



BURUNDI: CONTINUING HUMAN RIGHTS CRISIS DEMANDS THE HUMAN RIGHTS COUNCIL'S SUSTAINED ATTENTION

Amnesty International's written statement to the 33rd session of the UN Human Rights Council (13 – 30 September 2016)

Amnesty International welcomes the attention paid by the Human Rights Council to the crisis in Burundi since mid-2015, including the establishment of the mission of independent existing experts, the UN Independent Investigation on Burundi, which is to present its final report at this session. Following a period of overt repression in the second half of 2015, associated with the discovery of dead bodies in the streets of Bujumbura on a near-daily basis, the crisis in Burundi has moved into a new, less overtly violent phase, with a climate of fear taking hold in the capital and elsewhere in the country. With serious human rights violations ongoing, the international community must maintain and strengthen its scrutiny of the situation in Burundi.

Overview of the human rights situation

Amnesty International continues to receive regular reports of serious human rights violations, including targeted killings, enforced disappearances, arbitrary arrests, unlawful detention, torture and other ill-treatment.

As the Office of the High Commissioner for Human Rights (OHCHR) has reported, there has been a considerable increase in the use of torture and other cruel, inhuman or degrading treatment or punishment in Burundi in connection with the current political crisis. Concerned by information on the deteriorating situation in the country, the Committee against Torture requested a special report from Burundi, which was reviewed at its 58th session in July. Amnesty International has documented acts of torture and other ill-treatment perpetrated by the National Intelligence Services (SNR) and the police, as well as abuses committed by members of the *Imbonerakure*, the youth wing of the ruling party. Methods documented have included verbal abuse; beating with branches, iron bars and police batons; stamping on victims; hanging weights from their testicles; making them sit in acid; threatening them with death; and denying medical care. Victims have also described the use of electric shocks and water being poured in their ears.

The *Imbonerakure* continue to carry out serious abuses, and Amnesty International still receives testimony of the *Imbonerakure*'s presence during arrests, as well as of campaigns of intimidation carried out by them against those who refuse to join the ruling party, beatings, killings and attempted killings. Refugees report that the *Imbonerakure* have beaten people fleeing Burundi into Tanzania. Many refugees Amnesty International has spoken to cited fear of, and intimidation by, the *Imbonerakure* among their reasons for leaving the country.

Civil society and the independent media, once counterweights to government, have been decimated, and continue to come under attack. Over the last few months, Burundian journalists, members of social media groups and schoolchildren have been arrested for exercising their right to freedom of expression. Even those outside the country continue to be targeted: in July, a Burundian prosecutor requested that four lawyers who contributed to the civil society report to the Committee against Torture be struck off the professional register.

The case of the missing journalist, Jean Bigirimana, is a deeply disturbing emblem of the challenges facing those seeking justice in Burundi. A journalist working for *Iwacu*, one of the last remaining independent media outlets in the country, Jean

Bigirimana was last seen on 22 July 2016. *Iwacu's* editor-in-chief received an anonymous call soon after the disappearance, alerting him that Jean Bigirimana had been taken by people believed to be members of the SNR. Investigations carried out by his colleagues, after initial research expeditions by the SNR and the National Independent Commission on Human Rights were unsuccessful, led to the discovery of two bodies in a river. These were retrieved by the authorities in an advanced state of decomposition, and buried before they could be positively identified. Jean Bigirimana's wife is reported to have said that neither was her husband.

Need for continued and strengthened monitoring and public reporting

Victims of human rights violations in Burundi continue to face serious challenges in accessing justice. The journalist Esdras Ndikumana was detained for several hours and tortured in August 2015, after he was arrested at the scene of the killing of General Adolphe Nshimirimana where he had gone to report. Despite a press release from the President's office promising an investigation, there has been little progress in the case. In October 2015, Esdras Ndikumana introduced a formal complaint at the Supreme Court against X (unnamed intelligence service agents), but the Prosecutor asked him to provide the names of those who beat him before starting the investigation. Esdras Ndikumana's case is illustrative of the obstacles to obtaining justice for torture in Burundi, even where the victim is proactively seeking justice and has stated commitments from the highest level of government.

In this context of a lack of truth, justice and reparation for serious human rights violations, monitoring and public reporting by international and regional observers is essential. In addition to ongoing monitoring by UN and African Union observers (of which roughly a quarter of the agreed 200 human rights monitors and military experts are so far in place), several other investigative missions have taken place, including the UNIIB and the fact-finding mission of the African Commission on Human and Peoples' Rights (ACHPR) that visited the country in December 2015. These initiatives are important and must be built upon.

Monitoring and public reporting by international and regional observers have several important roles to play: filling the gap created where the national human rights community is under severe attack; ensuring the creation of a historical record that lays the foundations for accountability through future justice mechanisms; maintaining a level of pressure and scrutiny which may have a deterrent effect; and contributing to the development of solutions to the crisis, by identifying necessary reforms.

Measures taken to date unfortunately appear to have displaced rather than deterred the commission of human rights violations. This is illustrated clearly by the disturbing new trend of enforced disappearance building on extrajudicial killings and the associated regular discovery of bodies in the streets. A strengthened response is required to confront the current trend of violations. This should include increased documentation capacity on the ground, through strengthened staff numbers and the incorporation of specific skills such as forensics expertise into the OHCHR office in Burundi, as well as any ad hoc investigative mechanisms.

Recommendations

Amnesty International therefore calls on the Human Rights Council to:

- Request regular public reporting by OHCHR, in addition to press releases and semi-public briefings to the Government of Burundi and diplomatic community;
- Request an increase in OHCHR documentation capacity in Burundi, through increased staff numbers and the inclusion of staff with specific skills, for example, forensics expertise;
- Establish a long-term Special Procedure mandate on Burundi with a clear reporting mandate;
- In follow-up to the work of UNIIB, establish a joint international and regional ad hoc mechanism for full investigation into all acts of violence perpetrated since April 2015 including the acts of Burundian security forces and other institutions for initiating and implementing accountability processes and required reforms, as recommended by the fact-finding mission of the ACHPR;
- Encourage Burundian authorities to promptly ratify, without making reservations, the International Convention for the Protection of All Persons from Enforced Disappearance and recognize the competence of the Committee on Enforced Disappearances under articles 31 and 32 of the Convention to receive and consider communications from, or

on behalf of victims, and receive and consider communications in which a State party claims that another State party is not fulfilling its obligations under the Convention;

- Call on the Burundian authorities to establish an independent, effective and well-resourced National Preventive Mechanism in accordance with the OPCAT and the guidelines established by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.