



Burundian Association for the Protection of Human Rights and Detained Persons, "A.PRO.D.H"



Burundi, a country where all the human rights indicators have turned to black; yet the authorities claim that everything is rosy.

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S U M M A R Y

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FOREWORD

For almost four years, Burundians have been living a nightmare which began with Pierre Nkurunziza's third term in office.

When you read slogans on the ruling party's monuments and symbols scattered around the country, on the streets and avenues in urban and rural areas, such as "CNDD-FDD, HORA KU NGOMA: Remain in power eternally" - "INKONA NTIYARUZWA: The eagle can never be ousted" - "HONGORA INJAVYI: Smash the opponents" - "NTAKUGUGUMWA, CARATUVUNYE, NTITUBAHA: Don't tremble, we conquered the country through a hard struggle, we will not share it with anyone"... and many others,

When you can stop on street corners to listen to the slogans and speeches during the marches and demonstrations organised by the government every Saturday,

You quickly notice the climate of suspicion and distrust between the government and the political opposition on the one hand, and the government and the international community on the other hand.

There is a Kirundi saying: "Nta wuhisha umwotsi inzu yahiye", meaning "There is no smoke without fire". The Burundian population cannot help but notice the abuse to which its fellow citizens are subjected every day. The cries of victims echo in the ears of human rights defenders across the country and across the world.

2018 ends as it began: a dark picture in terms of respect for public and individual freedoms for all citizens without discrimination. A year characterised by insecurity, harassment, inhuman treatment, political intolerance, ransoms, youth unemployment, the imposition of financial contributions, illegal deprivation of liberty, terror and a hunt against anyone with dissenting opinions, violations of the right to life, absence of fair justice... in summary, peace and happiness for some, turmoil and despair for others.

The country's authorities have set everything in motion to draw a veil over all the wrongs spreading across the country, to try to conceal them both from Burundians and even from the international community: "Burundi is a haven of peace" - "We have such an excess of peace that we can even share some with countries that have none", etc. Can we call it sadomasochism?

As human rights defenders, we are not allowed to drop our guard, despite the persecution we face from what has become a totalitarian government.

We reiterate our encouragement to all Burundians to retain their unity, their hope and the strength to keep working for freedom, peace and prosperity in Burundi.

Pierre Claver MBONIMPA
APRODH Legal Representative and President

I. Introduction

In terms of human rights, 2018 was no different from the preceding years: 2015, 2016 and 2017. The assessment reveals a dark picture in terms of respect for citizens' public and individual freedoms.

2018 was a year characterised by insecurity, harassment, inhuman treatment, political intolerance, ransoms, youth unemployment, the imposition of financial contributions, illegal deprivation of liberty, terror and a hunt against anyone with dissenting opinions, violations of the right to life, absence of fair justice... All this suffering instilled a semi-permanent feeling of unease among a population that needs to be calm to go about its activities for self-development.

In summary, there was peace and happiness for some (the oppressors), turmoil and despair for others (the oppressed), and yet all are sons and daughters of the same parents, the nation.

The country's authorities have set everything in motion to draw a veil over all the wrongs spreading across the country, to try to conceal them both from Burundians and even from the international community

We have tried to provide a general overview of the human rights situation that prevailed throughout 2018 from five angles, namely: the security context, the political context, the judicial context, the social context, and the state of enjoyment of public liberties. We believe that an analysis of the facts observed or documented through this approach based on these principal aspects enables us to better understand the human rights situation in the areas and period under consideration.

It should come as no surprise that in our approach, we spend much more time reporting on human rights violations than on positive actions by various actors. In our methodology, we have opted to denounce social ills, with a view to first raising awareness with the public authorities to rectify these problems and introduce changes in favour of human rights -- like a teacher who, when evaluating the work of students, uses a red pen to underline not the right answers but the wrong ones.

II.2.Development

II.1.-THE SECURITY, POLITICAL, JUDICIAL AND SOCIAL CONTEXT AND THE ENJOYMENT OF PUBLIC LIBERTIES

The different areas covered in this section are interdependent. Citizens' rights cannot be protected and promoted without a minimum of security or when political decisions and orientations are not driven by the interests of the people without discrimination. Citizens cannot live in peace in the absence of measures to guarantee fair justice or reasonable decisions in the social sphere. There can be no sustainable peace if people are not allowed to join opinion groups of their choosing. Finally, respect for fundamental human rights cannot be promoted when certain citizens try to place themselves above others in order to dominate them.

