



## Burundi Watch Update



May 2018

### Summary

In the run up to the constitutional referendum, the number of arbitrary arrests increased remarkably. All the cases we monitored we were able to record were carried out by either Imbonerakure militiamen or the police or the two working together. They targeted those who campaigned against changing the constitution, particular Forces Nationales de Libération (FNL) pro Rwaswa activists.

Although the constitutional referendum was held without a major incident, the same trend of arbitrary arrests and abductions continue. It is in this context that Agathon Rwaswa, leader of the coalition Amizero y'Abarundi and the FNL, issued a statement rejecting the results before they were released.

He argued that the election was neither free,, transparent, independent nor democratic. The international community with the exception of the East African Community (EAC) also raised concerns over the constitutional referendum, calling for the resumption of inter-Burundian dialogue.

### Controversial referendum held

The preparatory phase for the Constitutional referendum started on 2 May 2018 and gathered hundreds of thousands of members of the two main camps, with the CNDD-FDD taking the lead in campaigning for the yes vote, whereas the Opposition coalition Amizero y'Abarundi mainly made up of followers of the FNL's Agathon Rwaswa campaigned for voting "no" on the constitutional changes.

The ruling CNDD-FDD party argued that the amendments to the constitution were aimed at regaining the sovereignty of the people, saying that the time for Burundians to decide their destiny without any interference has come.

The Amizero y'Abarundi Coalition contended that the amendments to the constitution would put an end to the Arusha Peace Agreement, which they argue is the very foundation of stability and reconciliation in Burundi.

The new constitution would allow Pierre Nkurunziza to run for two new seven-year terms in office, beginning in 2020 and running through 2034. The constitutional amendments also consolidate power in the presidency, for example by putting the national intelligence service directly under the president's control. It also further forbids the extradition of any Burundian

for whatever reason. The Burundian Coalition for the International Criminal Court has also argued that a number of revisions relating to the judiciary could kill the country's already tenuous judicial independence.<sup>1</sup>

The constitutional referendum was held on 17 May 2017 as scheduled. While no major incident was reported during the polling, several irregularities were noted including threats and intimidation directed towards members of the opposition coalition Amizero y'Abarundi. In several polling stations, Amizero y'Abarundi representatives assigned to monitor the polling were chased away by angry Imbonerakure.

In a press release dated 18 May 2018, the leader of the coalition Amizero y'Abarundi, Agathon Rwasa stated that the electoral process was neither free, transparent, independent nor democratic. He condemned all referendum related crimes and irregularities<sup>2</sup> and rejected the results to be pronounced by the national electoral commission whom he advised to nullify all the results and restart the process in accordance to the electoral code.



*Vice- President Joseph Butore in a polling station in Masango in the District of Bukinanyana. Credit: RTNB on twitter*



*An Imbonerakure monitoring a lady while casting her vote. Credit: Ndongozi on twitter*

Several of Burundi's international partners raised concerns about the constitutional referendum including Switzerland who stressed that the constitutional referendum was "being carried out in a climate of intimidation and political tension and is marked by the absence of democratic debate between Burundi's different social and political groups".<sup>3</sup> The Federal Republic of Germany declared that a "number of proposed amendments to the constitution contradict the provisions of the Arusha Peace and Reconciliation

<sup>1</sup> Coalition Burundaise pour la Cour Pénale Internationale, « Le projet de révision de la Constitution: Une opportunité du régime de Pierre NKURUNZIZA d'anéantir le régime judiciaire déjà moribonde » April 2018.

