



# “MY CHILDREN ARE SCARED”

## BURUNDI'S DEEPENING HUMAN RIGHTS CRISIS

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### SUMMARY

A pre-dawn attack on three military installations in Bujumbura on 11 December 2015 paralyzed the city. Automatic weapon fire, at times punctuated by the sound of heavier weaponry, was heard throughout the day. City residents largely stayed at home and most of Bujumbura's streets were empty.

The following day, a Burundian military spokesman gave an official account of events. “The final toll of the attacks yesterday is 79 enemies killed, 45 captured and 97 weapons seized,” he told reporters, adding that “eight soldiers and policemen were killed and 21 wounded”.<sup>1</sup>

The day's casualties were not limited to areas around the military bases, however. Bodies—many of local youth—littered the streets of certain residential neighbourhoods. Many of the dead had been killed by a bullet to the head and at least one body was found tied up. Neighbours and other witnesses described how numerous victims had been pulled out of their homes by the police and shot at point-blank range. Others were killed the moment they stepped outside, including an unarmed 15-year-old boy.

“He was terrified by the heavy shooting in front of the house so he ran out the back door to go hide in the bathroom,” the boy's mother told Amnesty International. “He hadn't even taken two steps before he was hit: in his head, his left arm and his side. He died on the spot”.<sup>2</sup>

To characterize the dead as “enemies” suggests that they were opposition fighters—a claim that is clearly untrue for many of those who were killed. While some unknown number of the dead may have participated in the attack on the military installations or may have fought the security forces within residential neighbourhoods, many did not. What those who could be identified had in common was that they lived in neighbourhoods associated with the political opposition. Nyakabiga, Musaga, Mutakura, Cibitoke, Jabe, and Ngagara, where intensive security operations took place, are known as protester strongholds: they are where the anti-third-term demonstrations started in April 2015. They are also neighbourhoods in which the majority of the population is from the Tutsi ethnic group.

Under international law, security forces are required to only use force that is proportionate to a legitimate threat. In some instances, the Burundian police appeared to have deployed indiscriminate force in responding to threats. Even more egregiously, by deliberately killing persons under their control, including civilians who posed no threat, the security forces violated the unequivocal ban under international law on summary and extrajudicial executions.

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<sup>1</sup> ‘Eighty seven people killed during day of clashes in Burundi capital – army’, Reuters, 12 December 2015, <http://af.reuters.com/article/rwandaNews/idAFL8N1410FZ20151212> (accessed 18 December 2015).

<sup>2</sup> Amnesty International interview with witness, Bujumbura, December 2015.

It is difficult to estimate the overall number of civilians killed by police during the 11 December operations. At least 21 people were killed in Nyakabiga, which Amnesty International visited on 12 December, and at least 12 were killed in Musaga, which Amnesty International visited on 13 December. Killings were also reported in the Jabe and Ngagara neighbourhoods. Political opposition and civil society sources cited much larger numbers of people killed and also made credible reports of mass graves being employed. However, the government's method of disposing of bodies, the climate of fear amongst much of the population and the challenging security conditions with clashes continuing for much of the day, hindered a precise calculation of the death toll. Nonetheless, 11 December was undoubtedly the single most deadly day of violence since the current political unrest began in April 2015.

Some of the bodies were taken away from the families of the dead and brought to unknown locations. The mother of the 15-year-old boy who was killed said that a truck from the mayor's office picked up her son's cadaver.

"I asked them where they were taking him but got no response," she told Amnesty International.<sup>3</sup>

Although regular units of the Burundian national police participated in the operations, special units like the Anti-Riot Brigade and the police in charge of the protection of institutions (API, Appui pour la Protection des Institutions) were responsible for the most serious violations. In addition, members of the ruling political party's youth wing, known as the Imbonerakure, were reported to have participated; some witnesses recognised them in civilian clothes.<sup>4</sup>

The violent repression that took place on 11 December represented a dramatic escalation in scale and intensity from previous security operations. But the modus operandi of the operations—involving extrajudicial executions, systematic looting and theft, arbitrary arrests and targeting of perceived political opposition strongholds—was not qualitatively different from past practice. Since the beginning of the protests in April, as this briefing paper describes, police have been responsible for numerous, smaller-scale, abusive operations.