In concrete terms, the human rights violations listed below were committed by Imbonerakure (youth affiliated to the ruling party, the CNDD/FDD) sometimes in collaboration with local officials, members of the National Intelligence Service (*Service National de Renseignement*, SNR) and members of the National Police.

In certain locations, either through distraction or thanks to the complicity of officials in the justice sector, Imbonerakure have even granted themselves the prerogative to arrest and/or imprison people.

Those targeted are suspected political opponents, members of political parties, especially Agathon Rwasa's wing of the FNL, members of civil society, and ex-FAB military and police, often accused of supporting the opposition (they are arrested, imprisoned and even killed).

❖ In terms of security and the political and judicial aspects, the following acts have been carried out:

- 1 - threats and intimidation against members of opposition parties, human rights defenders and individuals living in displaced people's camps;
- 2 - detentions and arrests of people during unregulated night patrols;
- 3 - abductions followed by enforced disappearances;
- 4 - killings of people suspected of collaborating with the opposition or with rebels, of refusing to join their party or refusing to pay forced financial contributions;
- 5 - attacks and ambushes on public roads by armed groups, and grenade attacks;
- 6 - arming the Imbonerakure, paramilitary training and shows of strength that have traumatised the population;

- 7 - incitement to popular justice, with certain officials going as far as ordering the death of any person suspected of witchcraft as well as any thief caught in the act. Subsequently, lists of people to be killed were carefully drawn up;
- 8 - numerous marches and demonstrations organised by the government and its allies to oppose various decisions and reports by the international community or to support the government of Pierre Nkurunziza;
- 9 - forced contributions constantly imposed on the population, to finance the constitutional referendum of 17 May 2018, the 2020 elections, or the construction of the infrastructure of the CNDD/FDD party, or to provide food for the Imbonerakure;
- 10 - the constitutional referendum of 17 May 2018 and the related vote, characterised by countless irregularities and ill-treatment of political opponents;
- 11 - the renewal of the composition of the National Independent Electoral Commission and the Truth and Reconciliation Commission;
- 12 - arbitrary arrests followed by illegal imprisonment and cases of torture in secret detention centres;
- 13 - the resurgence of the case of the assassination of President Melchior Ndadaye, with the imprisonment of retired officers and arrest warrants issued for other former dignitaries, officers and civilians;
- 14 - finally, the imprisonment of two members of civil society, perceived by human rights defenders as a renewed attack against the voiceless.

❖ **Regarding the social aspect and the enjoyment of public liberties, we observed the following:**

- 15- poverty exacerbated by increases in the price of oil which, in turn, led to a sudden rise in public bus fares, food products and other commercial items;
- 16- land problems and a hunt against people suspected of witchcraft, which also fuelled social tensions, leading, in turn, to settling of scores;
- 17- the suspension of all foreign NGOs working in Burundi, with negative consequences for the population in terms of health and agriculture;
- 18- the suspension of the BBC and VOA radio stations for six months from 7 May 2018, while RFI, Isanganiro and CCIB-FM received a "warning"; likewise, the suspension of the "Announcements and Advertisements" section of the newspaper "Le Renouveau du Burundi".

II. : VIOLATIONS OF THE RIGHT TO LIFE AND PHYSICAL INTEGRITY

For many families, 2018 was a nightmare, a year drenched in tears.

Hundreds of people were killed in grenade attacks or vehicle ambushes, following abductions, settling of scores or public lynching, or because of land conflicts...

Numerous dead bodies were discovered in woods, floating in rivers, or in houses, made to look like suicide.

Many other people were injured in grenade attacks or during torture sessions. Others were subjected to all sorts of physical and psychological suffering for various motives.

However, it is important to observe that the categories of perpetrators of abuses remain the same as those documented in the security context (Imbonerakure, members of the national police, members of the SNR and certain officials), as do the categories of victims of these atrocities (members of the political opposition, ex- FAB, people suspected of having voted "no" in the May 2018 constitutional referendum...) as well as for the abovementioned motives.

Sexual violence, gender-based violence in general and rape in particular were all recorded as forms of cruel, inhuman and degrading treatment.

2018 therefore reveals a heavy catalogue of serious human rights violations:

⇒ **at least 1,306 arbitrary arrests and illegally detentions;**

In summary and without being exhaustive, at least 1,306 people were arbitrarily arrested by the police, by members of the SNR or by Imbonerakure in collaboration, or not, with administrative officials, and detained illegally, most often in secret detention centres and at the SNR throughout 2018.