<sup>2</sup> To read the whole statement, <https://twitter.com/ndongoziB/status/997526865010143232> , publication of 18 May 2018 at 10h18

<sup>3</sup> Swiss Federal Council, "Switzerland raises concerns ahead of Burundi's constitutional referendum on 17 May 2018," 15 May 2018, available at <https://www.admin.ch/gov/en/start/documentation/media-releases.msg-id-70773.html>

Agreement for Burundi from the year 2000 which ended protracted civil wars by introducing quotas for Hutus and Tutsis and the separation of powers.”<sup>4</sup> Canada refused to allow voting on the constitutional referendum to be held on its territory.<sup>5</sup>

It is worth noting that whereas other national elections were observed by the East African Community (EAC), African Union and European Union observers alongside local civil society and media, the constitutional referendum was boycotted by all international observer missions and was only covered by media which operated from the National radio and television station.

In a letter dated 9 May 2018, the chairperson of the African Union Commission, Mussa Faki, addressed a letter to President Museveni of Uganda and EAC-appointed Mediator on the conflict in Burundi. The Faki argued that despite the sustained engagement by the region with the support of the African Union and the rest of the international community, no progress has been made in agreeing on a consensual way out of the current situation. Faki said that the decision of the government to revise the constitution outside the framework of the all-inclusive dialogue and in complete disregard of the advice provided by the EAC, the AU and the UN as well as other members of the international community could trigger a further deterioration of the situation. The same is likely to have far reaching negative consequences for Burundi and the region as a whole<sup>6</sup>.

In a statement dated 8 May 2018, the high representative of the Union for foreign affairs and security policy and vice president of the European Commission, Federica Mogherini, stated that the European Union (EU) regretted the non-inclusive nature of the preparatory phase and fully endorses the call of the African Union to “initiate all constitutional reforms via a broad national consensus among all relevant stakeholders.”<sup>7</sup> As a guarantor to the agreement, the EU called on the Burundian authorities to respect the spirit and the letter of the Arusha Peace Agreement, which formed the basis for the peaceful transfer of power in Burundi and promoted peace and stability in the region.

## **Deadly attack claims 26 lives**

During the night of 11-12 May 2018, an attack by unidentified assailants in Ruhagarika in the District of Buganda of the western province of Cibitoke resulted in 26 people being killed and seven others wounded. Burundian authorities attributed the attack to a “terrorist group.”

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<sup>4</sup> The German Federal Foreign Office, “The Federal Foreign Office on the situation in Burundi,” 18 May 2018, available at <https://www.auswaertiges-amt.de/en/Newsroom/burundi-verfassungsreferendum/2083764>

<sup>5</sup> See Anadolu Agency, “Burundi/Référendum: Le Canada interdit le vote sur son sol,” 17 May 2018, available at <https://www.aa.com.tr/fr/afrique/burundi-r%C3%A9f%C3%A9rendum-le-canada-interdit-le-vote-sur-son-sol-/1148934>

<sup>6</sup> See <https://minbane.wordpress.com/2018/05/11/https-wp-me-p1xtjg-6uv/>

<sup>7</sup> See European Council, “Declaration by the High Representative, Federica Mogherini, on behalf of the European Union on the situation in Burundi ahead of the constitutional referendum,” 8 May 2018, available at <http://www.consilium.europa.eu/en/press/press-releases/2018/05/08/declaration-de-la-haute-representante-federica-mogherini-au-nom-de-l-union-europeenne-sur-la-situation-au-burundi-en-amont-du-referendum-constitutionnel/>

Some inhabitants said that they had seen assailants wearing military uniforms patrolling the area at night and would have demanded the intervention of the military position assigned to the area to prevent them from killing people without it being able to timely rescue the victims. Some families were completely exterminated, including children and women. Government officials including the Minister of Security, General Bunyoni, and the Ombudsman, Mr. Edward Nduwimana, assumed the attack was committed by armed groups against the government whereas the ruling CNDD-FDD party confirmed that it was a terrorist attack<sup>8</sup>.

Funerals were organized on 15 May 2018. Several high ranking political leaders, diplomats and members of the government participated to the ceremonies.



