BURUNDIAN LIGUE OF HUMAN RIGHTS "ITEKA"

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Weekly bulletin « ITEKA N'IJAMBO » n°424 of the Burundian Ligue of Human Rights "ITEKA"





In memory of Madam Marie Claudette Kwizera, Treasurer of Iteka, reported missing since December 10 2015. From December 2015 to 2 June 2024, Iteka has documented at least 690 cases of enforced disappearances.

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ACRONYMS

 $\textbf{\textit{ANAGESSA}} \hspace{0.1in} : National \hspace{0.1in} \textit{Agency for Strategic Food Stock Management}$

BRARUDI : Breweries of Burundi

CDS : Health Center

CNDD-FDD: National Council for the Defense of Democracy

CNL : National Congress for Liberty

ECOFO : Fundamental School

FAB : Burundi Armed Forces

FARDC : Armed Forces of the Democratic Republic of the Congo

OBUHA : Burundi Bureau of Urban Planning, Housing and Construction

OPJ : Judicial Police Officer

RAF : Administrative and Financial Manager

RN : National Road

SNR : National Intelligence Service

SGBV : Sexual and Gender Based Violence

0. INTRODUCTION

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

Therefore, over this reporting period, the human rights and security situation was reported as follows: at least 6 people dead including 5 found dead, 2 victims of SGBV, 1 tortured as well as 7 persons arrested arbitrarily.

Among the victims are 2 children killed and one child arrested arbitrarily.

Members of political parties were not spared. Thus, 1 members of CNL party tortured, 2 members of CNL party as well as one member of CNDD-FDD party arbitrarily arrested.

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

I. POLITICAL, JUDICIAL AND SECURITY CONTEXT

I.1. ECONOMIC CONTEXT

Second phase of collection of corn production by the company ANAGESSA¹

In his statement of June 31, 2024, the Minister in charge of the Environment, Agriculture and Livestock, Prosper Dodiko indicated that the company ANAGESSA will proceed to the second phase of the collection of corn production across the country.

According to the minister, 36,000 tons of corn were collected during the first collection, the reason why the collection was suspended since the capacity of the stores at the communal level had been overwhelmed.

The minister recalled that the second phase is exclusively reserved for producers instead of traders. Farmers must be in possession of a document issued by local administrative authorities proving that they are really the real owners of the production. Violators will be considered fraudsters and will be severely punished.

This second phase was launched while the first phase was punctuated by several unresolved challenges including the unavailability of funds to pay for the collected production²; non-functional moisture meter devices; an insufficiency of stores, which caused the rotting of huge quantities of foodstuffs; the traders who interfered between the producers and ANAGESSA and who bought the production at mere prices to resell it at a higher price.

This second phase, which begins on June 3, 2024, will end on June 15, 2024. The first phase took place in February 2024.

¹ National Agency for Strategic Food Stock Management in Burundi created in 2018 by decree no. 100/047 of May 5, 2018 with the mission of managing existing storage infrastructure and equipment [...]; ensure the supervision of all activities linked to the collection and storage of food to guarantee a physical food reserve as part of the fight against food shortages

² The minister promised farmers that the new collection will take place after the payment of the first phase money owed to them.

Rise of prices of BRARUDI products

As of June 1, 2024, BRARUDI SA raised prices of its products by 100 to 500 Burundian francs. Thus, in its press release posted on its site, BRARUDI SA explained that this price rise follows an increase in the costs of raw materials, packaging and transport costs.

Products such as Amstel blonde 65 cl, Primus 72 cl, Amstel 50 cl, Bock and Royale have respectively increased from 500 to 200 Burundian francs compared to previous prices while the prices of soft drinks have increased by 100 Burundian francs. Note that this price increase rise of BRARUDI products occurred while consumers and traders were lamenting the scarcity of the products. Invited on April 25 to Kigobe hemicycle, the Prime Minister, Gervais Ndirakobuca returned to the issue of Brarudi products which were becoming scarce: "We are in the process of seeing how to find a solution. But priorities should be considered. Can we sacrifice the money to purchase fertilizer and give it to Brarudi today?". Note that BRARUDI had revised the prices of its products as of August 1, 2023.

I.2. JUDICIAL CONTEXT

Appeal trial of General Alain Guillaume Bunyoni, former Prime Minister

From May 27 to 28, 2024, in Gitega prison, the Supreme Court publicly heard the appeal of Police General Alain-Guillaume Bunyoni, former Prime Minister and his three co-defendants including Désiré Uwamahoro and Destin Bapfumukeko. During this hearing, security was reinforced around and inside the prison where the hearing was held and any participant had to undergo a thorough body check in and was not allowed to wear glasses, watches or bracelets, notebook, ballpoint pen or mobile phone except for police officers and the National Intelligence Service agents. At the entrance to the courtroom, the police systematically asked each person the reason for their presence and some preferred to turn back.

