



**Burundian League of  
Human Rights "ITEKA"**  
*LBDH in acronym*



**Burundian Association for  
the Protection of Human  
Rights and Detainees.**  
*APRODH in acronym*

## ***APRODH - LIGUE ITEKA JOINT PROGRAM***

### **Episode No. 1**

## **RELEASE OF GENERAL ALAIN GUILLAUME BUNYONI: FROM THE FORCE OF LAW TO THE LAW OF FORCE**



Général Major Evariste Ndayishimiye.  
Président de la République du Burundi depuis le 18 juin 2020

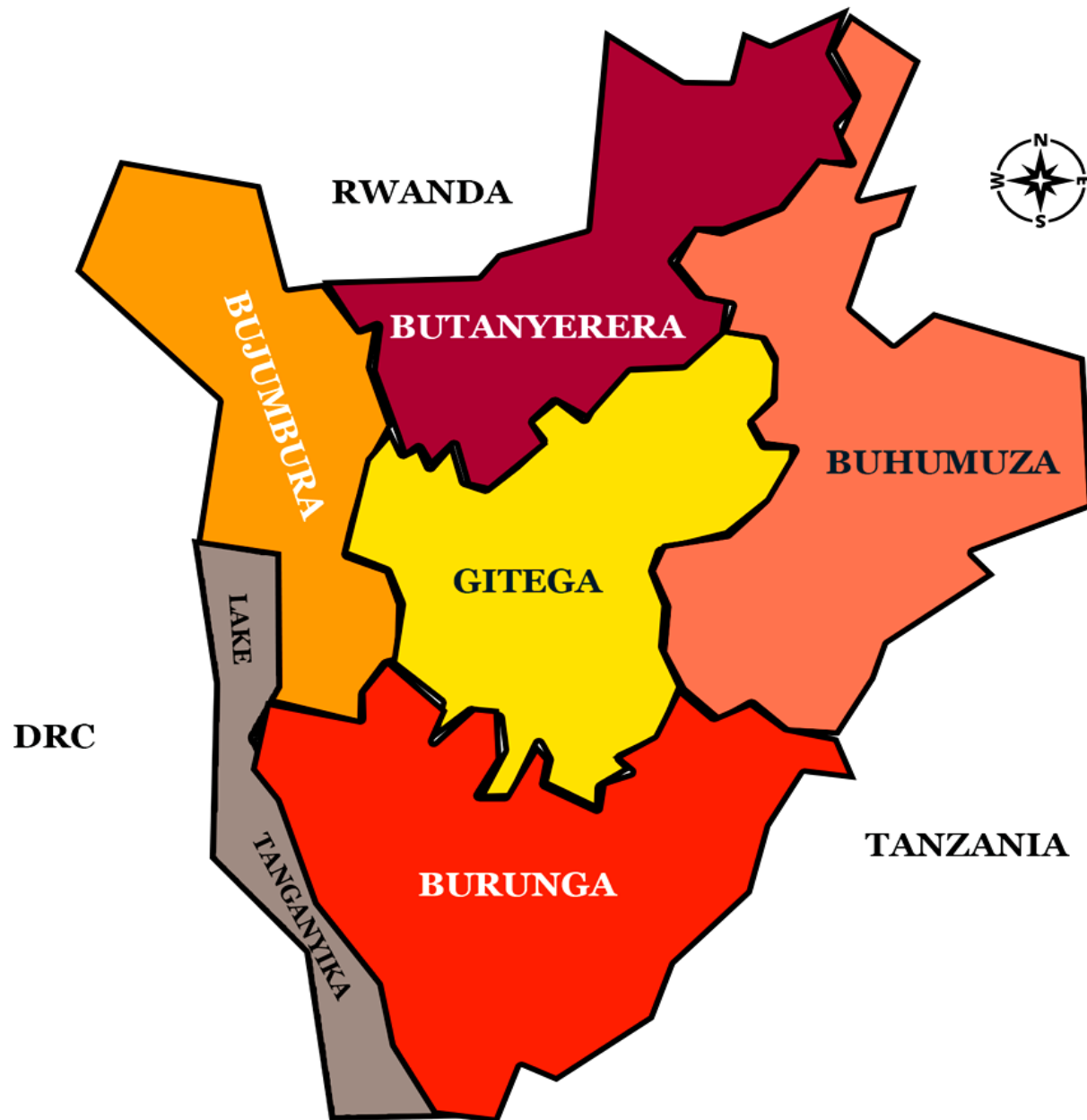


Général Alain Guillaume Bunyoni.  
L'ancien Premier ministre burundais depuis juin 2020.  
Démis de ses fonctions en septembre 2022.

***The program "Realities Behind the Four Walls of Prison in Burundi"*** focuses on the realities and irregularities observed in the handling of prisoners' cases. Specific situations will be revealed in episodes to raise awareness among the Burundian government to favor the power of law over the law of power. In addition to these specific situations, joint reports on the prison situation will be regularly produced and shared. Naturally, advice and/or support will be provided to the inmates who need it most.

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## **THE NEW ADMINISTRATIVE MAP OF BURUNDI**



## ***ACRONYMS AND ABBREVIATIONS***

- APRODH** : Burundian Association for the Protection of Human Rights and Detained Person
- CNIDH** : National Independent Commission for Human Rights
- CNDD-FDD**: National Council for the Defense of Democracy-Forces for the Defense of Democracy
- CVR** : Truth and Reconciliation Commission
- UN** : United Nations
- NGO** : Non-Governmental Organization
- EU** : European Union
- USA** : United States of America

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***SUBJECT: BRIEF NOTE ON "IRREGULARITIES IN THE BURUNDIAN PRISON SYSTEM" BY APPRODH AND LIGUE ITEKA***

***Prof. Dr. Didace KIGANAHE: Former Minister of Justice and Keeper of the Seals***



The joint report by these two organizations, both renowned for their commitment to human rights, addresses fundamental aspects of the organization of Burundian society in general, and more specifically, the administration of criminal justice.