The Burundian authorities are facing a challenging security situation, with sporadic political assassinations and attacks on police and growing signs of an organized armed rebellion. Yet they have a range of legal tools at their disposal to confront these challenges, which they should employ in a manner consistent with human rights and the rule of law. This means reining in the security forces to stop the abusive tactics that have become their stock in trade. On 17 December the Prosecutor General announced that a team of magistrates had been tasked with investigating allegations of extrajudicial executions on 11 December and reporting back within a month.<sup>5</sup>

This briefing paper is based on a two-week fact-finding visit to Bujumbura in December 2015. During the visit, Amnesty International interviewed victims and witnesses of crimes under international law and human rights violations, human rights defenders, defence lawyers, journalists, humanitarian officials, police and others with information about current developments in Burundi. Amnesty International also spoke to the spokesperson of the Ministry of Public Security by telephone to seek further information. Interviews were primarily conducted in French, but some were conducted in Kirundi with French translation.

## THE 11 DECEMBER POLICE OPERATIONS

In the pre-dawn hours of 11 December, three military facilities in Bujumbura were attacked: Ngagara camp—in the north of the city—and the Higher Military Training Academy (ISCAM, Institut Supérieur des Cadres Militaires) and Base Camp—in the Musaga neighbourhood in the south of the city.<sup>6</sup> The attackers were believed to be part of an armed rebellion against the government and to have been primarily seeking to steal arms and ammunition.<sup>7</sup>

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<sup>3</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>4</sup> A police official also informed Amnesty International that many Imbonerakure now wear police uniforms and integrate into police units during operations. Amnesty International interview, Bujumbura, December 2015.

<sup>5</sup> The news was announced by the Prosecutor General Valentin Bagorikunda in a press release on 17 December 2015.

<sup>6</sup> "Burundi military sites attacked, 12 insurgents killed," Reuters, 11 December 2015, <http://uk.reuters.com/article/uk-burundi-unrest-idUKKBN0TUODQ20151212> (accessed 18 December 2015). A military camp in Majejuru, about 40 km outside the city, was also reportedly attacked.

<sup>7</sup> The government suggested that an additional aim of the operation was to free prisoners from the central prison, which, however, was not attacked. See "Burundi military sites attacked, leaving at least 12 dead," Al Jazeera, 11 December 2015,

Within a few hours, the government announced that the attacks had failed and that 12 of the attackers had been killed.<sup>8</sup> By then, Burundian security forces, primarily the police, were carrying out cordon and search operations in a number of so-called political opposition neighbourhoods, including Nyakabiga, Musaga, Mutakura, Cibitoke, Jabe and Ngagara. The security forces blocked the major avenues, barring any exit from the areas and moved through the neighbourhoods in single-file columns.

People living in these areas have become accustomed to regular security operations, but numerous witnesses that Amnesty International interviewed confirmed that the operations on 11 December were more intense than anything they had experienced since the start of the current crisis. The numbers of security forces were higher and the abuse was more systematic.<sup>9</sup>

"Yes, there was ill-treatment during the protests," a Nyakabiga resident explained. "But the behaviour of the police yesterday was different".<sup>10</sup>

Police arrived in the Nyakabiga neighbourhood at approximately 7:30 to 7:45 am. While it is unclear which side fired first, multiple witnesses confirmed that armed youth—reportedly local residents—tried to block the police from entering the area. According to these witnesses, there were several hours of sustained crossfire<sup>11</sup> and, at one point, the police were even in retreat. One witness said that local fighters had at least one gun that was heavier and more powerful than an automatic rifle; the sound of this gun, as it exchanged fire with police forces, was clearly distinguishable from the other weapons the fighters employed.<sup>12</sup>

The fighting continued until about 1pm in some parts of the neighbourhood, a bit later in other parts. By 3pm, the clashes were entirely over; some witnesses said that reinforcements from specialized police units had arrived.<sup>13</sup> In the afternoon until about 5pm, police carried out house-to-house searches, apparently in search of armed fighters and hidden weapons. On some streets, houses associated with protesters or the political opposition were targeted; on others the searches were broader.

