierre Nkurunziza announcing him a notice of activities cessation.

According to sources on the spot, this decision is a violation of the academic regulation because it falls under the competence of the Minister of Higher Education to expel a student.

1.6. RIGHT TO PROPERTY

Expropriation and demolition of houses in Mutimbuzi commune, Bujumbura rural province

As of 11 April 2017, 23 houses of Gasenyi inhabitants in commune Mutimbuzi, Bujumbura province were destroyed. These houses were built close to the presidency of the Republic under construction. The owners of these houses in total desolation indicated that they do not know where to go since they have not even been compensated, according to our source.

The Governor of Bujumbura Rural Province, Nadine Gacuti, brought a machine to demolish the houses. Governor Nadine Gacuti told these residents that she is implementing the measure of the Ministry of urbanism. After discussing, the police on Gasenyi hill scattered the crowd to begin the demolition. This machine then proceeded to the demolition of these 23 houses, many of which were built after contracting bank loans. The owners of these houses say they do not what to do. A mother crying in front of her dwindling house indicates that she does not see where she will put her children who will soon sleep on the street.

The governor of Bujumbura rural province told those victims to go to Mutimbuzi commune. On the Government side, they indicate that the allowances for 40 hectares where this presidency is being built were given a long time ago, which have not reached the recipients.

Expropriation of properties in province Muramvya

On April 10 and 11, 2017 in Kirwati, zone, commune and Muramvya province, Imbonerakure Anicet, Gaca, Etienne, Omer and Jonas have cut trees on the plot of a person known as Madagasha, a retiree of DPAE Muramvya and have grabbed the plots.

1.7. FAIR JUSTICE

People illegally detained in Makamba province

As of 10 April 2017, Judith Ndiokubwayo, Dominique Nyandwi, Lévis Nkurunziza, Germain Toyi, Venant Nyandwi, Noël Ndamuhawenimana, Richard Nkurunziza and Gordien Nkuzimana, arrested in Nyanza-lac commune, accused of rebellion by the prosecution have appeared to TGI Makamba. Only one in seven of the victims had legal assistance. On April 12, 2017, the TGI Makamba chambers decided the provisional release of five of the alleged rebels. Despite the decision of the chambers, the public prosecutor's office refused to release them after appealing to Bururi Court of Appeal. What human rights defenders call a serious violation of the law. He should have first released them and then appealed. It is a violation of the law in its article 127 of the Burundian CPP which stipulates that:

"During the appeal period and, in the case of an appeal, up to the decision, the accused shall be kept in the state in which the judge's order placed him, as long as the period of validity of this order has not expired. If the judge has detained him, the accused shall be released provisionally from the expiry of the time limit for appeal. "

These alleged individuals were all transferred to Rumonge Central Prison on 14 April 2017.

I.8. GENDER BASED VIOLENCE

A girl raped in Buhiga commune, Karusi province

On April 10, 2017, a four-year-old girl named E. was raped on Kigoma hill, Buhinyuza zone, Buhiga commune, Karusi province. According to sources on the spot, the author of the rape is Dunia, 40 years old.

II. SECURITY FACTS

II.1. THE PHENOMENON OF CORPSES

A dead body found in Kinanira III quarter, Bujumbura mayorship

On 11 April 2017, the corpse of Stany Niyonizigiye, alias Yorogo, an accountant to Giriyuja project of “Terre des hommes” NGO in Bujumbura was discovered about 10 meters from his home by KK Security company agents, under his vehicle, in Kinanira III quarter, Musaga urban zone, Muha commune, Bujumbura mayorship. The victim had injuries to the head.

II.2. ARMED ATTACKS

Two people injured in Kayanza province

On 12 April 2017, in Nyabihogo zone, Kayanza commune and province, Melchior Nyabenda's family was attacked by unknown men and seriously injured him and his wife Jeanne Nizigiyimana. They were taken to Kayanza hospital and immediately transferred to Bujumbura because of the severity of their condition

Four people injured in Ngagara urban zone, Bujumbura mayorship

On April 10, 2017, an unidentified armed group opened fire on charcoal sellers near the ECOFO of St. Joseph parish in quarter III, Ngagara urban zone, Ntakangwa commune, Bujumbura mayorship. Four people were injured during the attack.

II.3. OTHER FACTS REPORTED

One person killed in Rugazi commune, Bubanza province

On April 14, 2017, around 2:00 pm, in Ruce zone, Rugazi commune, Bubanza province, a policeman Antoine Ndayisenga APN 082212, killed his wife with his firearm. According to our sources, the woman brought her 2 children and wanted to marry a soldier from peacekeeping mission in Somalia. After murdering his wife, Antoine Ndayisenga hid and killed himself too.