Based on concrete analysis, though certainly not exhaustive, situations experienced by citizens detained in Burundian prisons, the report highlights two irregularities that violate the very foundation of Burundi's fundamental legal order: the Constitution of the Republic and international human rights law. These laws proclaim the principles of respect for the law when depriving an individual of their liberty, and the principle of the equal and fair application of the law to all citizens.

The report highlights concrete cases of deprivation of liberty without any legal basis, where prisoners have been acquitted or have served their sentences but are selectively kept in prison solely at the behest of the political authorities.

The report also notes a discriminatory application of the law granting the right to access healthcare, reserving this right for those close to the current political power structure.

The case of General Bunyoni, once the country's strongman, then a mistreated prisoner, as well as many other disgraced dignitaries, should be instructive even for the current government.

"Isi ntirisakaye" The prison system, which the authorities reduce to a lawless universe, could tomorrow, if only temporarily, be their home. Therefore, it is in our interest to carefully consider the rules that apply on it.

While the regulations governing life in Burundian prisons certainly have many shortcomings, those highlighted in this report are the most fundamental. One can be held in prison without any legal basis, and when there are rights to which a prisoner is entitled, they are reserved only for those close to the ruling political party.

Ultimately, the current Burundian prison system is steeped in lawlessness and arbitrariness.

The report makes a series of recommendations, the implementation of which could lead to a return to the rule of law.

Let us hope that the relevant authorities will heed this cry for help.

On an institutional level, despite the numerous political influences on the judicial system, one might nevertheless think that establishing a judge responsible for the enforcement of sentences could help restore the authority of law and justice in the administration of penal servitude in Burundi.

## I. EXECUTIVE SUMMARY

The release of General Alain Guillaume Bunyoni is the subject of this first episode. It is a significant event that raises important questions, both about the fundamental principles of the rule of law and the nature of political power in a transitional context.

