Burundi

Closing Doors?

The Narrowing of Democratic Space in Burundi

HUMAN RIGHTS WATCH

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Map of Burundi

Map provided courtesy of the UN Office for the Coordination of Humanitarian Affairs

Glossary of Terms and Acronyms

ADC-Ikibiri	Alliance of Democrats for Change (*Alliance des Démocrates pour le Changement*), a coalition of eleven opposition parties formed in June 2010, including FNL, FRODEBU, MSD, UPD, CNDD, and six smaller parties.
ADR	Democratic Alliance for Renewal (*Alliance Démocratique pour le Renouveau*), a small political party founded in 2008 by former CNDD-FDD member Alice Nzomukunda.
APRODH	Association for the Protection of Human Rights and Detained Persons (*Association pour la Protection des Droits Humains et des Personnes Détenues*), a Burundian human rights organization.
BINUB	United Nations Integrated Office in Burundi (*Bureau intégré des Nations Unies au Burundi*).
CENI	National Independent Electoral Commission (*Commission Électorale Nationale Indépendante*).
CNDD	National Council for the Defense of Democracy (*Conseil National pour la Défense de la Démocratie*), a political party and former rebel movement led by Léonard Nyangoma. CNDD is frequently referred to as CNDD-Nyangoma to distinguish it from the ruling party, CNDD-FDD, which split from CNDD in 1998.
CNDD-FDD	National Council for the Defense of Democracy-Forces for the Defense of Democracy (*Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie*), currently the ruling party. The CNDD-FDD is a former Hutu rebel movement that joined the government in 2004 and won elections in 2005 and 2010, with a majority of parliamentary seats and former rebel leader Pierre Nkurunziza as president.
EU	European Union.

FNL	National Liberation Forces (*Forces Nationales de Libération*), a former Hutu rebel movement, led by Agathon Rwasa, that disarmed and became a registered political party in April 2009.
FORSC	Forum for the Strengthening of Civil Society (*Forum pour le Renforcement de la Société Civile*), an umbrella organization of Burundian civil society groups.
FRODEBU	Front for Democracy in Burundi (Front pour la Démocratie au Burundi), a predominantly Hutu political party founded in 1992.
Imbonerakure	The CNDD-FDD youth league.
MSD	Movement for Solidarity and Democracy (*Mouvement pour la Solidarité et la Démocratie*), a political party founded in 2007 by former *Radio Publique Africaine* (RPA) journalist Alexis Sinduhije.
OLUCOME	Anti-Corruption and Economic Malpractice Observatory (*Observatoire de Lutte Contre la Corruption et les Malversations Économiques*), a Burundian civil society organization founded in 2002.
RPA	African Public Radio (Radio Publique Africaine), a private Burundian radio station.
SNR	National Intelligence Service (*Service National de Renseignement*).
UPD-Zigamibanga	Union for Peace and Development (*Union pour la Paix et le Développement*), a political party. Once closely aligned with CNDD-FDD, it broke off this unofficial alliance in 2007 after the arrest of former ruling party leader Hussein Radjabu.
UPRONA	Union for National Progress (*Union pour le Progrès National*), a political party founded in 1958 and historically dominated by Tutsis.

Timeline of Key Political and Human Rights Events During the Election Period: May to September 2010

May 5	Official launch of the communal (municipal) election campaign.
May 18	The minister of foreign affairs orders Human Rights Watch's researcher on Burundi to leave the country following the publication of a Human Rights Watch report on pre-election violence.
May 24	Communal elections.
May 25	Eight opposition parties sign a declaration claiming that the communal elections have been marked by "massive fraud" and calling for fresh elections.
June 1	Five candidates, representing FNL, FRODEBU, MSD, UPD, and CNDD, pull out of the presidential elections and announce a boycott. (UPRONA's candidate pulls out three days later.)
June 2	Opposition coalition ADC-Ikibiri issues its first statement, reaffirming the election boycott.
June 7	Three police officers accused of torturing FNL members and other detainees in Muramvya province in 2007 are convicted.
June 8	Interior Minister Edouard Nduwimana imposes a blanket ban on all opposition party meetings and activities.
June 12	Official launch of the presidential campaign, with only one candidate, incumbent Pierre Nkurunziza. There are grenade explosions every day for the following three weeks.
June 15-16	Police and FNL supporters clash in front of the house of FNL president Agathon Rwasa following rumors of his imminent arrest.
June 23	Agathon Rwasa disappears from his home in Bujumbura.

June 26	Police arrest five members of MSD's political bureau and a driver, two of whom remained in jail as of November along with two other members arrested separately.
June 28	Presidential election. Soon after the election, the interior minister declares that opposition parties can resume activities, but they continue to encounter obstacles.
Late June-early July:	Intelligence services torture and ill-treat at least a dozen opposition leaders.
July 14	Bujumbura appeals court opens proceedings in the trial of those suspected of killing anti-corruption activist Ernest Manirumva in 2009, then postpones the case.
July 17	Bujumbura prosecutor Rénovat Tabu orders the arrest of journalist Jean Claude Kavumbagu for publishing an article that questions the ability of Burundian security forces to protect the country from terror attacks. As of November, he remains in pretrial detention.
July 23 and 28	Legislative elections.
July 30	Bujumbura prosecutor transfers a magistrate to another jurisdiction for refusing to arrest anti-corruption activist Gabriel Rufyiri.
Also in July	CNDD president Léonard Nyangoma goes into hiding.
August 1	An "extraordinary congress" of the FNL votes out the FNL leadership—in violation of party rules—and votes in replacements sympathetic to the CNDD-FDD. The interior minister recognizes the new leadership on August 4.
August 10	Bujumbura prosecutor's office arrests journalist Thierry Ndayishimiye in connection with an article criticizing corruption at the state energy company. He is released on bail two days later.
August 26	Jackson Ndikuriyo, a former police officer who had denounced police corruption, is shot dead in Musigati. Police claim he was the victim of an ambush, while witnesses claim police killed him.

Also in August	MSD president Alexis Sinduhije leaves Burundi.
	RPA editor-in-chief Bob Rugurika and FORSC delegate general Pacifique Nininahazwe are threatened and subjected to surveillance, seemingly by the SNR.
September 4	FNL spokesperson Jean Bosco Havyarimana flees the country. He and two other party members had been interrogated by the intelligence service about Rwasa's whereabouts in July.
September 7	*Colline* (hill, or village-level) elections.
September 15	Intelligence services arrest RPA fleet manager (*chef de charroi*) Faustin Ndikumana on a charge of illegally transporting weapons; RPA alleges the charge is politically-motivated. Court officials interrogate three RPA staff members and its former director in the following weeks.
September 17	Police prevent ADC-Ikibiri from holding a press conference. The interior minister subsequently announces that political coalitions are not permitted to function outside of the election period.
September 21	Burundi's government writes to the UN Human Rights Council to prevent the Independent Expert on the Situation of Human Rights in Burundi from delivering a report.
September 27	Bujumbura prosecutor's office arrests François Nyamoya, a prominent attorney and MSD spokesperson. He is released on bail on October 14.
Also in September	RPA director Eric Manirakiza receives death threats from an ex-combatant known to collaborate with the intelligence services.
	At least 14 bodies are found in the Rusizi River, including several reported to be FNL members.
	Armed men kill seven workers on a farm owned by a prominent CNDD-FDD member, and movements of armed men are observed in the Rukoko and Kibira forests and Bujumbura Rural. The government insists that the presence of "armed bandits" should not be considered a sign of a "rebellion."

