

## **BURUNDIAN LIGUE OF HUMAN RIGHTS "ITEKA"**

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*Weekly bulletin « ITEKA N'IJAMBO » n°426 of the Burundian Ligue of Human Rights "ITEKA"*

**Week from 10 – 16 June 2024**



*In memory of Madam Marie Claudette Kwizera, Treasurer of Iteka, reported missing since December 10 2015. From December 2015 to 16 June 2024, Iteka has documented at least 692 cases of enforced disappearances*

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## **ACRONYMS**

<b>BUCECO</b>	: <i>Burundi Cement Company</i>
<b>CDS</b>	: <i>Health Center</i>
<b>CNC</b>	: <i>National Communication Board</i>
<b>CNDD-FDD</b>	: <i>National Council for the Defense of Democracy</i>
<b>DPE</b>	: <i>Provincial Education Direction</i>
<b>DRC</b>	: <i>Democratic Republic of the Congo</i>
<b>ECOFO</b>	: <i>Fundamental School</i>
<b>FM</b>	: <i>Frequency modulation</i>
<b>OBR</b>	: <i>Burundi Revenue Authority</i>
<b>OPJ</b>	: <i>Judicial Police Officer</i>
<b>OLUCOME</b>	: <i>Organization for the Fight against Corruption and Economic Embezzlements</i>
<b>ONG</b>	: <i>Non gouvernemental Organization</i>
<b>OTB</b>	: <i>Burundi Tea Board</i>
<b>TGI</b>	: <i>High Court</i>
<b>SGBV</b>	: <i>Sexual and Gender Based Violence</i>

## **0. INTRODUCTION**

This bulletin covers the governance, judicial and security context that marked this period. It also deals with civil and political rights; economic social and cultural rights as well as categorical rights and ends with a conclusion.

Therefore, over this reporting period, the human rights and security situation was reported as follows: at least 8 people dead including 4 found dead and 5 victims of SGBV.

Among the victims are 1 newborn killed.

Members of political parties were not spared. Thus, 1 member of CNDD-FDD party killed.

Police officers, administrative officers and Imbonerakure are singled out as the alleged perpetrators of most of these human rights violations and assassinations.

## **I. GOVERNANCE, JUDICIAL AND SECURITY CONTEXT**

### **I.1. GOVERNANCE CONTEXT**

#### **The speech of the National Assembly speaker on the fuel shortage in Burundi**

Burundi is currently facing recurring shortages of several products, including petroleum products. This shortage has caused significant repercussions on several aspects of daily life, including transport and the costs of basic necessities.

In his speech on June 13, 2024 during a plenary session at Kigobe congress center, the National Assembly speaker, Gélase Daniel Ndabirabe identified the reason for the fuel shortage. He accused MPs and their friends of hiding the fuel in their homes and then reselling it at exorbitant prices, exporting it to Rwanda or elsewhere. He also accused them of hiding fuel in order to create an artificial shortage and thus provoke a popular uprising.

In order to curb this current fuel shortage, Gélase Daniel called for the restoration of the death penalty<sup>1</sup> in Burundi to kill all fuel offenders.

These remarks by the National Assembly speaker recall the controversial declarations of some authorities in the country on the causes of this fuel shortage, in particular those of the Burundian Prime Minister.

On April 24, 2024 during the presentation of the report of annual work plan and budget, Prime Minister Gervais Ndirakobuca declared that the precarious economic situation that the country is currently facing in general and the scarcity of currencies as well as the shortage of fuel in particular is linked to the sanctions imposed on Burundi following the multidimensional crisis that broke out in Burundi in 2015.

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<sup>1</sup>Burundi abolished the death penalty by the promulgation of Law No. 1/05 of April 22, 2009 revising the penal code, repealing the death penalty.

## **The increase in taxes in the general state budget for the 2024-2025 financial year deteriorates the precarious living conditions of households**

At Kigobe, on June 13, 2024, the National Assembly met in plenary session to analyze and adopt the bill relating to the general budget of the State for the financial year 2024-2025, in accordance with the declaration of the Head of State<sup>2</sup>. Before the adoption of the said bill, the MPs heard the Minister of Finance, Budget and Economic Planning, Audace Niyonzima who was the guest of this session.

In his explanatory memorandum, he stressed that the vision of becoming an emerging country by 2040 and a developed country by 2060 is still far from being fully reflected in this bill. Among the new features introduced, the minister indicated that the 2024-2025 finance bill has the particularity of being accompanied by Annual Performance Projects detailing the funds allocated to each ministerial public policy by budgetary program, as well as the performance commitment from program managers and the ministerial hierarchical chain.