Since his imprisonment, this situation has generated a sustained debate concerning the legitimacy of the actions taken by the authorities, the conformity of judicial procedures, and the protection of civil liberties. The period preceding his release clearly falls within a framework where the balance between the application of the law and the use of force is severely tested.

In this analysis, the Burundian League for Human Rights Iteka and APRODH examine the debate surrounding the release of the former Prime Minister, General Bunyoni, raising essential questions concerning the balance between law and power. On the one hand, legality underscores the importance of respecting prescribed procedures, ensuring that all detentions and releases are carried out in accordance with the law. On the other hand, public opinion, often influenced by perceptions of justice or injustice, can diverge on the legitimacy of decisions made by the authorities. This tension highlights that the application of the law must not be limited to a formal aspect, but must also be perceived as fair and consistent with democratic principles.

Some observers point to the instrumentalization of the law for political ends, thereby undermining trust in institutions and highlighting the lack of independence of the judiciary. The rapid pace of decisions, coupled with often ambiguous communication, contributes to blurring the line between legality and the authoritarian exercise of power.

The release of former Prime Minister General Alain Guillaume Bunyoni perfectly illustrates this situation. This decision has raised, and continues to raise, several questions, particularly regarding its legality, the authority competent to make such a decision, and the urgency of his release itself, given the situation faced by many other detainees in similar circumstances. The analysis reviews various groups of detainees with serious health problems, as well as others who have served their sentences or been acquitted, yet paradoxically remain in prison. The analysis offers recommendations to various stakeholders aimed at improving detention conditions in Burundi, ensuring fair justice, and promoting respect for the law, and concludes with a summary.



## ***II. RECOMMENDATIONS***

In light of this situation, the Iteka League and APRODH make the following recommendations:

⇒ ***To the President of the Republic:***

1. Recognize and respect the principle of the separation of powers;
2. Ensure respect for the Constitution of the Republic of Burundi and fair treatment of all prisoners;
3. Refrain from interference in the functioning of the justice system and from arbitrary detentions;
4. Do not obstruct the release of detainees who have been acquitted or have served their sentences;

⇒ ***To the Minister of Justice, Human Rights, and Gender:***

1. Proceed with the release of all detainees who have been acquitted or have served their sentences;
2. Ensure respect for the independence of the judiciary from the Executive branch;
3. Guarantee fair treatment of all detainees;
4. Ensure respect for national and international legal instruments ratified by Burundi;

⇒ ***To the judiciary (both sitting and standing):***

1. Ensure respect for the legal texts in force in Burundi, particularly the Constitution of the Republic of Burundi, the Penal Code, and the Code of Criminal Procedure;
2. Demonstrate independence, neutrality, fairness, and professionalism in the performance of their duties;
3. Ensure strict adherence to the law during the execution of sentences and various court decisions;

⇒ ***To the Directorate General of Penitentiary Affairs:***

1. Proceed with the release of all detainees who have been acquitted or have served their sentences;
2. Guarantee healthcare for detainees;
3. Inform the relevant institutions of the realities in prisons and propose conditional releases.



## **II. RECOMMENDATIONS** *(the following of page 6)*

⇒ ***To the EU and other technical and financial partners of Burundi:***

1. Closely monitor the prison situation in Burundi;
2. Demand government accountability for respecting the legal texts in force in Burundi and other international instruments ratified by Burundi.

⇒ ***To African and UN mechanisms:***

1. Pay particular attention to the treatment of political prisoners in Burundi;
2. Establish a permanent monitoring system for places of detention;

⇒ ***To the National Independent Human Rights Commission of Burundi (CNIDH):***

1. Break its silence to condemn the unequal treatment of prisoners;
2. Advocate for the immediate and unconditional release of detainees who have served their sentences or have been acquitted;
3. Advocate for access to healthcare for all detainees;
4. Denounce the interference of the Executive branch in the functioning of the justice system by obstructing the release of detainees who have been acquitted or have served their sentences;
5. Produce and disseminate annual and periodic reports highlighting the serious irregularities documented in the various prisons of Burundi.