Summary

In recent years, Burundi has been widely recognized for its vibrant civil society, its active and independent media, and a degree of political pluralism not seen in most of its East and Central African neighbors. Problems remain, including largely unaccountable and abusive security forces, and excessive government restrictions on opposition parties. However, Burundians and international observers had hoped that national and local elections—the country's first since the end of a nearly 16-year civil war in 2009—would consolidate Burundi's democratic gains and showcase years of successful investment by the United Nations, regional governments, and donor states in moving Burundi from an era of violence to one of multiparty democracy.

With several dozen parties registered to participate in a series of five elections between May and September 2010, and civil society and media taking active part in the democratic process, many believed that the essential building blocks were in place for this to happen.

But the predicted leap forward did not take place.

Despite talk of political inclusiveness, the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (*Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie,* CNDD-FDD) dominates politics with an increasingly heavy hand, bringing the country in line with its less democratic neighbors. The principal opposition party, the National Liberation Forces (*Forces Nationales de Libération*, FNL), has been converted into a satellite of the ruling party, with many foreign governments that fostered Burundi's peace process ignoring the illegality of this move. Moreover, the government continues to crack down on fundamental human rights. Political opponents face surveillance, arrest, detention, torture, and even death. Civil society activists and journalists fear that simply carrying out their work may put them at risk of arrest or physical harm due to the government's acute sensitivity to criticism of the security or justice sectors. Worryingly, there are also indications of a renewed drift towards armed violence.

The specter of a de facto one-party state, consisting mainly of officials who perceive members of civil society, media, and political opponents as enemies, raises serious concerns about the potential for human rights abuses and the narrowing of democratic space and free expression. The apparent risk of fresh conflict increases the potential for abuse by the government and re-emerging armed movements.

The Burundian government should address these fears by demonstrating willingness to end the negative practices that characterized the first five-year mandate of the ruling CNDD-FDD—which held the presidency and the majority of government and parliamentary seats from 2005 to 2010—and that tarnished the election period. The new government should also deliver on promises made since 2008 to establish a long-awaited National Independent Human Rights Commission. It should take steps to protect judicial independence and government accountability, and allow political opponents to participate in the democratic process and voice opinions freely in accordance with international law and the country's constitution.

Within the political sphere, political opponents and dissenting voices are at risk. Between late April and early September 2010, at least twenty people, including activists from both the CNDD-FDD and opposition parties, were killed in what appeared to be acts of politically motivated violence. The security services arbitrarily arrested dozens of opposition activists; some were tortured.

Opposition parties accused the ruling party of winning the May 24 communal elections through fraud. They boycotted subsequent elections, resulting in just one candidate running in the presidential election in June—incumbent President Pierre Nkurunziza. The government responded to the boycott by banning opposition activity.

At least three opposition party presidents, and several other high-ranking opposition officials, have left the country or gone into hiding. The government's takeover of the FNL in August robbed the party's members of a political voice, a dangerous and destabilizing move given that the FNL only transitioned from armed rebel group to a political party in 2009.

Young men are taking to the bush, and others are deserting the police and army, their whereabouts unknown. The police have arrested a number of opposition members for participation in armed groups, which have emerged in the Rukoko and Kibira forests and areas of Bujumbura Rural province that were once FNL rebel bases. While the government claims these groups are simply "bandits," many fear that their presence may signal the beginnings of another rebellion, just a year after Burundi emerged from a prolonged civil war. Some of these alleged bandits have been killed in circumstances that have led local human rights organizations, the United Nations Integrated Office in Burundi (*Bureau intégré des Nations Unies au Burundi*, BINUB), and the European Union (EU) to accuse the police of extrajudicial executions.

Outside the political sphere, dissenting voices are also at risk. For example, four journalists were arrested—three have since been released on bail—and a fifth warned to cease

investigating sensitive subjects, while a judge was disciplined for failing to arrest a civil society activist. Other activists are under heightened surveillance. A Human Rights Watch researcher was expelled from Burundi following the publication in May 2010 of a report on political violence in the country.

The breakdown of democracy and increased human rights violations during the 2010 elections should not come as a total surprise. Attempts by the ruling CNDD-FDD to deny opposition parties an even playing field began as early as 2005 and have been well-documented by Human Rights Watch and other nongovernmental organizations. Tactics included killings of opposition members, arbitrary arrests, expulsion of opposition parliament members, and restrictions on the right of opposition parties to hold meetings. Meanwhile, tensions between the government and civil society and the media are rooted in events dating back to 2006, when repressive measures were used to silence government critics.

Nevertheless, the election period did see positive developments.

In a long-awaited decision on June 7, a court in Muramvya province in central Burundi convicted three police officers for torturing suspected FNL members and other detainees in 2007. The decision showed some degree of judicial independence, although, as of November, judicial authorities had failed to notify the accused of the decision, and the police had taken no steps to remove the convicted officers from professional contact with the civilian population.

Some judicial personnel demonstrated independence in cases involving journalists and civil society activists, including by resisting political pressure to carry out arrests or maintain activists in detention. Judicial authorities also filed charges against 15 people suspected of involvement in the April 2009 killing of anti-corruption activist Ernest Manirumva, nine of whom have been arrested. However, civil society groups have voiced concern that prosecutors have not arrested or questioned several high-ranking police officials cited by witnesses. They have produced evidence suggesting that some witnesses have disappeared or may have been killed.

Another positive development is the Burundi government's apparent willingness to address allegations of torture leveled by BINUB and Amnesty International against the National Intelligence Service (*Service National de Renseignement,* SNR). Although torture occurred in late June and early July, BINUB has reported only one case since mid-July, when it, along with Burundian human rights organizations and foreign embassies, publicly denounced these acts. BINUB and Burundian human rights organizations also helped to ensure that several

political activists who had been arbitrarily arrested were released or charged in accordance with the law. In late October, the government established a judicial commission to investigate reports of extrajudicial executions.

Civil society organizations have demonstrated greater cohesion than in the past, suggesting they will not easily succumb to harassment or intimidation. Some government responses have been positive, such as the interior minister's willingness to maintain constructive dialogue with the Forum for the Strengthening of Civil Society (*Forum pour le Renforcement de la Société Civile,* FORSC), a civil society umbrella organization that he suspended in 2009 after it denounced killings reportedly linked to state officials. However, the minister's commitment to dialogue was tempered by separate statements in September and October, when he asserted that civil society organizations were politically motivated in their criticisms and suggested that they should not denounce abuses.