Police entered many houses forcibly and required the male members of families—sometimes including old men—to go outside and sit in the street. They showed no warrants or other legal authority for their actions. Several residents reported being threatened and beaten during the searches. Some people, mainly young men, were arrested.

A witness recalled: "'It's you who hide the attackers,' the police were saying: 'you're accomplices.' They also insulted people, calling them dogs".<sup>14</sup> Residents were not allowed to leave their houses unless ordered to by the police.

The police also carried out widespread looting and theft, stealing residents' money, mobile phones, computers and other valuable items, as well as helping themselves to food and beers from local kiosks and bars. "They took the 40,000 francs that I had to pay the water and electric bills," said one local resident. "And they took 120,000 from our neighbour across the way".<sup>15</sup>

It was during these searches that the worst violence occurred. While it is not known whether any members of the security forces were killed or injured in the Nyakabiga operation, their behaviour suggested a strong retaliatory

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<http://america.aljazeera.com/articles/2015/12/11/burundi-military-sites-attacked.html> (accessed 18 December 2015).

<sup>8</sup> "Burundi military sites attacked, leaving at least 12 dead," Al Jazeera, 11 December 2015 (quoting Burundian military spokesman Gaspard Baratuza).

<sup>9</sup> Amnesty International interviews with 10 witnesses, Bujumbura, December 2015.

<sup>10</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>11</sup> Amnesty International interviews with three witnesses, Bujumbura, December 2015.

<sup>12</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>13</sup> Amnesty International interviews with two witnesses, Bujumbura, December 2015.

<sup>14</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>15</sup> 40,000 Burundian francs is roughly 25 USD; 120,000 BIF is 75 USD. Amnesty International interview with witness, Bujumbura, December 2015.

animus.<sup>16</sup> Men were taken out of their homes and shot at close range, or even killed inside them, the instant their doors were opened. At least 21 men were killed by the police, according to local residents who found bodies on the streets, in their houses and in drainage ditches early the next morning. On a visit to the Nyakabiga 1 area on the morning of 12 December, shortly after the bodies had been removed, Amnesty International was shown the sites where eight bodies were found. In three locations, there were large pools of blood where the victims had been killed; in two other places, there were splatterings of blood and signs that the areas had recently been cleaned up.<sup>17</sup> Spent bullet cartridges littered the neighbourhood.

Burundian national radio (RTNB) reportedly said on 12 December that 10 additional bodies had been found in the Ntakangwe River that runs between Nyakabiga and Kigobe, adjacent to Avenue de l'Imprimerie, but Amnesty International was not able to confirm the claim.

Most of the bodies in the Nyakabiga area were retrieved by the mayor's office and the police at around 10am.

One of the victims was a teenage boy who sold eggs on the street. His body was found inside a small kiosk on 17<sup>th</sup> Avenue, Nyakabiga 1, where Amnesty International saw a pool of blood on the ground, and an empty egg basket.<sup>18</sup>

A few doors down, on the corner of 16<sup>th</sup> Avenue, Innocent Ntawumbabayeye, a 44-year-old milk seller, was killed in his one-room house. Amnesty International photographed a large bloodstain on the floor and specks of blood on the wall, consistent with residents' testimony that he was shot on the spot. Residents said that the police told him to open his door and then immediately executed him. He was killed at about 3pm.<sup>19</sup>

