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BURUNDI ON A KNIFE'S EDGE: THE UN HUMAN RIGHTS COUNCIL SHOULD TAKE URGENT ACTION TO RESOLVE THE HUMAN RIGHTS CRISIS

Amnesty International welcomes the Human Rights Council's decision to spotlight the worsening human rights crisis in Burundi by holding a special session on the country. In the months that have followed the country's controversial presidential elections, the Burundian government has continued its relentless crackdown on all forms of real and perceived political opposition, a crackdown that has crimes under international law, such as extrajudicial executions, arbitrary arrests, torture and other ill-treatment, and the closure of independent media. Most recently, the government has also taken aggressive steps to silence key non-governmental organizations.¹ While it is clear that the government faces an extremely challenging security situation, characterized by armed attacks on the security forces, it is imperative that the government confront these challenges in a manner consistent with human rights and the rule of law.

In this statement, Amnesty International would like to highlight three areas that demand the Council's urgent attention: 1) extrajudicial killings, including deadly reprisal attacks by police, 2) torture of detainees, and 3) a wholesale assault on the country's human rights movement, including via physical attacks, threats, and legal harassment.

Politically-motivated crimes, including extrajudicial executions

At least 277 people have been killed in politically-motivated violence since April 2015, according to recent figures from OHCHR.² Reports from national human rights monitors suggest that the total number of people killed is closer to 350. Recent months have seen a continuing spate of brutal killings in Bujumbura, with many in circumstances indicative of extrajudicial execution. While police have been killed in attacks by government opponents, many of the victims are individuals in civilian clothes in so-called opposition neighbourhoods associated with the protests against President Pierre Nkurunziza's bid for a third term. In several instances, the police have carried out deadly and indiscriminate operations in these neighbourhoods in apparent retaliation for attacks on security forces.

On 13 October, for example, after one police officer was killed and another injured in a grenade attack, the police carried out a violent operation in the Ngarara neighbourhood. Among the victims were Christophe Nkezabahizi, a cameraman for Radio Télévision Nationale du Burundi (RTNB), his wife Alice, his son Tresor, his daughter Ines, his nephew Evariste, and a guard who lived nearby.

¹ Amnesty International previously highlighted these concerns in statements submitted to the 30th session of the Human Rights Council. Amnesty International, "Human Rights Council should help prevent a human rights crisis in Burundi", Written statement to the 30th session of the UN Human Rights Council (14 September - 2 October 2015), 14 September 2015, AI Index: AFR 16/2439/2015. See also Amnesty International, "Just tell me what to confess to": Torture and other ill-treatment by Burundi's police and intelligence services since April 2015 (August 2015).

² See OHCHR Press Release, "Burundi: Zeid deplors NGO crackdown; renews call for inclusive dialogue", 25 November 2015 (<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16804&LangID=E>).

Witnesses said family members were forced to lie down in the street and were shot at close range. Four others who lived in the neighbourhood were also killed.

On 9 December, Amnesty International delegates saw the bodies of five young men who had been killed by police in the Cibitoke neighbourhood. Official sources claimed that the men were responsible for a grenade attack on the police, and that they were found armed. Witnesses said that the police took them from their homes and executed them. 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).

The role of the feared Imbonerakure in such attacks warrants special attention. The ruling party's youth wing, the Imbonerakure are believed to have worked in concert with the police during some of the most violent incidents. Men in civilian clothing identified as Imbonerakure have frequently been seen riding police vehicles, and some sources affirm that they have worn police uniforms and been integrated into police units on occasion.

Torture and other ill-treatment in detention

Both the Burundi National Police and the National Intelligence Services have used torture and other forms of ill-treatment against detainees in their custody, targeting, in particular, perceived opponents of the ruling party, former protesters, and inhabitants of neighbourhoods considered to be opposition strongholds. Torture is used as means to extract information, but also as a tool to intimidate political opponents and silence dissent.