Burundian authorities should build on the positive developments seen during the election period by demonstrating openness to constructive criticism from civil society and media, and allowing national and international human rights organizations to do their work. The authorities should release all detained opposition activists when there is no evidence linking them to any crime. They should swiftly bring to justice state officials suspected of torturing or ill-treating political opponents, and ensure that all parties—including those that boycotted the elections—are accorded their right under international law to hold meetings, organize activities and otherwise act as legitimate political opposition, which by its nature involves criticizing state policy.

The authorities should strengthen institutional mechanisms to ensure government accountability, including by establishing the National Independent Human Rights Commission and an ombudsman to mediate disputes between government and citizens. The government should protect judicial independence, refrain from influencing judges' decisions, and cease moving or disciplining judges who are unwilling to succumb to executive pressure. An engaged and independent parliament and judiciary are essential to checking executive power, especially since the new government is almost entirely composed of members of one party.

Donors engaged in governance and human rights programs should support measures to establish these institutional mechanisms, and strengthen parliament's oversight role and judicial independence. They should continue to demonstrate strong support toward media and civil society, and match this with an even-handed approach to the ruling party and the political opposition that is strictly rooted in upholding fundamental human rights.

Allowing human rights organizations and journalists to carry out their work; reversing decisions that have deprived the political opposition of its right to participate effectively in the political process; and building national institutions that can protect human rights are among the first steps that the new government should take in order to uphold its international obligations and its commitments to the Burundian people.

In his August 26 inauguration speech, President Nkurunziza encouragingly stated that his government was committed to inclusion, peace, transitional justice, and fighting corruption. However, his government will ultimately be judged in the post-election period by its actions, not its words, when it comes to reversing poor human rights policies and providing redress for victims of rights violations.

Methodology

Human Rights Watch staff conducted the principal research for this report between May and October 2010. A Human Rights Watch researcher and consultants carried out in-person interviews in the Burundian provinces of Bujumbura Mairie and Bujumbura Rural, and phone and email interviews with individuals based in the provinces of Bujumbura Mairie, Bujumbura Rural, Bubanza, Makamba, Ngozi, and Ruyigi. Human Rights Watch also conducted interviews in Nairobi, Brussels, The Hague, Geneva, Paris, London, and Washington, DC.

Over 100 persons were interviewed, including detainees, victims of torture and ill-treatment, representatives of Burundian civil society organizations and international nongovernmental organizations (NGOs), journalists, lawyers, political party activists, local government officials, judicial personnel, police officials, UN officials, Burundian and international election monitors, and foreign diplomats. Human Rights Watch also utilized some interviews conducted between late 2007 and early 2010, which provided context for assessing the deteriorating relationship between the government and its critics. Human Rights Watch also referred to reports from credible Burundian and international media sources, including daily Burundian radio broadcasts, and reports of national and international election monitoring organizations.

Most interviews were conducted in French, while some were conducted in Kirundi by Kirundi-speaking consultants, and several were conducted in English. The majority of interviews took place in private, while several were conducted with small groups, including one group interview of victims of political violence and one group interview of civil society activists. No one was offered any form of compensation for agreeing to participate in interviews.

Most of the research for this report took place after the Burundian government expelled Human Rights Watch's Burundi-based researcher in May 2010. As a result, a number of interviews were conducted by phone or by email. Consultants in Burundi assisted with conducting interviews inside the country. Most government officials were willing to respond to questions by phone or email, although one declined to speak to Human Rights Watch altogether.

On October 20, Human Rights Watch addressed a letter to Foreign Affairs Minister Augustin Nsanze, and Philippe Nzobonariba, secretary-general and government spokesperson, containing questions about specific aspects of the human rights situation in Burundi covered by the present report and asking what action the government had taken to address these issues (see Annex II). Human Rights Watch requested a response by November 5, in order to include the government's perspectives in this report. Unfortunately, as of November 11 the government had not responded to the letter.

Recommendations

To the Ministry of Interior

- Respect the rights of political parties to freedom of association, expression and peaceful assembly, including holding meetings and press conferences.
- Allow political parties to form coalitions, in accordance with article 79 of the constitution.
- Reverse the ministry's decision of August 4, 2010 that recognized the outcome of an FNL "extraordinary congress" carried out in violation of FNL internal regulations, effectively resulting in a government takeover of the opposition party.
- End harassment of civil society organizations that exercise their rights to freedom of expression, association and peaceful assembly, including by denouncing abuses by the security forces and in the justice system.

To the Attorney General's Office, the National Police of Burundi, and the National Intelligence Service

- Cease arbitrary arrests of opposition party members, journalists, and civil society activists.
- Drop the politically-motivated charges in the open cases against Jean Claude Kavumbagu and François Nyamoya.
- Cease all torture and ill-treatment of detainees, and adopt measures to end such practices in detention centers.
- Discipline or prosecute, as appropriate, state officials responsible for torture and ill-treatment of detainees; suspend from duty all such officials while investigations are ongoing and charges are pending against them, as well as officials who have been convicted of such crimes and whose appeals are pending.
- Ensure that detainees who have suffered torture or ill-treatment have effective avenues for redress.
- Cease foreign travel restrictions on opposition party members in violation of the right to freedom of movement.
- Impartially investigate and prosecute election-related abuses, such as the misuse of state resources during the election campaigns.
- Impartially investigate and prosecute all acts of political violence, particularly unlawful killings, committed during the election period, including those committed by members of the ruling party and opposition parties.
- Cease the use of pretrial detention as a means to silence critics.

To the Ministry of Justice

- End the practice of moving magistrates from one location to another to sideline or punish them for making decisions contrary to government interests.

To the Ministry of Foreign Affairs

- Allow the United Nations-appointed Independent Expert on the Situation of Human Rights in Burundi to conduct regular annual reporting at the Human Rights Council in Geneva.
- Allow Human Rights Watch and other international organizations to function in Burundi without improper interference.

To the Burundian Parliament

- In accordance with the Constitution, exercise effective oversight over the executive branch, particularly the security services, including through parliamentary questions, and parliamentary committees on security and on justice and human rights.
- Investigate and issue reports evaluating the government's commitment to human rights, particularly with regards to upholding the rights of civil society organizations, the media, and political parties.
- Establish a National Independent Human Rights Commission in line with the Paris Principles, standards endorsed by the UN Human Rights Council to ensure that national human rights commissions serve as effective watchdogs.
- Enforce the law establishing an ombudsman to mediate disputes between citizens and state officials.
- Protect and strengthen judicial independence by voting reforms into law that clearly separate the judiciary's budgets, operations, and human resources management from those of the executive.

To All Political Parties, including the FNL, Other Members of the ADC-Ikibiri Coalition, and CNDD-FDD

- End involvement in political violence.
- Make clear to party members that acts of political violence and intimidation will not be tolerated, and that those responsible will be appropriately disciplined, including by expulsion from the party, and handed over to the appropriate authorities.
- Cooperate with the authorities in lawful investigations into alleged criminal activity by party members.