The numbers of victims of arbitrary arrests and illegal detentions are as follows, in decreasing order: April (324) - January (259) – February (147) - May (126) – August (106) – March (88) – November (57) – September (53) – June (49) – December (41) – July (29) - October (27).

Overview table 1. Monthly breakdown of victims of human rights violations in 2018: arbitrary arrests and illegal detentions, abductions and enforced disappearances, violations of the right to life and physical integrity, torture and rape.

Month \ Victims	Arbitrarily arrested and illegally detained	Abducted and/or disappeared	Killed	Injured	Tortured + subjected to other cruel, inhuman and degrading treatment	Raped
January 2018	259	3	31	32	11	10
February 2018	147	-	32	16	15	3
March 2018	88	5	18	30	33	3
April 2018	324	14	52	66	31	5
May 2018	126	6	74	30	42	7
June 2018	49	8	41	60	19	3
July 2018	29	7	34	46	39	6
August 2018	106	3	51	30	31	9
September 2018	53	7	39	46	26	3
October 2018	27	9	52	50	38	3
November 2018	57	8	41	31	13	8
December 2018	41	11	32	25	21	3
TOTAL	1,306	81	497	462	309	63

⇒ In addition, **at least 81 people were abducted** and taken to unknown locations **and/or disappeared** throughout 2018, a hard and painful year. The figures of cases of people abducted and/or disappeared are as follows: April (14) – December (11) – October (9) – June (8) – November (8) – July (7) - September (7) – May (6) – March (5) - January (3) - August (3).

- ⇒ **At least 497 people were killed**, with the highest number in Cibitoke province where 18 %, or 91 people, were killed.
- ⇒ **At least 462 people were injured**.
- ⇒ **At least 319 people were subjected to torture and other cruel, inhuman and degrading treatment**, with a peak in the month of the referendum vote (May 2018): 42 cases.

For the other months, the situation is as follows: July (39 cases) – October (38 cases) – March (33 cases) - April (31 cases) – August (31 cases) – September (26 cases) - December (21 cases) – June (19 cases) – February (15 cases) – November (13 cases) – January (11 cases): in total, 309 cases of torture and cruel, inhuman and degrading treatment.

- ⇒ **at least 63 rape cases were identified**. The above table shows that the three months in which rape cases were the most numerous were January (10 cases) – August (9 cases) - November (8 cases) - May (7 cases) - July (6 cases), whereas for the other months, the number varies from 5 to 3 cases.

Overview table 2. Cases of violations of the right to life and physical integrity, by province.

PROVINCE	Killed	Injured	PROVINCE	Killed	Injured
Bubanza	26	29	Kirundo	48	20
Bujumbura Mairie	37	64	Makamba	14	26
Bujumbura Rural	22	8	Muramvya	12	5
Bururi	15	8	Muyinga	27	6
Cankuzo	12	2	Mwaro	10	14
Cibitoke	91	52	Ngozi	16	15
Gitega	39	50	Rumonge	19	16
Karusi	32	34	Rutana	20	23
Kayanza	28	61	Ruyigi	29	19
GRAND TOTAL				497	462

Table 3: Breakdown of victims of violations of the right to life and physical integrity by category of perpetrators

Victims Category of perpetrators	Killed		Injured		Total	
	Numbers	%	Numbers	%	Numbers	%
Military	14	2.82	9	1.95	23	2.40
Police	13	2.62	29	6.28	42	4.38
Civilians	84	16.90	169	36.58	253	26.38
Armed groups	81	16.29	140	30.30	221	23.04
Members of the SNR and Imbonerakure	305	61.37	115	24.89	420	43.80
Total	497	100	462	100	959	100

II. 3. PRISON SITUATION

As an organisation whose objectives include the promotion and protection of the rights of detained persons, we have closely followed developments in the situation of detainees through statistical information.

Here, we regret the fact that every time there is a measure of presidential grace in favour of detainees, instead of seeing an expected reduction in overcrowding in detention facilities, the reality is that as soon as some 2,500 spaces have been freed up, they are immediately filled with new detainees; this cancels the expected impact of the presidential grace on detainees' living space. For example, the average occupancy rate which was 265% in January 2018 remained the same on 31 December 2018, as illustrated in the following two charts:

Overview table 4 : Developments in the prison population from January to December 2018.