In May and July 2015, Amnesty International interviewed 11 men who reported being subjected to torture and other ill-treatment in two different locations in Bujumbura, one being the headquarters of the National Intelligence Services, the other being an operational command centre for the police. Former prisoners described a range of torture techniques, including being beaten with iron bars, electric cables and batons; receiving electric shocks; and being forced to sit in battery acid. Several former prisoners have told Amnesty International that they were required to pay a ransom to their captors before they were freed.

Efforts to erase the human rights community

Burundi's once-thriving human rights community is being dismantled piece by piece. Human rights defenders have been targeted for violence and intimidation, and human rights organizations have been shut down. Nearly all of the country's most prominent human rights defenders have now fled abroad. Those human rights defenders who remain in Burundi face onerous constraints that severely hinder their work. The victims whom they once served are bereft of assistance.

In August, the attempted murder of Pierre Claver Mbonimpa, the country's best-known human rights defender, dealt a heavy blow to efforts to protect human rights. The head of the Association for the Protection of Human Rights and Detained Persons (APRODH), Mbonimpa is an outspoken critic of President Nkurunziza's controversial decision to seek a third term in office, and a principled advocate for democracy and human rights. Because of the severity of his injuries—he was shot in the face—he immediately left the country for medical treatment and rehabilitation.

Two of Mbonimpa's close relatives—a son and a son-in-law—were killed in recent attacks that the family believes were carried out in retaliation for Mbonimpa's human rights work. On 9 October, Mbonimpa's son-in-law Pascal Nshimirimana was shot and killed in Bujumbura; the killers are unknown. On 6 November, Mbonimpa's son Welly Nzitonda was shot and killed, reportedly by a

police officer, an hour or so after he was picked up by police in Bujumbura's Mutakura neighbourhood.

Other human rights defenders have received anonymous phone calls and text messages warning them to stop their activities.

Most recently, human rights groups have faced onerous legal and financial sanctions. In late November, Interior Minister Pascal Barandagiye ordered 10 Burundian NGOs to suspend their activities, including APRODH and other leading human rights groups.³ The prosecutor general has also ordered the bank accounts of these same groups to be frozen, as well as the accounts of Ligue Iteka, another prominent human rights group.

The end result of these measures has been a near-total ban on human rights monitoring and documentation in Burundi, except for the work of a few regional and international groups.⁴ The lack of effective human rights protection mechanisms has severely exacerbated the country's climate of fear.

Recommendations

Amnesty International recommends that the Human Rights Council:

- Urge the Government of Burundi to respect and protect human rights, and, in particular: remove from active duty anyone suspected of having committed any crime under international law until the allegations against them have been independently and impartially investigated and they have been cleared of any such violations; undertake an independent and impartial investigation into allegations of crimes under international law and prosecute in a fair trial before an ordinary civilian court without recourse to the death penalty anyone found to have committed such crimes;
- Call on the UN and the African Union (AU) to work together urgently to address the human rights crisis in Burundi and to restore full respect for human rights;
- Request UN Secretary-General Ban Ki-moon, and the chairperson of the AU Commission, Dr. Nkosazana Dlamini-Zuma, to travel to Bujumbura to press the government to end the current crackdown, beginning by lifting the legal and financial measures that target the human rights community;
- Call on the UN and the AU to take urgent steps to reinvigorate the mediation process aimed at ending the human rights crisis in Burundi;
- Urge the member states of the UN and the AU to provide their full support to the joint and separate efforts of the UN and the AU to end the human rights crisis in Burundi;
- Urge the Burundian government to invite a range of special rapporteurs from the UN and African Commission on Human and Peoples' Rights to visit the country, including those dealing with the themes of extrajudicial, summary or arbitrary executions; freedom of

³ The organizations subject to suspension are: ACAT-Burundi, APRODH, AMINA, FOCODE, FORSC, Fontaine-ISOKO, Maison Shalom, PARCEM, RCP and SPPDF.

⁴ For example, the UN High Commissioner of Human Rights has offices in Burundi, and international human rights organizations such as Human Rights Watch and Amnesty International send regular visits.

association and peaceful assembly; freedom of expression and access to information; enforced or involuntary disappearances; and torture and other cruel, inhuman or degrading treatment or punishment;

- Establish a monitoring mechanism to monitor and report on human rights violations in Burundi.