To International Actors, including the East African Community (EAC), the African Union (AU), the European Union (EU), the United Nations Integrated Office in Burundi (BINUB), the Office of the United Nations High Commissioner for Human Rights (OHCHR), and Bilateral Donors

- Continue to raise cases of human rights violations with the Burundian authorities.
- Urge the government to treat all political parties and civil society organizations in accordance with Burundian and international law.
- Adopt an even-handed approach to the government and the political opposition, in particular, by refraining from the practice of publicly criticizing the opposition while failing to denounce government abuses.
- Support judicial independence by providing technical assistance in revising laws that govern the judicial system.
- Support a more effective legislative branch through programs to strengthen parliament's oversight of government functions.

To Members of the United Nations Human Rights Council

- Adopt measures to ensure that the Independent Expert on the Situation of Human Rights in Burundi is permitted to regularly report on Burundi at the United Nations Human Rights Council.

I. Background

The elections that took place in Burundi beginning in May 2010 were the country's first since its nearly 16-year civil war ended in 2009. The armed conflict initially pitted the minority Tutsi-dominated army against various Hutu-dominated rebel groups. One of those groups, CNDD-FDD, joined the government in 2004 after a lengthy peace process, and won national elections in 2005. Another group, the FNL, continued fighting until 2009, when it transformed into a political party and rapidly became CNDD-FDD's strongest competitor in a fierce, and sometimes violent, contest for the majority Hutu vote.[1]

Other political parties, including the Front for Democracy in Burundi (*Front pour la Démocratie au Burundi*, FRODEBU), the Movement for Solidarity and Democracy (*Mouvement pour la Solidarité et la Démocratie*, MSD), and the Union for Peace and Development (*Union pour la Paix et le Développement,* UPD-Zigamibanga), threw themselves into the fray, actively recruiting recently demobilized combatants to serve as party "mobilizers." A sixth significant party, the Union for National Progress (*Union pour le Progrès National*, UPRONA), still associated in the minds of many Burundians with previous Tutsi dictatorships, strove to widen its appeal while maintaining its traditional electorate.

Communal (or municipal) elections, the first in Burundi's four-month election cycle, took place on May 24, 2010. Presidential elections followed on June 28; legislative elections on July 23 and 28; and *colline* (hill, or village-level) elections on September 7.

Factors Leading to Democratic Breakdown and Related Human Rights Abuses

On May 25, the National Independent Electoral Commission (*Commission Électorale Nationale Indépendante,* CENI) announced provisional communal election results, which showed the CNDD-FDD with a large lead, the FNL a distant second, and the four other major parties even further behind.[2] Opposition parties quickly cried fraud, citing electoral code violations, including inadequate privacy in voting booths, unpublished vote tallies, and cases of pre-election bribery and intimidation of voters.[3] The CENI rejected these complaints.[4]

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[1] See Human Rights Watch, *Pursuit of Power: Political Violence and Repression in Burundi*, June 3, 2009, http://www.hrw.org/en/reports/2009/06/03/pursuit-power, and *"We'll Tie You Up and Shoot You": Lack of Accountability for Political Violence in Burundi*, May 14, 2010, http://www.hrw.org/en/reports/2010/05/14/we-ll-tie-you-and-shoot-you-0.

[2] "La CENI présente les résultats du scrutin communal," Agence Burundaise de Presse, May 29, 2010. Final results, released on June 9, gave 64% of the vote to CNDD-FDD; 15% to the FNL; 6% to UPRONA; 5% to FRODEBU; 4% to MSD; and 2% to UPD.

[3] UPRONA also cited vote-buying; ineffective indelible ink; failure to carry out a double-count of the ballots in both urns; and the movement of urns from the polling stations to other locations in the absence of designated political party observers. A

On June 1, five of the six candidates from parties other than CNDD-FDD who had registered to participate in presidential elections announced they were withdrawing from the race.[5] The sixth candidate, from UPRONA, joined the boycott a few days later. On June 2, 12 opposition parties, including the FNL, FRODEBU, MSD and UPD, announced they were forming a coalition, Alliance of Democrats for Change (*Alliance des Démocrates pour le Changement*, ADC-Ikibiri).[6] They called for subsequent elections to be boycotted unless communal elections were re-held.[7]

The election boycott was heavily criticized by many, particularly international donors who had provided 85 percent of election funding.[8] They argued that the claims of fraud used to justify the boycott did not hold up.[9]

However, the opposition's grievances that led to the boycott were based not only on what happened on election day, but on a broader frustration that bribery and intimidation had created an unequal playing field in the preceding months. This frustration was then exacerbated by a lack of transparency from the CENI.

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statement by eight other parties denounced cases of polling station officials who took ballot boxes home with them, and a simultaneous electricity outage in seven provinces on the evening of the vote-counting, which they claimed was orchestrated to facilitate cheating in the vote-counting process. Civil society and international observers also commented on the inadequate secrecy of the voting booths. Human Rights Watch telephone interview with a representative of an international election observation mission, June 15, 2010; "Burundi: la commission électorale demande à l'opposition des preuves de fraude," Agence France Presse, May 26, 2010; "Burundi: Trading accusations over poll results," IRIN, May 27, 2010, http://www.irinnews.org/report.aspx?Reportid=89272 (accessed October 21, 2010); European Union Election Observation Mission, "Déclaration préliminaire," May 27, 2010, http://www.eueom.eu/files/pressreleases/other/ue-moe-declaration-preliminaire-27052010_fr.pdf (accessed October 19, 2010), p. 12; "L'UPRONA demande à la CENI de procéder à l'annulation des élections communales du 24 mai 2010," Agence Burundaise de Presse, June 2, 2010; Ligue des droits de la personne dans la région des Grands Lacs (LDGL), "Rapport sur la situation des droits humains dans la région des Grands-Lacs : Les grandes tendances du mois de mai 2010," undated.

[4] Zack Baddorf, "Burundi: Boycott Cedes Power To Ruling Party," IPS, July 27, 2010, http://allafrica.com/stories/201007270004.html (accessed October 9, 2010).

[5] "Cinq candidats aux élections présidentielles de juin 2010 retirent leurs candidatures à la CENI," Agence Burundaise de Presse, June 1, 2010.

[6] Letter from ADC-Ikibiri to President Pierre Nkurunziza, "Du hold-up électoral : Déclaration de l'A.D.C (Alliance des Démocrates pour le Changement)," June 2, 2010, http://cdp-burundi.org/accueil/wp-content/uploads/2010/06/document12.pdf (accessed June 28, 2010). "Ikibiri" is a Kirundi word that translates as "working together."

[7] UPRONA did not join the coalition, but on June 4, joined the boycott of the presidential elections. "Le parti UPRONA décide de retirer sa candidature aux élections présidentielles," Agence Burundaise de Presse, June 6, 2010. UPRONA later agreed to participate in the legislative elections in July, which ADC-Ikibiri members boycotted.

[8] Civil Society Coalition for Election Monitoring (*Coalition de la Société Civile Pour le Monitoring Électoral*, COSOME), "La CENI évalue le processus électoral de ces derniers mois au Burundi," September 22, 2010, http://www.cosome.bi/spip.php?article540 (accessed September 25, 2010).