Charles<sup>20</sup>, thought to be in his late forties, made a living helping people find houses to rent. He lived on 10<sup>th</sup> Avenue but residents said that he was wounded in the foot at the beginning of the clashes and that the police found him hiding inside a house on 16<sup>th</sup> Avenue and "finished him off" there at around 5pm.<sup>21</sup> The locks for all the single-room dwellings in the compound where he was killed had visibly been forced open and some locks appeared to have been shot out. One of the other residents of the building was hit by police fire while inside his house; he was not able to go to the hospital until the following day.<sup>22</sup>

Maregarege, an approximately 30-year-old male domestic worker, was killed as he took refuge in a small residential compound located behind the mosque between 13<sup>th</sup> and 14<sup>th</sup> Avenues. Witnesses said that police entered the mosque and were shooting from the upper floor. When they entered the residential compound, they found Maregarege hiding in an abandoned room with no door and immediately shot him. "Because he was obviously not in his own house, the police must have suspected he was a militant," one witness speculated. There was no sign that Maregarege had been carrying a weapon.<sup>23</sup>

Other bodies were found on the street. The body of 41-year-old Raoul Nijimbere was found outside on 15<sup>th</sup> Avenue; he was said to have been mentally disturbed. Among other victims identified by residents were a teacher on his way to class, a mobile phone seller, a physically handicapped man, and two bicycle-taxi men.

Several residents of the area were said to have been taken into custody during the operations. One of them, a well-known basketball player named Jean-Jacques, was staying in the residential compound on 16<sup>th</sup> Avenue where

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<sup>16</sup> Notably, several previous security operations in which unarmed civilians were killed took place after attacks on police, including attacks in which police were killed or injured. See, for example, Human Rights Watch, 'Burundi: President's Speech Instills Fear as Killings Increase Police Should Not Use Excessive Force,' 10 November 2015, <https://www.hrw.org/news/2015/11/10/burundi-presidents-speech-instills-fear-killings-increase> (accessed 18 December 2015).

<sup>17</sup> Amnesty International was also able to compare photos it took of each location with photos taken of the same locations earlier in the day, showing the bodies there. It also saw photos of bodies in other locations that it verified through analysis of the metadata contained in the photo files.

<sup>18</sup> Amnesty International interviews with witnesses, Bujumbura, December 2015.

<sup>19</sup> Amnesty International interviews with witnesses, Bujumbura, December 2015.

<sup>20</sup> Where the surnames of victims are not included this information was not available

<sup>21</sup> Amnesty International interviews with witnesses, Bujumbura, December 2015.

<sup>22</sup> Amnesty International interviews with two witnesses, Bujumbura, December 2015.

<sup>23</sup> Amnesty International interviews with witnesses, Bujumbura, December 2015.

Charles was killed. He later appeared in a video taken of detainees in police or military custody, which circulated on social media a day or so later. In the video, he is shown wearing athletic attire and explaining that he is a basketball player, not a fighter. Amnesty International spoke to two witnesses who recognised and identified individuals in the video. Other people picked up in Nyakabiga were said to include a man named Richard, a man named Lambert and a woman named Arlette.

Intensive security operations also took place on 11 December in the Musaga neighbourhood, where ISCAM and Base Camp are located. Unlike in Nyakabiga, where residents were able to leave their homes on Saturday, the day after the operation, many Musaga residents were forced to stay indoors through much of that day as well. While numerous photos circulated of bodies found in Nyakabiga on Saturday morning, several of the Musaga residents Amnesty International spoke to said that because of police and informers it was too dangerous to risk being seen taking photos there. Indeed, when Amnesty International visited the neighbourhood on 13 December, there was a heavy police and military presence at every intersection on the main road and a palpable feeling of fear.