Month	Capacity	January	February	March	April	May	June	July	August	September	October	November	December
Prisons													
Bubanza	100	568	371	398	435	419	459	468	513	534	531	540	501
Bururi	250	236	331	171	159	169	186	216	225	223	226	224	230
Gitega	400	1170	1202	997	1055	1104	1113	1208	1244	1173	1192	1206	1233
Mpimba	800	3687	3801	3187	3317	3441	3501	3504	3624	3621	3691	3852	3934
Muramvya	100	711	646	644	626	688	576	727	714	733	783	804	775
Muyinga	300	488	494	316	349	351	379	379	395	424	450	455	468
Ngozi (F)	250	172	119	109	129	131	110	179	125	126	116	104	97
Ngozi (H)	400	1711	1319	1378	1371	1423	1435	1472	1480	1528	1508	1503	1510
Rumonge	800	1334	1351	1015	1056	1102	1072	1082	1142	1154	1206	1213	1293
Rutana	350	424	407	254	255	273	308	306	329	344	362	394	412
Ruyigi	300	623	427	430	429	455	531	405	534	553	591	622	650
Ruyigi Centre	72	56	72	27	45	50	51	58	65	61	67	70	62
Rumonge Centre	72	64	58	40	33	40	45	58	60	52	57	67	66
Total	4,194	11,244	10,598	8,966	9,259	9,646	9,766	10,062	10,450	10,526	10,780	11,054	11,340

Table 5. Developments in the prison occupancy rate from January to December 2018.

Prisons	January	February	March	April	May	June	July	August	September	October	November	December
Bubanza	558,00%	367,00%	398%	427,00%	413,00%	451,00%	451,00%	500,00%	523,00%	521,00%	578,00%	535,00%
Bururi	93,20%	131,20%	68%	62,26%	66,80%	73,60%	82,50%	89,20%	88,00%	89,20%	88,40%	92,40%
Gitega	288,00%	300,50%	249%	259,50%	271,75%	272,75%	279,29%	306,50%	289,50%	295,00%	297,25%	299,75%
Mpimba	458,13%	472,13%	398%	413,00%	428,13%	435,63%	434,25%	450,63%	450,50%	459,13%	479,50%	486,50%
Muramvya	702,00%	638,00%	644%	619,00%	681,00%	671,00%	772,00%	709,00%	727,00%	776,00%	796,00%	759,00%
Muyinga	161,67%	164,67%	105%	115,00%	116,33%	125,67%	124,33%	130,67%	140,00%	148,67%	150,33%	156,67%
Ngozi (F)	60,80%	40,00%	44%	43,60%	43,60%	44,00%	45,50%	43,60%	43,60%	40,40%	34,80%	38,40%
Ngozi (H)	427,75%	329,75%	345%	342,70%	355,75%	354,00%	368,00%	370,00%	382,00%	377,00%	375,75%	376,00%
Rumonge	165,63%	167,75%	127%	131,10%	136,63%	134,00%	136,75%	141,38%	142,88%	149,00%	150,38%	153,13%
Rutana	119,71%	115,71%	73%	72,29%	77,14%	85,71%	87,43%	92,57%	98,29%	102,57%	111,71%	117,71%
Ruyigi	205,00%	141,00%	143%	141,30%	150,33%	175,67%	165,57%	175,33%	181,33%	193,00%	204,33%	217,00%
Ruyigi Centre	77,78%	100,00%	38%	62,50%	69,44%	70,83%	80,56%	90,28%	84,72%	93,06%	97,22%	90,28%
Rumonge Centre	88,89	80,56%	56%	45,83%	50,00%	50,00%	50,00%	83,33%	72,22%	79,17%	93,06%	104,17%
Average	265,55	250,95%	214%	218,80%	231,88%	237,26%	243,80%	251,09%	248,76%	254,00%	261,21%	265,00%

III. Conclusion

Considering the gravity of the situation and the recurrence of violations of fundamental human rights,

- APRODH calls on the Government of Burundi in the first instance to mobilise the ministries responsible for the relevant sectors (human rights, security, national defence, interior, justice) to control the conduct of their agents in the field without delay and strengthen their supervision, particularly for the Imbonerakure and members of the SNR. It should also use its power to put an end to the practice of ransoms as well as the imposition of financial contributions on the population.

- APRODH asks the international community to adopt all necessary resolutions which will help guarantee the protection of human rights in Burundi, to task the AU with mediating in the Burundian conflict and strengthen its capacity with another organisation, for example a UN team, and take steps to reopen the Office of the United Nations High Commissioner for Human Rights in Burundi.

- APRODH encourages the Burundian population to remain united and not to succumb to the violence of the Imbonerakure, and to denounce and bring to justice the perpetrators of torture and rape.

***** END ***** END *****