At the opening of the hearing, the Public Prosecutor indicated that it had also filed an appeal because of the irregularities observed in the execution of the previous trial. According to him, the Court did not respect the law because the property which was to be subject to seizure has not yet been confiscated.

For the accused, these interpretations are meaningless to the extent that criminal responsibility is always personal and individual. According to Alain-Guillaume Bunyoni, his arrest, trial and conviction were made in serious violation of the law: "The public prosecutor can always lie and falsely accuse as long as it has the privilege of not being imprisoned or convicted even if it is known that it has committed irregularities or injustices. First, it knows that it fabricated against me then, it forgets that these properties he mentions, I and my family obtained them legally and that there is no question of punishing my whole family".

In this trial, when the prosecution listed the charges against this former prime minister, helped by his lawyer, he attacked while rejecting these accusations which he described as lies and slander.

As far as Destin Bapfumukeko is concerned, he sought to expose all the accusations of the Public Prosecutor and indicated that he is to court only because of the instructions of the chief of staff of

the National Intelligence Service of Burundi who wanted to eliminate him following his repetitive disagreements with the latter.

On May 28, 2024, the court continued to hear this case, but behind closed doors, especially on the accusation of contempt towards the public authority and conspiracy against the life of the Head of State and the trial against Police Colonel Désiré Uwamahoro and the head of the former Prime Minister's construction sites. In this trial brought by the Public Prosecutor, they were accused, among other things, of plotting against the Head of State to overthrow the constitutional regime; attempted assassination of the Head of State using fetishes; contempt of the Head of State and the Prime Minister; attacks on the internal security of the State as well as illegal enrichment and destabilization of the national economy. Before the Court, Alain-Guillaume Bunyoni denied everything and indicated that it was mostly a witch hunt. The accused asked to be cleared while the Public Prosecutor demanded, in addition to a life sentence against Bunyoni, the seizure of his 153 houses and plots of land, 43 vehicles and more than 24 billion fines. Escorted under heavy guard, Alain-Guillaume Bunyoni and his three co-accused returned to their respective prisons on May 28, 2024 after two days of speedy trial.

I.3. SECURITY CONTEXT

I.3.1. PERSONS KILLED BY UNIDENTIFIED PEOPLE

A body found in Mbuye commune, Muramvya province

On May 28, 2024, around 7 a.m., on Murama hill, Mbuye commune, Muramvya province, a body of an unidentified young man was found in Mubarazi river. According to an eyewitness who was heading to the fields, this body was at the bank of this river and had wounds on the neck and was wearing a blue shirt and black pants without shoes. The witness alerted Longin Karikuribu, head of Murama hill, who in turn informed Evelyne Ndayisasirire, communal administrator of Mbuye. She ordered the local population to immediately bury the victim the same day at Murama cemetery without carrying out any investigations.

Two bodies found in Nyanza-Lac commune, Makamba province

Information received by Ligue Iteka on May 29, 2024 indicates that on April 26, 2024, around 4 p.m., on Rimbo hill, Mukungu zone, Nyanza-Lac commune, Makamba province, two bodies of unidentified men floating on the waters of Lake Tanganyika were seen by passers-by on RN 3. According to witnesses, all were dressed, including one who wore a watch and all the bodies had bodily harms. One of the two bodies was already in decomposition. The police, including communal commissioner Jean Claude Nkunzimana and the administration carried out their burial directly but a medical assessment was carried out, according to police sources.

A body of a child found in Bukemba commune, Rutana province

On May 29, 2024, around 9 a.m., in a bush, very close to the homes of Anatolie and Gasongo, on Murama-Rugwe hill, Bukemba zone and commune, Rutana province, a body of Nadège Irangabiye, 3 years old, from the aforesaid hill, was found by passers-by. According to eyewitnesses, the victim's tongue, ears and fingers were cut off. Nadège had just spent more than 3 days not at home, her parents had looked for her without success. Gasongo and Anatolie, neighbors of the child's parents, were arrested by the police and jailed at Bukemba police station for investigations.

A body found in Itaba commune, Gitega province

On June 1, 2024, around 2 p.m., in Gifunzo River, separating Kagoma and Rukoba II hills in Itaba commune, Gitega province, a body of Annick Nishimwe, aged 7 years, was found. According to sources on site, the victim resided on Shungwe sub-hill, Kagoma hill in Itaba commune and had mental disorders. She had not been found since May 31, 2024, around 6 p.m. According to the same sources, the body had an injury on the right eye. The OPJ, Noeline Ninziza, had started investigations but was forced to bury this body on the orders of Donatien, communal administrator of Itaba.