⇒ ***To civil society organizations and the media:***

1. Join their efforts in monitoring places of detention;
2. Proceed to denounce the unfair treatment of detainees and documented cases of serious human rights violations in Burundi's prisons and demand accountability from the Government.





### ***III. OBJECTIVES OF THE REPORT***

**The report has three main goals, namely:**

1. To make a comparative analysis of how General Alain Guillaume Bunyoni was treated compared to similar cases, namely people with serious illnesses, prisoners who were acquitted or have served their sentences;
2. To highlight irregularities and disparities in the application of the principles of equality before the law and the protection of the rights of people deprived of their liberty;
3. To make recommendations to ensure fair treatment of prisoners.

### ***IV. METHODOLOGICAL APPROACH USED***

The methodology is based on a documentary and legal analysis. It refers to the internal legal framework of Burundi and the international legal instruments ratified by Burundi. The documentary review also consists of various reports, publications, and plenty of information related to the treatment of prisoners in Burundi. A comparative approach is also preferred to examine the treatment of prisoners in similar situations, in order to assess the level of applicability of the principle of legality and equality before the law in the prison environment.

### ***INTRODUCTION***

Respect for the law is a key indicator for evaluating the rule of law in the country. One of the pillars of the rule of law is the separation of powers, which ensures the independence of the judiciary. The analysis also looks at some cases of prisoners with serious illnesses who were deprived of their rights to access care and specialized health services, despite being reported by the media and human rights organizations. The same goes for prisoners who remain in detention even after being acquitted or having served their sentences. This analysis will focus on highlighting the discrimination observed in the treatment of prisoners regarding the enforcement of sentences and access to their fundamental rights.

### ***V. SCOPE OF THE PRINCIPLES OF LEGALITY AND EQUALITY BEFORE THE LAW***

This chapter aims to look at the scope and limits of the principles of legality and equality before the law in light of the release decision for General Alain Guillaume Bunyoni and other inmates stuck in prison. The release of Alain-Guillaume Bunyoni raises a legal question about its legality and the equality of everyone before the law. It relates to inmates with serious illnesses who have been denied their legitimate and fundamental rights to access specialized medical care on one hand, and inmates who are still being held even though they have been acquitted or have already served their sentences.

#### ***V.1. PERSISTENCE OF DISCRIMINATORY PRACTICES IN PRISONS***

The release of General Alain-Guillaume Bunyoni illustrates this situation. He was held in Gitega prison until his release on March 11, 2026, for health reasons. [At the same time, other prisoners, notably Colonel Michel Kazungu, who had spent more than five years in critical condition without access to medical treatment and was also sentenced to life imprisonment for an attempted coup in May 2015 against President Pierre Nkurunziza \(who died in June 2020\), were also granted provisional release for medical reasons.](#) Although General Alain-Guillaume Bunyoni was released and his property restored, his three co-defendants remain in prison.

## ***V.1. PERSISTENCE OF DISCRIMINATORY PRACTICES IN PRISONS*** ***(the following of page 9)***

It is worth recalling that General Bunyoni has been frequently cited in past NGO reports on serious human rights violations, to the point that he remains under US sanctions. The U.S. State Department designated him for his involvement in serious human rights abuses and widespread corruption. Chronologically, the sanctions imposed on General Alain-Guillaume Bunyoni are as follows:

- ⇒ **Initial sanctions:** He was first placed under U.S. sanctions in 2015 while serving as Minister of Public Security;
- ⇒ **Temporary relief:** These 2015 economic sanctions were lifted by the U.S. Treasury in November 2021;
- ⇒ **Redesignation:** Following his removal from the position of Prime Minister, the U.S. State Department re-sanctioned Bunyoni in December 2022 under Section 7031(c).