Minister Audace Niyonzima revealed that income and donations from the general state budget will increase from BIF 3,371.6 billion in 2023-2024 to BIF 3,941.11 billion in 2024-2025, recording an increase of 16.89%. Total state expenditure will also increase, from BIF 3,780.95 billion in 2023-2024 to BIF 4,397.46 billion for the 2024-2025 budget year, an increase of 16.30%. However, the overall deficit of the finance bill for 2024-2025 will amount to BIF 456.34 billion, compared to BIF 426.51 billion in 2023-2024.

The MPs of the finance committee indicated that the bill was not presented to the National Assembly until June 4, 2024, more than two months after the scheduled date, seriously compromising their ability to conduct an in-depth analysis before the decisive vote. Audace Niyonzima, Minister of Finance, explained that these delays were due to the complexity of preparing the budget for the 2024-2025 fiscal year.

Thus, some MPs expressed their concerns on the impact of this budget on the population, particularly with regard to taxes. They feared that the tax increase would further deteriorate the precarious living conditions of households. The National Assembly speaker reacted firmly by challenging the MPs on the need for transparency and loyalty with regard to currencies.

Recall that during the plenary session of April 26, 2024<sup>3</sup>, some MPs denounced the presidency's exceeding of the budget. Some institutions of the Republic, starting with the presidency, spent more money than what had been allocated to them in the general state budget of 2023. Thus, according to these MPs, at the level of the stewardship of the head of the State, the initial budget allocated was 300,400,000 BIF. After budget revision, this amount was increased by 50,000,000 BIF. However, the execution of funds allocated to stewardship amounted to a sum of 1,785,233,716 BIF.

For the Minister of Finance, this anarchic and excess consumption was due to the unexpected organization of regional meetings. The vice-president of the National Assembly had ordered the MPs to no longer ask this question. Despite the criticism of this bill, it was adopted with a rate of 84.74%.

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<sup>2</sup>The determination of the national budget must now be aligned with the vision document "Burundi emerging country in 2040 and developed country in 2060".

<sup>3</sup>During the work of the plenary session relating to the analysis and adoption of the bill on the budget regulations and reporting of the Republic of Burundi for the 2022-2023 financial year

## **Forced contributions to civil servants in Mwaro province**

On the occasion of a prayer organized by the presidential couple on the dates of June 20 to 22, 2024, as a celebration of 4 years at the head of Burundi, in Nyabihanga commune, Mwaro province, contributions are forcibly demanded from civil servants by the heads of different services and administrative officials are mobilizing the population in the communes of this province to contribute for this prayer. Teachers and civil servants like health personnel must give their contribution, the amount varying depending on the diploma and the position occupied. As an illustration, a teacher with General Humanities level must give 2000 Bif, one at the bachelor's level gives 5000 Bif, a director of a school with a boarding system 200,000 Bif, an advisor to the Provincial Direction of Education 30,000 Bif. The amount should have been paid by June 11, 2024, but administrative and school officials continue to put pressure on those who have not yet paid the fixed amount. Some sources say that these funds will be used to purchase gifts (domestic animals such as cows, goats, sheep, baskets of food) to be offered during the prayer. This is in addition to the obligation to purchase loincloths to wear during the event, especially at the opening parade of the prayer on June 20, 2024, the colors of the loincloths will be diversified according to each commune and the price is 30,000 Bif. .

## **Use of state vehicles in CNDD-FDD party activities in Ngozi province**

Information received by Ligue Iteka on June 10, 2024 indicates that from June 7 to June 11, 2024, at Agasaka stadium, Ngozi commune and province, a crusade of CNDD-FDD party was held in memory of the late President Pierre Nkurunziza died 4 years ago. According to eyewitnesses, Fuso brand vehicles from OTB in Teza and Rwegura were used to transport CNDD-FDD party members from the new Butanyerera province (Ngozi, Kayanza and Kirundo). The said witnesses add that these same vehicles were given priority during the distribution of fuel despite the long queues that had been observed at "Kuryamivo service station" for 2 days. The motorcycles of the young Imbonerakure with CNDD-FDD party uniform were also served upon their arrival. After the departure of these vehicles consuming fuel oil, Désiré Minani, governor of Ngozi, told the waiting drivers that the remaining 5,000 liters of fuel oil are reserved for CNDD-FDD party, while many goods transport vehicles and people had been parked there for a long time.