[9] Human Rights Watch interviews with international diplomats, August and September 2010.

In fact, the opposition's sense of marginalization appears rooted in events dating back to 2005, when the government failed to provide adequate political representation to the opposition as required by the constitution.[10] Killings of political opposition activists in early 2008 and early 2009, and the unconstitutional expulsion of 22 opposition parliamentarians in June 2008, were among the factors that pushed opposition parties towards a position that international donors considered extreme.[11] Arbitrary arrests of political activists in 2010—including at least nine local opposition leaders arrested the weekend before the elections on the basis of accusations such as "participating in an unauthorized meeting"—further incensed the opposition.[12]

Communal Elections: Pre-Election Violence

Politically motivated violence and intimidation were widespread prior to the polls, and may have influenced election results.[13] Burundi did not descend into mass violence, as some observers had feared, but acts of political violence occurred on a near-daily basis in the weeks leading up to communal elections. Thus, reports by the European Union Election Observation Mission that the election period was "generally calm, in spite of some incidents of violence," are somewhat misleading.[14]

Five killings that appeared to be politically motivated occurred in the two weeks before the communal elections alone; victims included one CNDD-FDD activist and four opposition party activists, from FNL and MSD.[15] These cases are described in Annex I of this report.

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[10] For further information and an analysis of the dynamics driving the opposition, see Henri Boshoff and Ralph Ellerman, "Burundi – Elections without competition and no peace without participation: where might it go from here?" Institute for Security Studies, Policy Brief No. 19, August 2010. ISS argues that "the reluctance of Nkurunziza and the CNDD-FDD to govern the country in the spirit of its power-sharing constitution – choosing to revert to unconstitutional means, threats and intimidation to secure the independent decision-making of their party – drove the political climate towards a hostile environment where trust between the parties and in the constitution dissolved," pp.2-3.

[11] Boshoff and Ellerman 2010, p. 3. See also Human Rights Watch, *Pursuit of Power*, pp. 27-28, 43-45, 57-58; and "Burundi: Constitutional Court Decision Unseats 22 Lawmakers," Human Rights Watch news release, June 16, 2008, http://www.hrw.org/en/news/2008/06/16/burundi-constitutional-court-decision-unseats-22-lawmakers.

[12] Human Rights Watch interviews with a Bujumbura-based diplomat, a representative of an international organization, and a representative of a Burundian human rights organization, May 2010; and with a Burundian journalist, September 2010.

[13] Human Rights Watch interview with an international election observer, October 2010; Amatora Mu Mahoro, "Deuxième Rapport, 26 avril – 30 mai," http://www.ifes.org/Content/Publications/Reports/2010/Systeme%20de%20monitoring%20des%20principes%20democratiques%20et%20de%20prevention%20de%20la%20violence%20electorale%202eme.aspx, p. 6, and "Quatrième Rapport, 5 juillet-15 août 2010," http://www.ifes.org/Content/Publications/Reports/2010/Systeme-de-monitoring-des-principes-democratiques-et-de-prevention-de-la-violence-electorale-4.aspx, p. 13.

[14] European Union Election Observation Mission, "Déclaration Préliminaire," May 27, 2010.

[15] Some parties have cited higher figures. The FNL claimed 17 of its members were killed between January and May 2010. However, Human Rights Watch investigations have often not turned up conclusive evidence that such killings were politically motivated. In one widely publicized case, an FNL member was killed, and three others assaulted, in Gihosha, Bujumbura, on May 15. Human Rights Watch field research suggested the attack was more likely related to acts of banditry. Human Rights

According to media and election observer reports, alleged ruling party members also went door-to-door at night, warning opposition supporters that they would be killed or chased away if the CNDD-FDD did not win the communal elections.[16]

Parties from across the political spectrum took insufficient steps to prevent their activists from participating in beatings and other attacks on individuals from opposing groups. For instance, on May 13, members of UPD-Zigamibanga beat at least three CNDD-FDD members in Rumonge, Bururi province. One victim, an 18-year-old woman whose face was still seriously bruised three days after the incident, told Human Rights Watch:

> We were at a CNDD-FDD meeting that finished at 6 p.m. Afterwards, we passed UPD members in the road and they started to call us dogs. We were five, and they were many. They took our caps and tore our clothing. They had a knife, and threatened me with it. I ducked out of the way and fell down. They picked me up, put me on the side of the street, and started throwing rocks. I lost consciousness and woke up in the hospital.[17]

In this case, the victims of political violence were members of the ruling party. However, according to data collected by Amatora Mu Mahoro—a coalition of a dozen domestic and international nongovernmental organizations that worked with observers in each commune to document election-related violence—opposition party members comprised the majority of victims of political violence before the communal elections. Most alleged perpetrators were from CNDD-FDD, with a sizable minority from FNL.[18]

A number of confrontations took place in which both parties held responsibility. Human Rights Watch documented one case of pre-election violence in Kanyosha commune,

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Watch interviews with victims and witnesses, Gihosha and Rohero, Bujumbura, May 15 and 17, 2010; "Analysis: Burundi's election wobbles," IRIN, June 11, 2010, http://www.irinnews.org/Report.aspx?ReportId=89446.

[16] "Evaluation de la campagne électorale en provinces Cankuzo, Bururi, Karusi et Cibitoke," Agence Burundaise de Presse, May 20, 2010 ; "Certaines personnes craignent pour leur sécurité à Gatumba," Agence Burundaise de Presse, May 22, 2010 ; European Union Election Observation Mission, "Rapport Final," http://www.eueom.eu/files/dmfile/final-report-burundi-2010_fr.pdf (accessed October 20, 2010), p. 30.

[17] Human Rights Watch interview with Jeannine Harerimana, Rumonge, Bururi province, May 16, 2010; "Les élections sont impossibles dans un climat de tension, selon la COSOME," Agence Burundaise de Presse, May 15, 2010.

[18] Amatora Mu Mahoro, a Kirundi phrase meaning "Elections in Peace," is the outcome of a partnership between organizations including COSOME, the Episcopal Commission for Peace and Justice (*Commission Episcopale Justice et Paix* ,CEJP), Quaker Peace Network (QPN), La Benevolencija, American Friends Service Committee (AFSC), Human Rights Watch, International Alert, Oxfam Novib, and the International Foundation for Electoral Systems (IFES). Amatora Mu Mahoro relied on field reports from 450 observers throughout the country to produce periodic analytical reports throughout the elections, as well as specific incident reports on its website as a form of early warning. All Amatora Mu Mahoro reports are available at www.burundi.ushahidi.com. Amatora Mu Mahoro, "Deuxième Rapport, 26 avril-30 mai," p. 9.