Under these ongoing designations, Bunyoni and members of his immediate family are barred from entering the United States.

### ***V.1.1. A DISCRIMINATION THAT CONSTITUTES ARBITRARY DETENTION***

The purpose of this section is to examine whether the conditions for carrying out sentences comply with the relevant standards. Specifically, it will examine whether prisoners receive equal treatment during the execution of their sentences.

From the outset, it is important to clarify that the first violation of the law comes from Evariste Ndayishimiye himself, the current President of the Republic. At a time when the rule of law is characterized by the principle that **“No one is above the law,”** in Burundi, Evariste Ndayishimiye acts as if he is above the law. Indeed, on several occasions, Evariste Ndayishimiye has formally opposed the release of certain prisoners, even though they had been acquitted, while others had served their sentences. This is particularly evident in his speech delivered on November 14, 2024, at Muramvya Prison. [During this address, Evariste Ndayishimiye opposed the release of this “special group of detainees imprisoned for belonging to criminal groups,”](#) whom he considers enemies of the country.

The case of Corporal Bizimana Pierre perfectly illustrates this situation. Corporal Bizimana Pierre is one of the detainees who served as a bodyguard for one of the coup plotters in 2015. He served his initial two-year sentence and another two-year sentence for a separate case involving the possession of a “false identity document,” bringing his total sentence to four years. To this day, he remains in prison despite having already served his sentence, in violation of Article 262 of Law No. 1/09 of May 11, 2018, concerning the Code of Criminal Procedure of Burundi.

The aforementioned article stipulates that: **“A defendant who, at the time of judgment, is in pretrial detention and who is acquitted or sentenced to a simple fine is immediately released, notwithstanding any appeal,** unless he is being held for another reason.”

In this particular case, Corporal Bizimana Pierre remains arbitrarily detained in the same cell as the “coup plotters” in Gitega prison, in violation of Article 39, paragraph 1, of the Constitution of the Republic of Burundi, which states that **“no one may be deprived of his liberty except in accordance with the law.”**

The case of Corporal Bizimana Pierre is reminiscent of numerous cases of Burundians who were arrested for participating in the demonstrations that led to the attempted coup in 2015. No detainee in this category can claim release, even if he has been acquitted or has already served his sentence.

### ***V.1.1. A DISCRIMINATION CONSTITUTING ARBITRARY DETENTION (the following of page 10)***

Civil society organizations and the media have repeatedly pleaded for their release, but to no avail. In addition, their movable and immovable property has been seized, while most of them have been deprived of their rights to a defense and the guarantees of a fair trial. This practice also violates the ruling of the East African Community Court of Justice.

Although he falls into the same category, General Alain Guillaume Bunyoni was released on health grounds, a privilege not granted to detainees in the same situation, in violation of Article 22 of the Burundian Constitution, which states that "all citizens are equal before the law."

### ***V.1.2. DISCRIMINATION IN ACCESS TO HEALTHCARE***

During his detention, General Alain Guillaume Bunyoni's health deteriorated at one point, as it did for other detainees. After a brief stay at Kira Hospital, General Bunyoni was hospitalized at the Gitega Regional Hospital before being returned to Gitega Prison.

The decision to grant General Bunyoni provisional release highlights a double standard in the treatment of detainees in Burundi, particularly regarding access to healthcare. If Alain-Guillaume Bunyoni's release was indeed based on medical reasons, it should also be extended to other detainees in the same situation. However, this is not the case, and there are numerous examples illustrating this situation. This is notably the case of:

#### **⇒ The case of General Ndayisaba Célestin:**

This retiree [has been incarcerated in Muramvya prison since 2018 and suffers from chronic hypertension, a stroke resulting in hemiplegia, severe kidney failure, and a nearly numb right leg, rendering him unable to walk without crutches.](#) Despite repeated requests from him, his family, and human rights organizations, [he has been denied access to appropriate healthcare,](#) even though he should be granted the same privilege of being released to receive treatment at home.