Residents described hearing heavy fighting early in the morning of 11 December. At first, the sound of shooting and explosions came from the military camps on the outskirts of Musaga. Then, later in the morning, the shooting began to take place on residential streets. "The youth were fighting the police," a resident explained.<sup>24</sup>

The fighting continued until around 2pm. When the shooting stopped, the police went from door to door, often breaking the locks with machetes and guns. From the place where one witness was hiding behind his house, he could see police pulling men out of their houses and shooting them. The shooting continued until around 8pm that evening. When he ventured out from his hiding place, he saw six bodies on the road and in drainage ditches, as well as a pile of bodies behind a school currently being used as a police post.<sup>25</sup> Another witness reported seeing several bodies on 12<sup>th</sup> Avenue, one of the area's main streets.<sup>26</sup>

One of the victims was a 15-year-old boy.<sup>27</sup> Scared by the police presence in front of his house, especially by the sound of gunfire, he tried to flee to an outhouse in the backyard of his family compound at around 10:30am. "He hadn't even taken two steps [out the door] before he was hit: in his head, his left arm, and his side", the boy's mother told Amnesty International. "He died on the spot".

The body stayed just outside the door all day Friday, as the police did not allow the boy's family to remove it. When a truck from the mayor's office picked it up late the next day, the removal staff refused to tell the family where the body was being taken. "I don't know where he is or if he's been buried", the boy's mother cried.<sup>28</sup>

A young man from another part of Musaga described how police came to his house during the operation:

*"It was Friday morning, very early. They demanded that I show them where the weapons were hidden. I said, 'I don't know, I don't have any.' They threatened to kill me. The police beat me up in the house and then pulled me outside with a group of other young men. They punched us in the street. I tried to run away. The police opened fire behind me but, thanks to God's grace, I managed to run behind another house and hide".*

His neighbours told him that the police had returned later to his house and that he should not come back.<sup>29</sup>

Earlier in the week, on 6 December, another young man had been arrested by police in Musaga and taken away to an unknown location. His brother told Amnesty International that he was too afraid to make inquiries about his whereabouts: "If I went looking for him, I would also be arrested". The rest of their family lives up-country. On 12 December, a mutual friend called to tell him that he had seen his brother among dead bodies found in Mutakura neighbourhood. The police reportedly prevented his friend from collecting his brother's body for burial and took it

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<sup>24</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>25</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>26</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>27</sup> Another minor, Samuel Ntunzwenimana, was reportedly shot in the Jabe neighbourhood and died the following day for lack of medical care. Amnesty International interviews, Bujumbura, December 2015.

<sup>28</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>29</sup> Amnesty International interview with witness, Bujumbura, December 2015.

away to an unknown location.<sup>30</sup>

One witness told Amnesty International that when residents in her neighbourhood tried to open their doors to look outside on Saturday morning, soldiers on the streets ordered them back into their houses. Soldiers carried out more house-to-house searches that day. On Saturday afternoon and Sunday morning, police arrived with pick-up trucks to carry away the dead and, by 11am on Sunday, the last bodies had been collected.<sup>31</sup>

Reports began to circulate on 12 December of bodies being buried in mass graves in Kanyosha cemetery. Amnesty International was not able to independently verify these claims; however, when Amnesty International visited Bujumbura's four official morgues that afternoon, there was no sign of a large number of bodies having been recently received. Indeed, one of the main morgues was deserted when the delegation arrived and appeared to be empty. Two hospital morgues had received bodies from the targeted neighbourhoods that day, but only one body had been received in one location and two in the other.

## INTENSIFICATION OF POLITICALLY-MOTIVATED KILLINGS, INCLUDING EXTRAJUDICIAL EXECUTIONS

Recent months have seen a continuing spate of brutal killings in Bujumbura. According to witness accounts, some of these were extrajudicial executions and others occurred in circumstances suggestive of extrajudicial executions. The High Commissioner for Human Rights in Burundi reported on 17 December that at least 400 people had been killed since 26 April 2015.<sup>32</sup> While police have been killed in attacks by government opponents,<sup>33</sup> many of the victims have been individuals in civilian clothes in so-called political opposition neighbourhoods associated with the protests against President Nkurunziza's bid for a third term. In several instances prior to the deadly operations of 11 December, the police carried out deadly and indiscriminate operations in these neighbourhoods in apparent retaliation for attacks on security forces.