## **Insecurity within Burundian refugee camps**

Due to political developments, the beginning of May 2018 has been characterized by growing insecurity among the Burundian refugee camps including Nduta and Nyarugusu in the United Republic of Tanzania. In both camps, abnormal movements to and from Burundi have been observed over the last two weeks as people suspected of being Imbonerakure surveilling the camps went to vote in the constitutional referendum. Prior to the referendum, Imbonerakure organized several meetings in the Nduta camp, and distributed voting cards to those who attended.

According to MG, a refugee representative in Nduta, the Imbonerakure are generally from Makamba, Ruyigi and Karusi provinces and were given the mission to monitor and intimidate refugees to encourage them to return to Burundi. According to another refugee, JB, the refugees reported these cases to the Tanzanian authorities and UNHCR, but saw no response. The refugees accuse these authorities of complicity with the Imbonerakure and are afraid that the latter will cause additional disruptions to their security.

Four refugees were arrested and detained by Tanzanian authorities as they spoke out about the insecurity. They are also accused of providing information to Burundian human rights NGOs and the media.

In the Republic of Uganda, on 4 May, two Imbonerakure were arrested and detained in Nakivale settlement. They were caught as one of them was taking pictures of Burundian

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<sup>8</sup> See Communiqué du parti CNDD-FDD après l'attaque terroriste à Ruhagarika, 13 May 2018, available at <http://cndd-fdd.org/2018/05/13/communique-du-parti-cnnd-fdd-apres-lattaque-terroriste-a-ruhagarika/>

refugees as they gathered for status verification by Ugandan authorities. While all refugees in the camp gathered for the verification, regardless of nationality, the Imbonerakure took pictures of only Burundians. The two Imbonerakure whose names were not known were detained in Nakivale before they were transferred to Kabingo in the District of Mbarara and freed on 12 May 2018.

In the Democratic Republic of Congo, on 1 May 2018, the family of Arcade Ndikumana was attacked by unknown people who burned his house in the refugee camp of Lusenda. His neighbor BB confirmed Ndikumana's family had been attacked several times without perpetrators being identified.

## **Human rights violations**

**Some of the cases of human rights violations reported during the report period include:**

On 1 May 2018, a grenade attack at Kabuyenge Hills market in the District of Gisuru by unknown assailants resulted in Séverin Nyabenda and Eric Niyonkuru being killed whereas five other victims were wounded.

On 2 May 2018, the house of a FNL pro-Rwasa activist Denis Bukuru in Mwakiro was searched by Imbonerakure and the police on suspicion of possession of firearms. Nothing was found and Bukuru was targeted for his political affiliation.

The same day, six members of the opposition FNL pro-Rwasa were arrested and detained in Musigati by Imbonerakure and the police on suspicion of campaigning against the change of the constitution.

The same day, five members of the FNL pro-Rwasa were arrested by Imbonerakure at Buhindo hill in the District of Murwi. Relatives report that these activists had participated the same day in the launching of the Amizero y'Abarundi coalition's campaign in Ngozi province, before returning to Cibitoke.

The same day, a six-year-old girl was raped by a 52-year-old man identified as Ngendabanyikwa aka Mufaransi in Giko hill in the District of Bubanza. The perpetrator escaped with the help of a local chief of Giko hill, Oscar Gasereka, and some Imbonerakure.

On 3 May 2018, FNL pro-Rwasa activists Gérard Ndikumagenge and Emmanuel Icoyitungiye were beaten up by Imbonerakure in the District of Busoni. Attackers were identified as Thomas Bukuru and Albert Nsengiyumva, who, wore police uniforms at the time of the assault, despite not being policemen.

On 3 May 2018, FNL pro-Rwasa political mobilizer in the District of Kabezi, Félicien Ntirandekura aka Kabuga Félicien, was arrested and detained in the District of Kanyosha.

On 4 May 2018, two FNL pro-Rwasa activists, namely Muyubira and Nzisabira, were arrested in the town of Bubanza by a local chief, François Nizigiyimana, and a policeman. Muyubira was detained at Bubanza police station.