#### **⇒ The case of Etienne Nzeyimana:**

Etienne Nzeyimana is detained in Mpimba Central Prison. He is originally from the Kibezi area.

from the former Mugamba commune in Bururi province. He was being prosecuted for murder and was to serve a 20-year prison sentence. [He has been seriously ill since 2024. He was unable to defecate and reportedly suffered from an intestinal obstruction. Etienne Nzeyimana also reportedly suffered from kidney failure and needed surgery.](#)

#### **⇒ Case of Lambert Nduwarugira:**

Lambert Nduwarugira had been sentenced to 5 years in prison. He was so seriously ill that he could no longer control his bowel movements. He would defecate on himself where he was lying. [The medical staff at Mpimba prison reportedly wanted both patients \(Lambert Nduwarugira and Etienne Nzeyimana\) transferred to hospitals outside the prison, but to no avail.](#) Similar cases are numerous.

#### **⇒ Case of Dr. Sahabo Christophe:**

Dr. Sahabo Christophe had invested in promoting healthcare for all Burundians, and even foreigners, through the internationally accredited Kira Swiss Clinic. This exemplary investor in the healthcare sector has been detained in Ruyigi Prison since April 1, 2022, following a stay at the Burundian National Intelligence Service. The Muha Court of Appeal upheld the decision of the High Court, which had sentenced him to twenty years in prison and a fine of 178 million

### ***V.1.2. DISCRIMINATION IN ACCESS TO HEALTHCARE (the following of page 11)***

euros, in addition to the confiscation of his assets. Seriously ill, [Dr. Christophe Sahabo was taken to a public hospital in Bujumbura, where he began treatment that was unfortunately interrupted after two days when the patient was forcibly returned to Ruyigi Prison.](#) To date, Dr. Sahabo Christophe has neither the right to access healthcare nor the privilege of being released on medical grounds, unlike General Alain Guillaume Bunyoni.

#### **⇒ Case of Butoyi Christian Claude:**

Butoyi Christian Claude was arrested by the Burundian police in September 2014 as the suspected perpetrator of the murder of three Italian nuns: Sister Olga Raschietti (83 years old), Sister Lucia Pulici (75 years old), and Sister Bernadetta Boggian (79 years old), all members of the Missionaries of Maria Saveriana. They were murdered in Kamenge, in the city of Bujumbura, between September 7 and 8, 2014. Twelve years later, this suspected perpetrator has still not appeared in court, and his case has reportedly been dismissed. Butoyi Christian Claude lives in precarious conditions. He suffers from a severe mental illness to the point that he sometimes undresses, sleeps on the floor, doesn't know the prison meal schedule, and survives thanks to the kindness of other inmates who give him clothes and food. Despite several appeals from human rights organizations for his release and the urgent transfer of him to a specialized mental health facility, no action has been taken to date. When questioned about this, the President of the Republic gave evasive answers, attacking politicians who seek at all costs to "politicize even illness." He added that "the behavior of every inmate is monitored regularly. Thus, sometimes some are released for good behavior, and others, when their health is critical, are released because they are no longer capable of committing crimes. This is provided for by law."

#### **⇒ The Case of Clément Nkurunziza:**

Clément Nkurunziza was a Burundian asylum seeker who was deported from the USA in 2018. [To this day, Clément Nkurunziza remains detained in Ngozi prison in proceedings that violate the guarantees of a fair trial.](#) It all began on March 22, 2018, when Clément Nkurunziza was deported from the United States. He was arrested upon disembarking from the plane at Bujumbura International Airport and then transferred to Ngozi prison. On January 22, 2020, he appeared before the Mukaza High Court, which was sitting in Ngozi. His lawyers argued that the case was inadmissible, citing the statute of limitations and the court's lack of jurisdiction to hear this type of case, which normally falls under the jurisdiction of the Truth and Reconciliation Commission (TRC). Against all expectations, the judges decided to proceed with the substantive examination of the case despite the defense's objections. [The default judgment, rendered without a defense hearing, was served on him on July 28, 2020. Since then, no progress has been made, and the victim remains incarcerated in opaque conditions, more than seven years after his arrest.](#) His health is very precarious, but the prison administration has refused him permission to seek medical treatment.