Bujumbura, on May 2 in which FNL members apparently initiated violence, beating a member of CNDD-FDD after supporters of both parties clashed in the street during campaign activities. In response, CNDD-FDD members spent several hours hunting and beating FNL members in the neighborhood. One victim told Human Rights Watch,

> I arrived here in Kanyosha after returning from an FNL meeting in Ngagara. When I arrived, I heard that people were being beaten on 1st Avenue. I went to see what was happening. Two young men were being beaten by *Imbonerakure* [the CNDD-FDD youth league] in front of the police, who did nothing. When the *Imbonerakure* saw me, they ran after me, caught me and started beating me with sticks and kicking me all over my body. I managed to get away, and ran and hid.[19]

The inadequate response by police and prosecutors to such violence is documented in Human Rights Watch's May 2010 report, "'We'll Tie You Up and Shoot You': Lack of Accountability for Political Violence in Burundi."[20]

Communal Elections: Bribery, Corruption, and Fraud

Election observers reported fraud during the elections, but not at a level that would have significantly altered the election results.[21] Observers interviewed by Human Rights Watch said the opposition did not provide substantial evidence to support its claim that CNDD-FDD's victory was the result of orchestrated, high-level fraud.[22] However, in a 38-page memorandum published in late June, ADC-Ikibiri raised a number of individual cases of alleged bribery, corruption, fraud, and intimidation, providing specific locations and the names of alleged perpetrators and victims.[23] The lack of government response, and the

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[19] Human Rights Watch interview with FNL member, Kanyosha, May 2010.

[20] Human Rights Watch, "*We'll Tie You Up and Shoot You,"* May 14, 2010.

[21] In some communes, voters washed off the indelible ink that marked their thumbs and should have kept them from voting multiple times. Several individuals were caught casting multiple ballots or in possession of multiple or false voter cards. Human Rights Watch interviews with a representative of APRODH, with an international election observer, and with a journalist, May 2010; "Les élections communales se sont bien déroulées tant à Bujumbura qu'à l'intérieur du pays," Agence Burundaise de Presse, May 24, 2010; Synergy of print media, "Spécial synergie des médias presse écrite lors des élections communales," May 27, 2010; Ligue des droits de la personne dans la région des Grands Lacs (LDGL), "Rapport sur la situation des droits humains dans la région des Grands-Lacs : Les grandes tendances du mois de mai 2010," undated; Radio Isanganiro broadcast, June 8, 2010; "Seuls cinq partis politiques ont pu déposer leurs plaintes à la CEPI Bubanza," Agence Burundaise de Presse, June 2, 2010.

[22] Human Rights Watch interviews with two international election observers and one Burundian civil society election observer, September 2010.

[23] ADC-Ikibiri, "Mémorandum sur les irrégularités et fraudes massives des élections communales du 24 mai 2010," Bujumbura, June 2010, http://www.arib.info/ADC-MEMORANDUM-Juin2010.pdf (accessed October 19, 2010).

CENI's failure to investigate these individual cases, contributed to ADC-Ikibiri's decision to boycott the elections.[24]

Cases of bribery and corruption were independently documented. Press reports and observers from Amatora Mu Mahoro, the coalition of NGOs, signaled cases of vote-buying and discriminatory access to public services on the basis of political party membership.[25] The Anti-Corruption and Economic Malpractice Observatory (*Observatoire de Lutte Contre la Corruption et les Malversations Économiques,* OLUCOME), a Burundian civil society organization, documented the illegal use of over 300 state vehicles for campaign purposes throughout the election period, mostly by CNDD-FDD.[26] None of these electoral violations was punished.[27]

Lack of transparency by the CENI following the communal elections also contributed to the opposition's decision to boycott the presidential and legislative elections. Most notable was the CENI's failure to make public the "procès verbaux," or written vote tallies, from the polling stations. The vote tallies were to be recorded at each polling station and signed by designated observers from all political parties.[28] The opposition claimed that some vote tallies had been falsified and some of their designated observers had been illegally replaced by CNDD-FDD members to facilitate this fraud—an assertion that could have easily been verified by examining the signatures of observers on the vote tallies.[29] But instead of being made available to all parties, as required by law, the tallies were held in secrecy by the

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[24] Human Rights Watch interviews with opposition leaders, Brussels, September 2010.

[25] Amatora Mu Mahoro, "Premier Rapport," May 2010, p. 7; "Deuxième Rapport, 26 avril-30 mai," June 2010, p.4-5; "Troisième Rapport, 31 mai-4 juillet," July 2010, p. 14. Other sources reported that money, salt, and hoes were distributed by CNDD-FDD in exchange for votes. "Evaluation de la campagne électorale en provinces Cankuzo, Bururi, Karusi et Cibitoke," Agence Burundaise de Presse, May 20, 2010; "La campagne électorale continue en province Bururi," Agence Burundaise de Presse, May 22, 2010; "Les habitants de Muyinga divergent sur les résultats des élections communales," Agence Burundaise de Presse, May 28, 2010; "Seuls cinq partis politiques ont pu déposer leurs plaintes à la CEPI Bubanza," Agence Burundaise de Presse, June 2, 2010.

[26] OLUCOME, "Liste des véhicules utilisés dans la campagne électorale,", July 2010 , on file with Human Rights Watch, and "Véhicules utilisés dans la campagne électorale pour les législatives," August 8, 2010, http://www.olucome.bi/download/vehicules_utilises_campagne_legislatives.pdf (accessed October 19, 2010); "La campagne électorale pour les présidentielles se poursuivait vendredi à Cankuzo," Agence Burundaise de Presse, June 19, 2010; COSOME, "La campagne électorale pour les législatives s'est déroulée sans heurts à Kirundo," July 22, 2010, http://www.cosome.bi/spip.php?article463 (accessed July 22, 2010); "Comparution du président de l'Olucome au parquet général en mairie de Bujumbura," Agence Burundaise de Presse, July 29, 2010. For further information on the use of state vehicles, see "La campagne électorale pour les communales du 21 mai 2010 se poursuit," Agence Burundaise de Presse, May 11, 2010, and "La campagne électorale pour les communales bat son plein dans la province Cankuzo," Agence Burundaise de Presse, May 12, 2010.

[27] Human Rights Watch telephone interview with OLUCOME president Gabriel Rufyiri, August 2010; European Union Election Observation Mission, "Rapport final," pp. 33-34.

[28] Loi no. 1/22 du 13 septembre 2009 portant révision de la loi no. 1/015 du 20 avril 2005 portant code électoral, art. 42, 61, 71.

[29] ADC-Ikibiri, "Memorandum sur les irrégularités et fraudes massives des élections communales du 24 mai 2010," p. 13; Human Rights Watch interview with MSD president Alexis Sinduhije, Nairobi, August 2010.

electoral commission for several months.[30] Combined with assessments by EU election observers that the vote-counting process qualified as "very good or good" in only 42 percent of polling stations,[31] the failure to publish vote tallies left opposition parties with ongoing doubts about rigging, and severely undermined their confidence in the electoral process.[32]

Presidential Elections: Pre-Election Violence

The opposition boycott meant that the presidential election on June 28 took place without any competition. It also took place in a context of violence.