I.3.2. OTHER SECURITY FACTS

A person died suddenly in Ruyigi province

On the night of May 30, 2024, around 8 p.m., in the gatehouse, in Ruyigi province, Pascal Bararwandika, janitor at province of Ruyigi died suddenly. According to sources on site, surprised by his death, the commissioner Gentil Nizigiyimana, the prosecutor, Édouard Nigaba and the provincial doctor named Prosper, all came for medical expertise. According to the same sources, next to Pascal's body, there was a packet of cigarettes and a bottle containing Sapor drink, which has a very high alcohol content and this very drink had killed other people including Surwanone from Gasanda quarter.

Organized theft by CNDD-FDD party members in Mabayi commune, Cibitoke province

Since May 2024, on Miremera hill, Ruhororo zone, particularly in the gold mining zones of Gasare and Rwuvane, Mabayi commune, Cibitoke province, a group of Imbonerakure including Manirakiza alias Mani who collects money from households. Most of these Imbonerakure say they were sent by Elias Nahayo, a gold miner and member of CNDD-FDD party. Elias Nahayo says the money collected will be used for the construction of a school on Mukaka hill in Buhoro zone. The population who are victims of this collection, described as organized theft, are worried and are asking questions, in particular "why an individual not from the administration can collect money without any communication or approval from the administrative authority". The population also wonders "Why the households of Miremera hill can intervene in the construction of a school on another hill while they also need it". The natives of Ruhororo zone also wonder "how do people collect money and give as proof of payment, a receipt with the stamp of Tugire Umugisha Twese cooperative whose Elias Nahayo is president", without any mention of the use of the amount collected or the period this contribution will last. Some natives of Ruhororo zone informed the administration at the zone and commune level but no one wanted to clarify this situation. The victims request that the communal administrator inform enough the population about this situation and explain to them where this money is going.

A grenade launched in Mukaza commune, Bujumbura Mairie

On May 30, 2024, around 11 a.m., at BICOR insurance house, located in Bujumbura Mairie downtown, Rohero zone, Mukaza commune, Bujumbura Mairie, a grenade was launched by Dieudonné Nishimwe, 40 years old, ex-FAB, driver at this BICOR insurance company, with the intention of killing the RAF, André Ndayegamiye-Hakizimana in his office. According to witnesses on site, no human damage was noted except for the damaged office. According to the same

witnesses, the criminal was frustrated by the fact that his boss, RAF, had written him a letter requesting an explanation for his shortcomings. The police intervened quickly but the criminal had already taken off. The activities of this insurance house were disrupted for a few hours and police indicate a thorough investigation is underway.

Disruption of activities at Ruvumera market, in Mukaza commune, Bujumbura Mairie

On May 29, 2024, in Ruvumera quarter, Buyenzi zone, Mukaza commune, Bujumbura Mairie, activities at Ruvumera market started late around 11 a.m. because the police had closed this market. Frustrated traders said they suffered a big loss and had no explanation as to why the market was closed during this time. A meeting was held for traders of this market during this time led by the commissioner of this market Eric Baseka. The media were deprived of covering this meeting and the commissioner indicated that only two gates of this market will ensure the entry and exit for people in this market, specifying that this is for security reasons and another measure have been taken to chase away all itinerant sellers in this market or who do not have stands, including the Maasai working in this market. Traders on site say that a search was carried out by police officers before this meeting in this market to look for grenades planted in this market but nothing was found.

Damage caused by a ravine in Muha commune, Bujumbura Mairie

Information received by Ligue Iteka on May 27, 2024 indicates that following landslides of Kanyosha river banks, Muha commune, Bujumbura Mairie, a ravine has already destroyed ten houses while others are threatened in Musama quarter, Kanyosha urban zone. Residents are in disarray and the administration, without a solution, calls for strict compliance with town planning measures. In Musama quarter, very close to Kanyosha river, a ravine continues to extend, threatening the residents of this river. In addition to the destroyed houses, a road risks being cut one meter from this ravine at the 12th Avenue while the bridge linking Kanyosha and Kinanira has already collapsed. Some tenants of the threatened houses have already left the area to settle elsewhere. Same situation in Kinogono, Ceceni-Muzenga and Kinanira II very close to Vyisi bar, in Musaga zone, 12 houses have been collapsed and others are threatened.