On 5 May 2018, the dead body of a 70-year-old man, Nzikobanyanka, was recovered in Kinywangurube at Mugege hill in the District of Butaganzwa.

On the same day, Félix Niyukuri was arrested by Imbonerakure at Buheka hill in the District of Nyanza Lake in the southern province of Makamba. Relatives report that Mr. Niyukuri was beaten several times and left seriously injured.

On the same day, a FNL pro-Rwasa activist, Sébastien Misago, was arrested on Murama hill in the District of Ryansoro by national security agents because he was campaigning for voting “No” in the constitutional referendum.

On 6 May 2018, a man identified as Francois was killed by Imbonerakure at Twinkwavu hill in the District of Cendajuru in the Northeastern province of Cankuzo.

The same day, two FNL pro-Rwasa activists, Dismas Uwitonze and Michel Macumi, were assaulted and tortured by Imbonerakure at Gasave hill in Kimeza zone in the District of Bwambarangwe of the northern Province Kirundo.

On 7 May 2018, the dead body of a beheaded young man was recovered in a rice field at Buhinyuza in Kinama neighbourhood in the District of Ntahangwa. Perpetrators just left a message suggesting that talkative people would be punished in the same manner, suggesting that he was killed because he betrayed them and revealed where guns were hidden.

The same day, journalist and VOA correspondent Jean Bosco Ndarurinze was denied access to cover the ruling CNDD-FDD party campaigning for a yes vote in the constitutional referendum in Nyarunazi hill in the District of Busoni. The journalist’s equipment was confiscated by the head of the national security service in Kirundo and was only given back some hours later after being instructed to delete all his recordings.

On 8 May 2018, a teacher at Bururi communal school and FNL pro-Rwasa activist Nephtalie Kwizera was arrested in Gasanda zone, in the District of Bururi and detained at Bururi police station. According to relatives, Kwizera is targeted for his political affiliation.

On the same day, Badibadi was beaten to death by a group of Imbonerakure at Gatete in the District of Rumonge.

On 9 May 2018, three FNL pro-Rwasa activists, Emelyne Nihorimbere, Laurent and another young man, were arrested at Karonge hill, in the District of Rumonge.

On the same day, Kigeme Claudine and a policeman, Mbabarempore Audace, were attacked by a group of Imbonerakure at Masaka in the District of Bubanza. They were severely beaten and left injured.

On 16 May 2018, four Amizero y'Abarundi activists, namely Léonidas Ngendakumana, Jean Bosco Nsabimana, Tite Nicimpaye and Lambert Hakizimana, were abducted from Karugamba in Mutimbuzi by a Imbonerakure chief known as Casimir and taken to an unknown location.

On 17 May 2018, two FNL leaders, Glorioso Nshimirimana and Jonas Mugara, were harassed, beaten and humiliated by Imbonerakure at Rusigabangazi in the District of Gisagara.

On the same day, a FNL pro-Rwasa activist, Nijimbere Dominique, was attacked and wounded by Imbonerakure at Gahembe hill in the District of Nyarusange.

On the same day, two FNL pro-Rwasa activists, Elvis Bukeyenzeza and Richard Niyonizigiye were arrested by the Chief of District in Kiremba and were detained in Bururi. They were accused of campaigning against the constitutional changes.

## **Atrocities Watch Africa**

Atrocities Watch Africa (AWA) is a non-partisan, civil society organization and institution that provides continental leadership in matters pertaining to the prevention of mass atrocities within Africa and beyond, through multipronged approaches that infuse ownership, legitimacy, and sustainable interface. AWA's strategic and approaches are grounded in the realization that atrocities can be prevented through various interventions, including, but not limited to, early warning mechanisms, diplomatic efforts, use of social media and new technologies, litigation, and advocacy campaigns.

[info@atrocitieswatch.org](mailto:info@atrocitieswatch.org)

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