On 9 December, for example, Amnesty International saw the bodies of five young men, all under the age of 30, who had been killed by police in the Cibitoke neighbourhood that morning. The police spokesperson claimed that the men were responsible for a grenade attack on the police and that they were found armed.<sup>34</sup> Witnesses said that the police took them from their homes and shot them at close range. The first to be killed was Arsène Ndayizeye, who had just returned from a night shift at work. The four other victims—Adrien Miburo, Epitace Ningabire, Benjamin Tuyisabe, and Abdoul Karim—were all motorcycle taxi-drivers originally from Ruhororo in Ngozi province, who had rented a house together.<sup>35</sup> The bodies were found grouped together and at least one of the victims appeared to have been shot in the head at an angle suggesting an extrajudicial execution (from above).<sup>36</sup>

On 5 December, the previous Saturday, police shot and killed Jésus Nkurunziza, a 9-year-old boy who lived in the Cibitoke neighbourhood. At about 9am, someone threw a grenade at a passing police vehicle that was driving on the 14<sup>th</sup> Avenue not far from the boy's house, leading police riding the vehicle to shoot indiscriminately. The boy, who was on his way to a store near his house, was hit in three places, including in the side. Although he did not die immediately, he lost blood rapidly. Yet the police were extremely slow to allow neighbours to transport the boy

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<sup>30</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>31</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>32</sup> Opening Statement by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights at the Human Rights Council 24th Special Session, 17 December 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16895&LangID=E#sthash.5D9NLWcs.dpuf> (accessed 18 December 2015).

<sup>33</sup> On 30 November, the Minister of Public Security announced in his annual review that 34 police officers had been killed by "insurgents" and 293 injured: "Communique on the Major Achievements of the Ministry of Public Security for the Year 2015", 30 November 2015, [http://securitepublique.gov.bi/IMG/pdf/communique\\_sur\\_grandes\\_realisations\\_du\\_msp\\_2015-2.pdf](http://securitepublique.gov.bi/IMG/pdf/communique_sur_grandes_realisations_du_msp_2015-2.pdf) (accessed 18 December 2015).

<sup>34</sup> "At least seven killed in Burundi," Reuters, 9 December 2015, <http://af.reuters.com/article/burundiNews/idAFL8N13Y2QO20151209> (accessed 18 December 2015).

<sup>35</sup> Amnesty International interview with journalist, Bujumbura, December 2015.

<sup>36</sup> Amnesty International site visit, Cibitoke, Bujumbura, 9 December 2015.

to the hospital and he ended up dying of a grave haemorrhage.<sup>37</sup>

Some of the killings have been clearly targeted. On 6 November, Welly Nzitonda, the son of Burundi's most well-respected human rights defender Pierre Claver Mbonimpa, was shot and killed in the Mutakura area. Having left the neighbourhood for security reasons, the 29-year-old who worked as a driver had returned to his house that day to see if he could collect his belongings. He was stopped by a police patrol between the 13<sup>th</sup> and 14<sup>th</sup> Avenues around 11am; the patrol reportedly arrested him when they saw his father's name on his identity card. After a disagreement with soldiers in the area, the police took him to a building where he was killed, reportedly by the local police chief. His body was found in a house on 12<sup>th</sup> Avenue that same afternoon.<sup>38</sup>

The killing of Nzitonda followed the attempted murder of Mbonimpa himself on 3 August and the killing of his son-in-law Pascal Nshimirimana in Bujumbura on 9 October.<sup>39</sup> The family believes that all three attacks were carried out in retaliation for Mbonimpa's human rights work.

## ARBITRARY ARRESTS, ENFORCED DISAPPEARANCES AND EXTORTION

The declining human rights situation in Burundi has also been marked by frequent arbitrary arrests and enforced disappearances and what appears to be a systematic practice of extortion by the security forces and the Imbonerakure.