A person killed in the province of Ruyigi

Information received by Iteka League on 10 April 2017 indicates that Gérard Hakizimana, a trader, killed his wife Emmanuella Niyimbeshejeho on 8 April 2017 on Nyamisina hill, Kabanga zone, Kinyinya commune, Province Ruyigi, according to our sources. According to the same sources, the couple had spent the evening of 8 April 2017 quarrelling. The woman

was found dead in her house. The victim had prevented him from marrying a second woman, according to the same sources.

One person killed in Kayokwe commune, Mwaro province

On April 11, 2017, around 4:00 pm, on Saswe hill, Kayokwe commune, a man named Damien was killed by his brother Bucumi. According to sources on the spot, the police surprisingly entered Bucumi's house around 6:00 am to search for "Umudiringi" (a prohibited drink) frequently consumed by the population of Mwaro. At least 100 liters were found, according to the population of the area. As Bucumi and Damien were not in good terms following land problems, Bucumi directly thought that it was Damien who might have informed the police that he had this drink in his house. It was around 4:00 pm that Bucumi took a big stone and threw it on Damien in the head. The latter fell to the ground and his brother took a club to finish him and he took off with his family and remained untraceable.

A person dead in Makamba province prosecutor's office cell

On 16 April 2017, a detainee named Jean NIYONGABO, native of Gumungwe hill, Burambi commune, Rumonge Province, died in Makamba prosecutor's office cell following the lack of health care. According to sources on the spot, the latter asked for authorization to seek treatment in vain. Jean Niyongabo was accused of fraud by Makamba prosecutor's office.

Irregularities in the implementation of CVR members in Cibitoke and Kayanza provinces

In Kayanza province, on April 10, 2017, elections were held to select CVR leaders, those who were invited were only from CNDD-FDD and those who are close to the government. Officially, those who had to be invited were representatives of associations, churches and parties. But the administration had only invited the ruling party members as well as those close to the regime. At the entrance of the room, a small paper was given to each person with names of the persons who were to be chosen.

In Cibitoke province, the lists of CVR members in Bukinanyana and Mabayi communes are delaying to come out because these lists must pass through CNDD-FDD party to be amended according to our sources. In Rugombo commune, the list followed the standards following the tough intervention of the civil society members. In Mugina commune, there is no one representing civil society.

Fuel shortage in the south of the country

Information received in our office on 16 April 2017 indicates that there is fuel shortage in the south of the country, particularly in Bururi province. According to sources on the spot, field trips to implement judgments and findings made by courts and tribunals are temporarily suspended. The most notable cases are the transfers of defendants arrested in different cells in the province who remain detained there. Our source says that it is not only police, courts and tribunals that are blocked, but also health sector where supervision activities are suspended. The consequences are not limited only in these aforementioned sectors, we also observe the bus tickets rise to 100%, the prices of essentials are also revised upwards.

A search in Cankuzo province

Information received by Iteka League on 12 April 2017 indicates that a search by the police and local administrative staff took place on the morning of 7 April 2017 in Ndava quarter of Cankuzo urban center in search of prohibited drinks commonly known as "Umuraha". They found people who did not have ID cards and took them to the cell but were all released halfway for a ransom of 5000 to 7000 Bif each.

III. CONCLUSION AND RECOMMENDATIONS

Allegations and violations of human rights following the deterioration of political context since the beginning of President Pierre Nkurunziza's protested 3rd term continue to be recorded in various parts of the country.

The obsession of an imminent rebellion fighting President Pierre Nkurunziza's regime is the source of many cases of murder, torture, abduction, illegal arbitrary arrest and illegal imprisonment.

The fear of seeing the crimes against the alleged opponents widespread is great following the withdrawal of Burundi from the ICC and the minimization of any kind of foreign pressure by President Pierre Nkurunziza's regime.

Given the continuously serious situation of human rights situation in Burundi, Iteka League recommends:

A) To the Government of Burundi

- To ensure compliance with the CCP for cases of arrests currently being committed and/or dealt with by persons who are not competent to do so;
- Put forward the principle of equality of all citizens before the law
- To put immediately an end to state violence and human rights violations by ensuring the security and protection of the population and the protection of human rights in accordance with national, regional and international documents on human right protection it has ratified;
- To dismantle and disarm the militia of the Imbonerakure youth league which spread terror in the country and which has replaced the administration and security corps it;
- To punish policemen, soldiers, Imbonerakure League youth and administrative agents involved in human rights violations;

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;
- To carefully review its payment system for the Burundian soldiers in peace mission so as not to continue funding a government responsible for serious human rights violations.

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) A la Médiation

- 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;
- Knowing that political conflict requires a political solution.

F) To the EAC

- Bring President Pierre Nkurunziza's regime to a negotiation table for an inclusive, sincere dialogue in order to find a lasting political solution to the crisis;
- Take sanctions if the Burundian government continues to decline the offer of the Mediation.

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 procedures for the analysis of the cases submitted and to carry out necessary indictments.