### ***1.2. JUDICIAL CONTEXT***

#### **Fragrance trial in Cibitoke province**

On June 14, 2024, the TGI Cibitoke sentenced to a life sentence Pacifique Manirakiza, Imbonerakure, aged 23, accused of having drowned Jean Eudes Musiwa Mawa, aged 43, a Congolese national. The incident occurred on the afternoon of June 8, 2024 and all the charges against this Imbonerakure indicate that he wanted to strip possessions and an amount of money held by this Congolese citizen. The accused pleaded guilty to the charges of the public prosecutor who had requested a life sentence, confirmed after deliberation by the judge. The inhabitants of Cibitoke province in the courtroom welcomed the sentence which, according to them, will put an end to the impunity observed in recent times for this type of crime.

#### **Judgment against a teacher at Bururi High Court**

Information received by Ligue Iteka on June 10, 2024 indicates that on June 7, 2024, Bururi TGI has sentenced Fidèle Niyukuri, teacher at ECOFO Kajondi, Rutovu commune, Bururi province. The latter was sentenced to 5 years for intentional homicide against his student and 10 million Bif, for compensation to the victim's family as well as a fine of 100 thousand Bif. Otherwise, Fidèle Niyukuri will serve an additional sentence of 600 months on top of the first sentence. Note that the author was arrested in November 2023, prosecuted for willful assault and battery against his student.

### ***1.3. SECURITY CONTEXT***

#### ***1.3.1. PERSONS KILLED BY UNIDENTIFIED PEOPLE***

##### **Two bodies found in Buganda commune, Cibitoke province**

On June 15, 2024, in the morning, on the 4<sup>th</sup> street, Nyamitanga hill, Buganda commune, Cibitoke province, two bodies of unidentified men, in a state of decomposition, were found by farmers who were going to their fields not far from Rusizi River, border with the DRC. According to these farmers, the bodies were tied up and found in the bush. These farmers alerted soldiers of the positions guarding the border with the DRC and these bodies were buried by Imbonerakure and the population of this locality on the orders of Pamphile Hakizimana, communal administrator of Buganda.

##### **A body of a member of CNDD-FDD party found in Rugombo commune, Cibitoke province**

On June 15, 2024, on Mparambo II hill, Rugombo commune, Cibitoke province, a body of Thaddée Nizigiyimana, aged 51, member of CNDD-FDD, from the 2<sup>nd</sup> street Nyamitanga, Buganda commune was found by farmers going to the fields. According to these farmers, the body was in a state of decomposition. The victim had been missing for two weeks. The body was buried by Imbonerakure in the presence of family members and local administrators.

#### ***1.3.2. PERSONS KILLED FOLLOWING SETTLING OF SCORES***

##### **One person killed in Kirundo commune and province**

On June 10, 2024, on Gakana hill, Kirundo Rural zone, Kirundo commune and province, Silas Harerimana nicknamed Wakweti, aged 43, farmer, leg disabled, was killed by a sword blow from unidentified people while returning home. According to eyewitnesses, the victim had land disputes with his brothers. A demobilized Claude Ndayahoze from CNDD-FDD was arrested by members of the Joint Security Committee and taken to Kirundo police station where he ended up denouncing his instigators and brothers, Claver Ntungane and Gérard Musasu, with whom he had spent all day and the latter were in turn arrested on June 12, trying to flee towards Vumbi commune. The same witnesses add that there were traces of blood on Claude Ndayahoze's shoes.

#### ***1.3.3. OTHER SECURITY FACTS***

##### **One person killed in Rugombo commune, Cibitoke province**

Information received by Ligue Iteka on June 10, 2024 indicates that on June 8, 2024, on the 1<sup>st</sup> street, Rukana II hill, Rugombo commune, Cibitoke province, Jean Eudes Musiwa Mawa, aged 43, Congolese, was drowning by Pacifique Manirakiza, Imbonerakure, aged 23. According to witnesses, Jean Eudes was crossing this river to go to Rugombo commune and Pacifique drowned him to rob his possessions and a sum of money he held. The body of the victim in a state of decomposition was buried in Mpanda cemetery by the population on June 13, 2024.



## **II. CIVIL AND POLITICAL RIGHTS**

Burundi is one of the countries adhering to the international covenant on civil and political rights (1965) and its optional protocol (1976) without any reservation on May 9, 1990, which as part of its implementation, Burundi took measures in domestic legislation in particular in its constitution of June 7, 2018 (Main Law) in its article 19 which guarantees that all the rights proclaimed and guaranteed by regularly ratified international texts are an integral part of this constitution, implementing texts are put in place, namely the penal code of December 29, 2017 and the criminal procedure code of May 11, 2018 and other institutions for the protection of human rights in Burundi have been created. However, in reality, respect for human rights is a long and difficult path based on the volatile Burundian political and security context that undermines the rights and fundamental freedoms of the population.