The population of this locality is calling for State intervention as soon as possible to rehabilitate this ravine and stabilize the banks of Kanyosha River before other houses are destroyed: "With this ravine which is expanding every day, we are afraid that there will be human damage if nothing is done immediately." For some residents of this locality, the extraction of sand and gravel is among the causes of the collapse of the banks of Kanyosha River. They call on the administration to work with the police to ban the extraction of construction materials from this river. The Muha commune administrator says that this question or problem has already been submitted to higher authorities because the commune is not capable of finding a solution to this situation. Dévote Ndayisenga recalls that building a house near a river is dangerous. According to her, the first construction should be 50 meters from the river. "Unfortunately, there are those who build less than 10 meters. They do this knowingly and in the presence of the local administration. As soon as the house collapses, they start demanding State intervention." Regarding the extraction of construction materials from rivers, she explains that OBUHA has started to sign contracts with cooperatives operating in this sector so that they can do so while protecting the banks of the river and protecting the environment.

She recalls that constructions that violate town planning standards should be demolished and emphasizes that any new construction in the city of Bujumbura must have a building authorization. According to witnesses, people who extract construction materials are protected by Imbonerakure and the administration.

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. THE RIGHT TO PHYSICAL INTEGRITY

II.1.1. 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 Muruta commune, Kayanza province

On May 29, 2024, around 5 p.m., on Nkonge hill, Muruta commune, Kayanza province, K.I, aged 12, 6th form student, was raped by Jean Pierre Manirakiza, aged 28, brick maker in Nkonge marshland. According to the victim, she was coming from school and on the way, she met Jean Pierre who took her by force and introduced her into a bush near the road to this hill and then raped her. According to the same victim, arriving at home, K.I told her mother N.P what had just happened to her and the victim was taken to Remera health center in Muruta commune for medical treatment. The perpetrator of the rape was arrested the same day and taken to Muruta commune police station. He was transferred to the provincial police station the next day.

A girl raped in Ruyigi commune and province

Information received by Ligue Iteka on May 28, 2024 indicates that on May 20, 2024, in Sanzu quarter, Ruyigi commune and province, in the house of Omer Havyarimana, J.I, aged 10, was raped by Célestin Nsengiyumva, aged 16, guardian of Omer's cows. Célestin is from Kazimya hill, Ruyigi commune and province. According to sources on site, J.I was entrusted to Omer Havyarimana living in Sanzu quarter to be able to attend school. The victim was taken to Ruyigi Rural Hospital while the alleged perpetrator was arrested by the police and taken to Rutimbura police cell, in Ruyigi commune and province.

II.1.2. TORTURE

As part of compliance with the texts of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and its protocol, Burundi in its internal measures specifies in its constitution in its article 25 that every human being has the right to the freedom of his person and his physical and psychological integrity, as well as the freedom of his movement; any person will be punished who uses torture or other treatment to make an accused confess to acts that he did not or even committed. Although prescribed in this way, the facts are different.

A member of CNL party tortured in Gisagara commune, Cankuzo province

Information received by Ligue Iteka on May 28, 2024 indicates that on May 18, 2024, around 10 p.m., at his home, on Rusigabangazi sub-hill, on Bumba hill, Camazi zone, Gisagara commune, province Cankuzo, Nestor Ndarusihire, member of CNL party, was attacked by 3 Imbonerakure, Innocent Ciza, Séverin Hakizimana and Gervais Miburo, accusing him of having sold peanuts at a high price. According to sources on site, these Imbonerakure asked him how much he sold per kg of peanuts and replied that he sold it at 5,000 Bif per kg. The victim was hit with a machete and his fingers were injured. Neighbors intervened and took the victim to CDS Rusigabangazi where he received treatment. These Imbonerakure were not worried.

II.2. THE RIGHT TO LIBERTY

II.2.1. ARBITRARY ARRESTS

International and national texts in Burundi recognize the principle of innocence until proven guilty, and that detention is an exception. The application of these principles leave a bit to be desired, as is evident in most cases.

Two members of CNL party arrested in Kanyosha commune, rural Bujumbura province

On May 28, 2024, around 6 a.m., on Gikangaga hill, Ruyaga zone, Kanyosha commune, Bujumbura rural province, Claudine Nshimirimana, member of CNL party, Honorable Agathon Rwasa's wing member, younger sister of Aimé Magera, head of CNL party in European countries, was arrested at her home by police accompanied by Imbonerakure. According to Oscar Nahimana, her husband, heavily armed police officers supported by Imbonerakure carried out a search of her home and afterwards, they arrested Claudine and was accused of hosting a rebel in her home even though no compromising object was found in her house but she was taken by these police officers accompanied by Imbonerakure to Kabezi prosecutor's office cell. On the morning of May 29, 2024, her husband Oscar Nahimana was also arrested. He received a phone call by an unknown person inviting him to come and collect his summons. He was then arrested by police officers and jailed in Ruyaga zone police station cell, in Kanyosha commune. As of May 30, 2024, both have been released but Claudine was released at night.