Returning to the case of General Alain Guillaume Bunyoni, it is worth noting that, in addition to his hospitalization followed by release to receive treatment at home, it is important to point out that this access to healthcare is denied to other inmates facing similar charges, as well as to thousands of other detainees in the same situation.

This constitutes blatant discrimination against detainees in the same situation, in violation of Article 22 of the Constitution of Burundi, which states that "all citizens are equal before the law."

Such a practice also violates Article 13 of the Constitution of the Republic of Burundi, which states: ["All Burundians are equal in merit and dignity. All citizens enjoy the same rights and are entitled to the same protection of the law."](#)

## V.2. A RELEASE DECISION FOR PROPAGANDA PURPOSES

The central question in the discussions is whether the release of General Alain Guillaume Bunyoni rests on a sound legal basis, founded on the rule of law, or whether it is dictated by the law of force, as seen in the fate of other detainees who have unsuccessfully sought medical care, and many other prisoners.

Without debating the authority responsible for making such a decision, it is nonetheless unacceptable that this favor is not extended to similar cases, especially detainees suffering from serious illnesses. This would at least contribute to alleviating overcrowding in prisons, which hold around 13,000 inmates while their capacity does not exceed 4,294. The same concern applies to the continued detention of prisoners acquitted or who have served their sentences on the orders of the President of the Republic, as their release would provide much-needed relief to the prison system.

According to some, Alain Guillaume Bunyoni's release is part of the reunification of the ruling CNDD-FDD party, which has been fractured by internal tensions among its leaders. This same view suggests that certain prominent figures within the ruling party and his former associates, still loyal to him, exerted pressure on the judicial system and dictated his release from prison. Some sources even suggest a compromise to allow President Evariste Ndayishimiye to run in the May 2027 presidential election.

If this were the case, it goes without saying that the other detainees involved in the various coups, who suffer from serious health problems, remain in prison because they are not influential members of the CNDD-FDD party, and therefore remain imprisoned for reasons related to their political opinions. This is a discriminatory practice that violates the Constitution of the Republic of Burundi and several other international instruments ratified by Burundi.

On the one hand, Article 2, paragraph 1, of the International Covenant on Civil and Political Rights states that *"States Parties to the present Covenant undertake to respect and ensure to all individuals within their territory and subject to their jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, **political opinion** or other opinion, national or social origin, property, birth or other status."* Discrimination is also prohibited by Article 2 of the African Charter on Human and Peoples' Rights.

On the other hand, the Constitution of the Republic of Burundi provides in Article 22, paragraph 2 that *"No one may be discriminated against on the grounds of, in particular, their origin, race, ethnicity, sex, colour, language, social status, religious, **philosophical or political beliefs**, physical or mental disability, being sick of HIV/AIDS or any other incurable disease."*





## ***VII. CONCLUSION***

Ultimately, this analysis revealed that the goal of this project is to contribute to the equitable treatment of detainees and to promote access to their rights without discrimination. However, it was observed that the Burundian authorities apply a double standard to detainees, depending on their proximity to the ruling power. This was evident in access to healthcare and specialized services, as well as in the enforcement of sentences, with some detainees remaining in detention while others have already served their time. Furthermore, it was noted that these discriminatory practices have become commonplace, in violation of the Constitution of the Republic of Burundi and other international instruments ratified by Burundi. All these findings clearly demonstrate that Burundi has become more a country where the rule of force prevails than the rule of law, a country whose judicial system increasingly operates under the control of those who wield political, police, military, or financial power.