### **II.1. RIGHT TO LIFE**

The law guarantees it, human dignity must be respected and protected by the State and in the event of violation, sanctions should be applied to the alleged perpetrators, art 21 of the Constitutional Law of the country, as to the facts observed and convincing, political will overrides it

#### **Two detainees died in Makamba commune and province**

As of June 11, 2024, in the cells of the judicial authorities in less than 24 hours, two prisoners died following the negligence of the prison authorities. Jérôme Ndikuriyo died in the cell of Makamba prosecutor's office, after he was refused the authorization to seek treatment because he had been ill for some time. Sources close to the prosecution say that the victim was arrested on May 8, 2024 following land conflicts. According to witnesses, he had won a case but the loser refused to harvest the sweet potatoes which were in the part that the court had ceded to Jérôme Ndikuriyo. The latter harvested the sweet potatoes then took them to the OPJ to force the owner of the sweet potato field to come and collect his harvest but the OPJ arrested him. Jérôme Ndikuriyo was transferred to Makamba prosecutor's cell by the public prosecutor.

On June 12, 2024, around 3 a.m, in Makamba communal police station, a young detainee died following his chronic illness "asthma". He had an attack of this disease which caused sudden death. The fellow prisoners tried to alert the cell guards who, in turn, alerted the judicial police officer without success. The victim was arrested by the police on June 9, 2024 following family conflicts. The victim is from Gatwenzi quarter, Nyabigina hill. His body was transferred to Makamba Hospital mortuary.

### **II.2. THE RIGHT TO PHYSICAL INTEGRITY**

#### **II.2.1. GENDER-BASED VIOLENCE**

The Law on Gender-Based Violence adopted in Burundi in 2016 constituted a major step forward. It guaranteed better protection, notably by providing a definition of rape that took into account the question of consent and by prohibiting harmful traditional practices. However, cases of GBV are observed.

#### **A girl raped in Bugendana commune, Gitega province**

Information received by Ligue Iteka on June 10, 2024 indicates that on June 9, 2024, around 8 p.m., on Kibungo hill, Bugendana commune, Gitega province, D.M, aged 14, student in 6<sup>th</sup> form at ECOFO Kiziguro on the same hill was raped by Innocent Irambona, aged 23, a member of the local Imbonerakure youth league who claim to be security agents. According to the victim, she was with her older sister and her fiancé in one of the bars in this locality. On her way out, Innocent took her by force and raped her behind the bar.



The victim tried to scream but to no avail due to the noise of the radios, and the intimidation of killing her on the spot if she continued to resist. The complaint was filed the next day by the victim's mother and the alleged perpetrator was quickly arrested by the OPJ, Eurade Irakoze. During the interrogation, the alleged perpetrator accepted the facts but denied that the sexual act took place. He only admits that he touched her genitals. The victim was transported to Bugendana clinic for first aid. This author is detained in Bugendana commune cell and the OPJ indicates that he is waiting for a means of transport to transfer the file and the detainee to Gitega prosecutor's office.

#### **A little girl raped in Muramvya commune and province**

On June 10, 2024, around 2 p.m., on Gakenke hill, Muramvya commune and province, M.I, aged 11, was raped by Thierry Itangiteka, aged 26, farmer and member of Imbonerakure militia. According to the victim, she was going to get herbs for rabbits, when Thierry stopped her and took her to his house and raped her because he lives alone in this house. The victim told her father what happened to her and the latter alerted the OPJ, Fabien Nimpagaritse by telephone. The OPJ rushed the scene and the victim was rushed to Muramvya hospital where medical tests confirmed that there had been rape. The alleged perpetrator was arrested and jailed in Muramvya police station cell.

#### **A girl raped in Rumonge commune and province**

Information received by Ligue Iteka on June 10, 2024 indicates that on June 2, 2024, around 4 p.m., on Rukinga hill, commune and province Rumonge Z. N, aged 11, student in 4<sup>th</sup> form at ECOFO Rukinga was raped by Phénias Ndayirukiye, aged 18, a farmer and neighbor of the victim. According to the latter's parents, the alleged perpetrator took her by force and then took her to an uninhabited house to rape her. The child screamed for help then the neighbors intervened. The victim was taken to Humura center then to Rumonge hospital to receive treatment. Phénias was arrested and jailed in Rumonge police cell.