The opening of the presidential campaign on June 12 coincided with near-simultaneous grenade explosions in the capital Bujumbura, resulting in five injuries. Police immediately blamed the opposition, while the opposition immediately accused the ruling party of attempting to frame it.[33]

The June 12 attacks were followed by grenade blasts every day for the next three weeks. The frequency of attacks subsided only slightly in July, during the legislative campaign. Between June 12 and July 19, at least 125 grenades were thrown throughout Burundi.[34]

Grenades are frequently used in Burundi for settling personal scores or in common crimes, making it hard to assess which grenade attacks are politically motivated.[35] However, many such attacks targeted ruling party or opposition members, as well as electoral commission personnel and premises. Other politically motivated attacks, including killings by other methods, took place during the same period. Several of the most destructive occurred in the highly divided Kanyosha commune in Bujumbura, including the killings of a local FNL official and a CNDD-FDD activist.[36] CNDD-FDD members formed the majority of victims of political

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[30] Human Rights Watch telephone interview with CENI vice president Marguerite Bukuru, July 2010; Human Rights Watch interview with MSD president Alexis Sinduhije, Nairobi, August 2010.

[31] European Union Election Observation Mission, "Déclaration Préliminaire," May 27, 2010, p. 13.

[32] Antoine Kaburahe, "Élections Communales: 'J'ignore pourquoi la CENI n'a pas communiqué les PV'," *Iwacu*, June 26, 2010, http://www.iwacu-burundi.org/index.php?option=com_content&view=article&id=1365:elections-communales-ljignore-pourquoi-la-ceni-na-pas-communique-les-pvr&catid=1:latest-news.

[33] Media synergy, June 17, 2010. The "media synergy" was a collaboration of over a dozen different Burundian news outlets which joined forces to provide coverage of the elections. Their joint broadcasts were aired on all major Burundian radio stations during the election period.

[34] Data collected by an international organization, communicated by email to Human Rights Watch, July 20, 2010.

[35] Grenades are commonplace due to their use in Burundi's civil war, and their low price and relative availability. See, for instance, "Five grenade attacks in Burundi," Agence France Presse, June 18, 2010, http://www.reliefweb.int/rw/rwb.nsf/db900sid/MINE-86JR88?OpenDocument (accessed October 19, 2010).

[36] Human Rights Watch telephone interviews with CNDD-FDD communications officer Gloriose Berahino, June 30, 2010, with Imbonerakure leader Ezéchiel Nibigira, July 1, 2010, and with a local human rights activist in Muramvya province, July 27, 2010;

violence documented by Amatora Mu Mahoro during this period, as well as the majority of known perpetrators.[37]

The opposition boycott and the outbreak of political violence created a difficult situation for conducting the elections. Instead of seeking a political solution, however, the government responded—as described below—by committing numerous human rights violations, including bans on opposition meetings and news conferences, arbitrary arrests and movement restrictions on opposition activists, torture and ill-treatment, and, finally, the unlawful overthrow of FNL leadership.

Risk of Return to Armed Conflict

In late June, FNL president Agathon Rwasa disappeared. Shortly thereafter, Human Rights Watch began receiving reports that a number of FNL members and some other opposition members were leaving urban areas for the bush.[38] FNL members told Human Rights Watch that many of these individuals initially fled to the bush out of concern for their safety, although some may have also fled to evade arrest, following their actual or alleged involvement in grenade attacks and other crimes.[39]

By September, the situation in Burundi indicated a possible return to armed conflict. Several killings that appeared to be politically motivated took place in Bubanza, Cibitoke, and Bujumbura Rural provinces. On September 15, men in military and police uniforms killed seven workers on a sugar plantation in Bubanza owned by a prominent CNDD-FDD member and close friend of President Nkurunziza.[40] In addition, between September 1 and September 23, at least 18 bodies, some of them mutilated, appeared in the Rukoko forest and the nearby Rusizi River; at least three more bodies were found in early October. A

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data collected by an international organization, communicated by email to Human Rights Watch, July 20, 2010; "Tentative d'attaque à la grenade du domicile du vice-président provincial du FRODEBU," Agence Burundaise de Presse, July 25, 2010.

[37] Amatora Mu Mahoro, "Troisième Rapport, 31 mai-4 juillet," p. 11-12. The report clarifies that the CNDD-FDD members make up the majority of both known victims and known perpetrators because the incidents are not necessarily the same; in many of the attacks against CNDD-FDD members, which included arson attacks on dozens of CNDD-FDD offices, the perpetrators were unknown.

[38] Human Rights Watch telephone interview with an FNL member, July 2010; internal UN report, undated, on file with Human Rights Watch.

[39] Human Rights Watch telephone interviews with FNL members, July 2010 and October 12, 2010, and with an FNL leader, Brussels, September 28, 2010.

[40] Human Rights Watch email correspondence with a Bujumbura-based journalist, September 24, 2010.

number of the victims were identified as FNL members, some of whom had been integrated into the army and police in 2009, and had recently deserted.[41]

In September and October, armed men carried out attacks against military and police posts and looted homes of civilians near the Kibira forest, a former FNL stronghold, and in Cibitoke province along the border with the Democratic Republic of Congo. The government denied that there was a renewed rebellion and stated that the attacks were committed by "armed bandits."[42] Despite this denial, police and intelligence officials rounded up dozens of opposition party members in connection with the attacks; police did not provide human rights organizations with information as to where some of these individuals were being detained.[43] Government sources also privately expressed concern about the presence of an FNL training camp in Congo.[44]

In October, three bodies found in the Rusizi River were identified as opposition members who had recently been arrested by the police in Cibitoke province.[45]

Factors Leading to Increased Targeting of Journalists and Civil Society

During the same period, in addition to restricting the democratic space in which the political opposition could operate, government officials also increasingly targeted journalists and civil society activists, whom they often equated with the political opposition. Journalists and civil society members faced arrest, threats of arrest, death threats, and other forms of harassment.

Throughout the election period, the government sought to convince international donors and Burundian citizens that the elections were going smoothly, regardless of the reality. In late June, for example—after 12 days of violence in which five people died and at least 43 were wounded in apparently politically motivated attacks—a Foreign Ministry official told international organizations that, "Security in Burundi is totally under control. There is no risk

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[41] Human Rights Watch interviews with a representative of APRODH and with a police official, Bujumbura, October 2010, and with a BINUB official, by telephone, November 3, 2010.

[42] See, for instance, "Burundi police in shoot-out with 'armed bandits'," Agence France Presse, October 8, 2010, http://news.yahoo.com/s/afp/20101008/wl_africa_afp/burundidrcongounrestpolice_20101008145308 (accessed October 19, 2010).

[43] Human Rights Watch interviews with detainees, Cibitoke province, September 30, 2010; "Burundi: des civils retrouvés morts après leur arrestation par la police," Agence France Presse, October 6, 2010, http://www.arib.info/index.php?option=com_content&task=view&id=2632&Itemid=76 (accessed October 19, 2010).

[44] Human Rights Watch interviews with two senior government officials, October 2010.