On 17 December, the United Nations High Commissioner for Human Rights reported that 3,496 people had been arrested since April, of whom 452 were arbitrarily arrested in the month of November alone.<sup>40</sup> Arbitrary arrests, especially of young men from the so-called political opposition neighbourhoods, continue to be a regular occurrence.

Amnesty International spoke to two students, young men aged 24 and 29, who were among 185 people arrested in a round-up in central Bujumbura in the morning of 19 November. The round-up took place in an area known as "Bata" adjacent to the destroyed central market. Only young men were arrested—women and older men were allowed to leave. The captives were loaded onto lorries and taken to the Special Investigations Unit (Brigade Speciale de Recherches, BSR), where they were made to sit down in groups of ten. The students along with a friend were held to one side as they came from the so-called political opposition neighbourhoods.

"They terrorised us. We were afraid that we were going to be killed", one of them said. "Desire Uwamahoro [commander of the anti-riot brigade] was in charge. He said, 'if you speak I'll have to shoot you in the head'".

The detainees all had their photos taken in front of containers with their ID numbers written above their head. The two students Amnesty International interviewed, and another of their friends, each had to pay a bribe of 30,000 Burundian francs [roughly 20 USD] in order to be released that afternoon.<sup>41</sup>

Several other former prisoners have told Amnesty International that they were required to pay a ransom to the police before they were freed.

No one Amnesty International spoke to in Bujumbura was systematically collecting data on the trend of disappearances. A number of interlocutors told researchers that many families were afraid to report their relatives

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<sup>37</sup> Amnesty International interview with witness, Bujumbura, December 2015.

<sup>38</sup> Amnesty International interviews with individuals knowledgeable about the case, December 2015.

<sup>39</sup> Amnesty International, Burundi: Shooting of human rights activist increases climate of fear, 6 August 2015, <https://www.amnesty.org/en/latest/news/2015/08/burundi-shooting-of-human-rights-activist-increases-climate-of-fear/>; Front Line Defenders, Update: Burundi – Assassination of family member of human rights defender Pierre Claver Mbonimpa, 15 October 2015, <https://www.frontlinedefenders.org/node/29891> (accessed 18 December 2015).

<sup>40</sup> Opening Statement by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights at the Human Rights Council 24th Special Session, 17 December 2015, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16895&LangID=E#sthash.5D9NLWcs.dpuf> (accessed 18 December 2015).

<sup>41</sup> Amnesty International interview with victim, Bujumbura, December 2015; Amnesty International telephone interview with victim, Bujumbura, December 2015.

missing in case they were suspected – rightly or wrongly – of having left to join the armed rebellion.

A man went missing in October while travelling from Bujumbura to a town in the east of the country, while carrying a large sum of money to pay his organization's local staff. The bus he was travelling in was stopped in the early morning near a bar owned by the late General Adolphe Nshimirimana, in Bujumbura's Kamenge neighbourhood, by men suspected to be part of the Imbonerakure. After seeing his ID card, the men made him get off the bus and ordered the driver to leave.

After they heard that he had not reached his destination, his family started looking for him, including through contacts with members of the ruling political party and repeated visits to the offices of the National Intelligence Services. Despite some false leads, they have obtained no news about his whereabouts to date. The victim was married and his wife is pregnant.<sup>42</sup>

His brother told Amnesty International: "It is very difficult. If you don't have a body you can bury, it's very difficult for the family to take".

## ABSENCE OF HUMAN RIGHTS WATCHDOGS OR INDEPENDENT MEDIA

There is very little independent reporting on human rights violations in Burundi, due to the near-total absence of independent media and the purposeful debilitation of the human rights community.

The independent media was decimated in April and May, with radio stations being shut down and broadcasting equipment destroyed by police.<sup>43</sup> There are no longer any independent national radio stations that broadcast news, depriving most Burundians of all but government sources of information.<sup>44</sup> As for print journalism, only one independent news weekly remains, and it is under severe pressure, with its director facing criminal prosecution.<sup>45</sup>

The country's once-vibrant human rights community has been dismantled piece by piece. On the legal and administrative front, human rights organizations are facing orders that suspend their operations and freeze their bank accounts.<sup>46</sup> Even more worryingly, human rights defenders have suffered physical violence and threats. Most of the country's leading defenders have had to flee the country.