#### **A little girl raped in Rumonge commune and province**

Information received by Ligue Iteka on June 10, 2024 indicates that on June 3, 2024, on Kizuka hill, Rumonge commune and province, B.A, aged 7, was raped by Égide Nimubona, aged 35 years old, member of CNDD-FDD party. According to her parents, the alleged perpetrator took her to a cassava field to rape her and then intimidated her not to say anything. The victim felt unwell and was taken to CDS Kizuka for consultation. On the way, she told her aunt who accompanied her that she had pain in her genitals. Arriving at the CDS, on June 5, 2024, she told the story to the nurse who examined the child and found her genitals very infected. The alleged perpetrator was arrested and jailed in Kizuka zone cell then transferred to Rumonge police station cell on June 6, 2024.

#### **A little girl raped in Giharo commune, Rutana province**

Information received by Ligue Iteka on June 10, 2024 indicates that on June 1, 2024, in a bush, on Muzye hill, Giharo commune, Rutana province, D. N, aged 5, was raped by Japhet Niyoyankunze, married, member of CNDD-FDD party, from of the said hill. According to sources on site, the latter promised her a 100 Bif note to have sex with her. After that, the alleged perpetrator was arrested by the police and detained in Giharo communal police station cell.

### ***II.3. RIGHT TO FREEDOM OF EXPRESSION***

#### **Press freedom in Burundi**

The national communications board does all possible to prevent any information containing messages against CNDD-FDD party regime, particularly those from political opponents or civil society members. For example, we can mention the ban on the rebroadcast of Bonesha FM radio debate shows “Inkuru

y'imvaho and Bonesha tribune of June 11 and 12, 2024. According to our sources within this board, the CNC has banned these rebroadcasts pretexting that the guests exaggerated to the point of talking about State secrets, with the risk of leading the country into violence but media professionals consider this as censorship and violation of the independence of the press in Burundi. The guests in these broadcasts were Honorable Agathon Rwasa, former leader of CNL party and political opponent of CNDD-FDD party, Gaspard Kobako, former spokesperson for CNDD party of Nyangoma and President of AND Intadohoka Party and Gabriel Rufyiri, President of OLUCOME. The debate was on the finance bill, budget for the 2024-2025 financial year. Moreover, the CNC refused on June 6, 2024 a synergy of six media including Radio Bonesha FM, Isanganiro, Shima FM, Rema FM, Magazine Jimbere and Iwacu Journal on the press bill and was funded by the NGO Benevolencia which was scheduled.

### **III. ECONOMIC SOCIAL AND CULTURAL RIGHTS**

Although Burundi approved accession to the International Covenant on Economic, Social and Cultural Rights on March 14, 1990, adopted in New York on December 16, 1966, its compliance in operational facts leaves much to be desired.

#### **Rising prices in Karuzi province**

Since early June 2024, the glaring lack of fuel of all kinds has been noticed in Karuzi province. This lack of fuel has caused the prices of goods to rise. For example, a sheet of metal which cost 30,000 Bif, costs 36,000 Bif until June 15, 2024, a bag of cement which cost 38,000 Bif, is now at 54,000 Bif, a kg of cooking salt cost 1200 Bif is 3,000 Bif. Transport becomes impractical because the tickets have had a triple cost.

### **IV. CATEGORICAL RIGHTS**

#### **IV.1. CHILDREN'S RIGHTS**

The International Convention on the Rights of the Child, ratified by Burundi on October 19, 1990, guarantees the child the right to be protected from violence, mistreatment and all forms of abuse and exploitation. The Burundian constitution also states in Article 44 that “*every child has the right to special measures to ensure or improve the care necessary for their well-being, health, physical security and to be protected against ill-treatment, abuse or exploitations*”.

#### **A body of a newborn found in Rutegama commune, Muramvya province**

On June 11, 2020, around 8 a.m., on Gashingwa hill, Rutegama commune, Muramvya province, a body of a newborn was found by passers-by going to the fields. According to sources on site, the body was wrapped in a small bag which had served as packaging for BUCECO cement and had been placed in a small bush next to the path. These passers-by were alerted by a foul smell. According to the same sources, the body had injuries to the ears. Anicet Nindorera, hill head, decided that he should be buried immediately at Gashingwa cemetery. Investigations carried out by hill officials to find the child's mother were unsuccessful.

## ***V. CONCLUSION***

Ligue Iteka notes a continued deterioration of human rights situation across the country.

It protests against the impunity of the crimes observed and asks the Minister of Justice to ensure the strict application of the law against the perpetrators of the crimes.