Three people arrested in Ndava commune, Mwaro province

Information received by Ligue Iteka on May 29, 2024 indicates that on May 24, 2024, around 10 a.m., on Muramba sub-hill, Gatsinga hill, Ndava commune, Mwaro province, Fiston Niyomwungere, aged 15, Franck Rukundorwimana, aged 16 and Jean de Dieu Havyarimana, aged 15, all from Murago hill, Ndava commune on board a motorbike, were arrested by Imbonerakure

from Gatsinga hill and took them to Ndava communal police station cell where they spent the whole day of May 24, 2024. According to the victims, they were recruited by Ezeckiel Ndacayisaba, from Gishikanwa hill, Bugenyuzi commune, Karusi province and wanted to transport them to Makamba province for domestic work for a man named Edmond who was to pay the transport of these 3 children. These Imbonerakure and the administrators including Aloys Ndenzako, communal administrator of Ndava believed that these young people were going to participate in armed gangs. After hearing that the 3 young people were in custody, Ezéchiel fled and as all the administrative officials in the province were alerted, he was arrested at Mwaro center, in the locality called "Ku Gicupa" by police officers led by Athanase Ciza, chief of staff of the Governor of Mwaro. He was taken to Mwaro provincial police station cell. This very evening around 6 p.m., the administrator of Ndava took the three children to the provincial police station, joining the recruiter Ezéchiel. The three boys were accused of participating in armed gangs.

A school director arrested in Bururi commune and province

On May 30, 2024, in the grounds of Bururi high school, Germain Ntakarutimana, director of Murche communal high school, Bururi province, was arrested while in a work meeting by the police on the orders of the provincial director of education in Bururi, Antoine Sabushimike. According to eyewitnesses, the latter was leading a meeting of school officials in this province when a Humura radio signal sounded from Germain Ntakarutimana's Android phone. He spent a night in the provincial police station cell in Bururi. He was released on May 31, 2024, around 11 a.m.

A member of CNDD-FDD party arrested in Giharo commune, Rutana province

Information received by Ligue Iteka on May 28, 2024 indicates that on May 21, 2024, on Giharo hill, zone and commune, Rutana province, Gervais Bigirimana, member of CNDD-FDD party, was arrested by the provincial head of SNR in Rutana. According to sources on site, he was accused of giving information to Humura Burundi radio on the arbitrary arrest by the communal head of SNR of Melchiade Kabura, a member of Agathon Rwasa's CNL party. According to the same sources, Gervais Bigirimana is not in good terms with some zonal leaders of CNDD-FDD party including Alexis Baragomwa, zonal leader of CNDD-FDD party as well as Burunga, member of CNDD-FDD party, friend of Alexis and some authorities including the Administrator of Giharo commune. According to the same sources, Gervais Bigirimana was a communal leader of Imbonerakure who ended up being sacked from this position and the conflicts dating years back because he was pleading in court (at Rutana court) for people who had lands in Munyundo marshes, Mura hill, Giharo zone and commune and had won his case, which did not please the CNDD-FDD authorities.

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.

Economic activities disrupted in Kayanza province

On May 31, 2024, Révérien Ndikuriyo, secretary general of CNDD-FDD party, visited the new commune of Kayanza composed of the former communes of Kayanza, Muruta and Kabarore. Kayanza market was closed from 7 a.m. until 12 p.m. as were all stores in Kayanza town. The

inhabitants of Kayanza town, especially the traders, grumble that such visits disrupt their activities and ask that in the future they can continue their activities. Imbonerakure were noticed in several localities, preventing anyone from opening their shop or store.

Politics in schools in Rusaka commune, Mwaro province

Information received by Ligue Iteka on June 1, 2024 indicates that on May 25, 2024, around 10 a.m. in Makamba zone, Bisha hill, Rusaka commune, Mwaro province, Édouard Ngendakuriyo, prefect of discipline at Mwaro II Communal Technical High School retained the student members of CNDD-FDD party, after p.m class to teach them the ideals of this political party in this school grounds. Some information from this school says that such awareness sessions on the ideals of the ruling party for these students are often held by this education officer at this school. This day, this prefect of discipline took advantage of the fact that some students had gone to Mwaro parish to participate in religious confirmation ceremonies. Also, the majority of these students are under 18.

IV. 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.