"My children are scared," one of the country's few remaining human rights defenders told Amnesty International.<sup>47</sup>

## CONCLUSION

In recent months, residents of Bujumbura have become accustomed to near-daily reports of corpses being found in the streets. Yet, even in this context, the events of 11 December marked a nadir. Many of those Amnesty International spoke to in the days following 11 December felt that a tipping point had been reached.

Regional and international actors must pay heed to this wake-up call and put their words into action. The African Union and UN must take urgent, concerted action to stop the situation from deteriorating any further—by ensuring robust human rights reporting, demanding accountability and insisting, for example, that the ongoing mediation process make progress in resolving the human rights crisis.

While the government faces an extremely challenging security situation, characterized by armed attacks on the

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<sup>42</sup> Amnesty International interviews with individuals knowledgeable about the case, Bujumbura, December 2015.

<sup>43</sup> See Amnesty International, *Braving Bullets: Excessive Force in Policing Demonstrations in Burundi*, 27 July 2015, <https://www.amnesty.org/en/documents/afr16/2100/2015/en/>, pp. 19-21.

<sup>44</sup> The radio is by far the most important source of information for Burundians outside of Bujumbura.

<sup>45</sup> Letter dated 23 November 2015 from the Prosecutor General requesting the extradition of Antoine Kaburahe, Director of Iwacu Press Group from Belgium.

<sup>46</sup> Ministerial Ordinance No 530/1547 of 23 November 2015; letter from the Prosecutor General to directors of all banks in Bujumbura, 19 November 2015; letters from the Prosecutor General to directors of all banks and microfinance institutions in Bujumbura, 7 December 2015.

<sup>47</sup> Amnesty International interview with human rights defender, Bujumbura, December 2015.

security forces, it must confront these challenges in a manner consistent with human rights and the rule of law. Ending the absolute impunity that the security forces currently enjoy is an essential first step.

## RECOMMENDATIONS

To the Government of Burundi:

- Respect and protect the human rights of everyone in Burundi, including real or suspected political opponents, as provided in the Constitution, and key regional and international instruments such as the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights;
- Lift the legal and financial measures targeting the human rights community and the independent media;
- Undertake independent and impartial investigations into allegations of crimes under international law and human rights violations and, if there is sufficient admissible evidence, prosecute in a fair trial before an ordinary civilian court, without recourse to the death penalty, anyone suspected of criminal responsibility for such crimes;
- Remove from active duty anyone suspected of having committed any crime under international law or human rights violations until the allegations against them have been independently and impartially investigated and they have been cleared of any such violations;
- Promptly ratify the International Convention for the Protection of All Persons from Enforced Disappearance, signed by Burundi in 2007, and recognize the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of victims and other state parties.

To the UN, the AU and their member states:

- Urgently mandate an independent and impartial international investigation into the events of 11 December;
- Ensure robust and regular human rights monitoring, documentation and public reporting by strengthening the presence of the OHCHR office and team of AU human rights observers in Burundi;
- Ensure that realistic and concrete contingency planning is done to respond rapidly to protect civilians if the situation deteriorates further;
- Send UN Secretary-General Ban Ki-Moon and the Chair of the AU Commission, Dr Nkosazana Dlamini-Zuma, to Bujumbura to press the government to end the current crackdown, beginning by lifting legal and financial measures targeting the human rights community and the independent media;
- Reinvigorate the mediation process aimed at ending the human rights crisis in the country;
- Support the urgent deployment of a mission of existing independent experts to Burundi to investigate and report on violations and abuses of human rights and to make recommendations aimed at preventing further deterioration of the human rights situation, as mandated by the UN Human Rights Council resolution of 17 December.