[45] Email communication from a representative of an international organization in Bujumbura to Human Rights Watch, October 12, 2010; "Burundi: des civils retrouvés morts après leur arrestation par la police," Agence France Presse, October 6, 2010.

of violence."[46] To ensure that this impression predominated, the government responded harshly to any perceived criticism, particularly concerning the security forces and judiciary.

The elections coincided with two unrelated events that created public debate around the role of these two institutions. The first were bombings in the Ugandan capital Kampala on July 11 that killed at least 76 people. The perpetrators were alleged to be linked to Somalia's al-Shabaab militant group. Following the attacks, Burundian authorities arrested a Burundian journalist, Jean Claude Kavumbagu, for publishing an article suggesting that Burundian security forces would not be able to defend the country if al-Shabaab attacked, which it has threatened to do because of the presence of Burundian troops in the African Union Mission in Somalia (AMISOM). At the time of writing, Kavumbagu remains detained, as discussed below, in violation of his right to freedom of expression and the law on criminal procedure.

The second event was the first public hearing in the trial of those accused of killing Ernest Manirumva, an anti-corruption activist stabbed to death in April 2009. Civil society activists and journalists, who have criticized prosecutors for failing to follow leads in the case that could implicate high-ranking police and intelligence officials, have encountered harassment and threats from alleged intelligence agents and others. This intimidation seemed to increase around the first public hearing in the case on July 14, 2010. Interior Minister Edouard Nduwimana, in a September 9 radio broadcast on the Manirumva case, complained about the behavior of organizations that "call themselves apolitical, but meanwhile they make declarations about cases before the justice system."[47]

A third set of events, in this case more directly related to political fallout from the elections, provoked similar attempts by the government to silence critics. The sudden upsurge in killings of individuals linked to FNL or CNDD-FDD in September received considerable coverage by the Burundian media. In response, the director of the National Police, Gen. Fabien Ndayishimiye, held a press conference in which he warned journalists not to "interfere" with issues concerning security.[48] On October 20, police spokesperson Pierre Channel Ntarabaganyi and Interior Minister Nduwimana both threatened to arrest civil society activist Pierre Claver Mbonimpa after he accused police of playing a role in the killings of FNL members.[49]

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[46] The statement was made at an International Crisis Group briefing in Nairobi on June 23, attended by Human Rights Watch; Data collected by an international organization, communicated by email to Human Rights Watch, July 20, 2010.

[47] Rema FM broadcast, September 9, 2010.

[48] Human Rights Watch interview with a UN official, Geneva, September 24, 2010.

[49] Pierre Channel Ntarabaganyi, press conference in Bujumbura, October 21, 2010, recording on file with Human Rights Watch; Human Rights Watch telephone interview with APRODH president Pierre Claver Mbonimpa, October 22, 2010.

Obligations under International Law

Burundi is a party to key international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR). The ICCPR protects individuals from arbitrary arrest and detention, torture and other ill-treatment, and unfair trials. It upholds the rights to freedom of association, expression, peaceful assembly and movement. The ICCPR also ensures that all citizens have the right take part in the conduct of public affairs, including through freely chosen representatives. Those whose rights have been violated have the right to a remedy.[50]

Burundi is also a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Convention against Torture"), which obliges states to prohibit and take appropriate action to prevent and sanction acts of torture and other ill-treatment.[51] The Convention against Torture requires that states undertake a prompt and impartial investigation wherever there is reasonable ground to believe that an act of torture has been committed, regardless of whether victims have filed complaints.[52] Burundi integrated provisions against torture into its domestic law in April 2009,[53] but to date, no one has been convicted under these laws.

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[50] International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. Burundi ratified the ICCPR in May 1990.

[51] Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("Convention against Torture"), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987. Burundi ratified the Convention against Torture in February 1993.

[52] Ibid., art. 12.

[53] Loi no. 1/05 du 22 avril 2009 portant révision du code pénal, art. 204-209.

II. Closing Space for the Political Opposition

Between June and October 2010, government authorities committed numerous human rights violations against political opposition members, including arbitrary arrests; torture and ill-treatment; and infringing the rights to freedom of expression, peaceful assembly and movement. By August, three key opposition leaders—FNL president Agathon Rwasa, MSD president Alexis Sinduhije, and ADC-Ikibiri spokesperson Léonard Nyangoma—were in hiding or had left the country.[54] Other high-ranking FNL officials, including the party's executive secretary, Adolphe Banyikwa, and its spokesperson, Jean Bosco Havyarimana, were also in hiding.[55]

The government seemed to dispute the notion that the opposition's boycott of the elections constituted a legitimate (and legal) exercise of political expression. At a press conference in June, the ministers of public security and defense accused those contesting the communal election results of committing "gestures and acts of such a nature as to perturb public order and security, in blatant violation of the law and the electoral code," without explaining which provisions of the law and the electoral code, if any, were being violated.[56]

Banning Political Meetings

On June 8, Interior Minister Edouard Nduwimana imposed a blanket ban on all meetings and activities by opposition parties. He declared that only parties participating in the presidential election could hold meetings or rallies—effectively preventing any party other than the CNDD-FDD from holding gatherings of any type.[57] In a meeting with governors, he said, "Every citizen has the right to elect and be elected, so for us, a political party which

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[54] Nyangoma is also president of CNDD, a smaller political party known colloquially as "CNDD-Nyangoma." Rwasa and Sinduhije apparently feared arrest or assassination, while Nyangoma disappeared after the minister of defense filed a complaint against him following a statement by Nyangoma, on behalf of ADC-Ikibiri, in which he accused the government of crimes against humanity for alleged killings at Ruziba on June 10. Jean Baptiste Bagaza, "Qu'est-ce qui se cache derrière la plainte contre le député Léonard Nyangoma?", opening statement at ADC-Ikibiri press conference, Bujumbura, July 21, 2010.

[55] Human Rights Watch interview with an FNL representative, September 2010.

[56] "Mise en garde contre toute forme de dérapage en cette période électorale," Agence Burundaise de Presse, June 1, 2010; Esdras Ndikumana, "Burundi: le processus électoral mis à mal par le boycott de l'opposition," Agence France Presse, June 4, 2010, http://www.jeuneafrique.com/depeche_afp_20100604T133830Z20100604T133827Z_burundi-le-processus-electoral-mis-a-mal-par-le-boycott-de-l-opposition.html.

[57] "Burundi: le ministre de l'Intérieur met en garde l'opposition contre toute activité contraire à la loi électorale," Xinhua, June 9, 2010, http://french.peopledaily.com.cn/International/7018276.html (accessed June 9, 2010).

asks people not to take part in a vote is offending the law. Any party which breaks the law will face justice."[58]

Nduwimana's statement had no basis in Burundian law, which does not prohibit parties from calling on voters to boycott an election, and allows parties to hold meetings as long as they notify the relevant authorities in advance.[59] The ban violated the rights to freedom of association and peaceful assembly protected under international law.[60]

Before the presidential election, the government arbitrarily arrested many politicians and political activists who held, tried to hold, or attended "unauthorized meetings." For instance, on June 9, at least three opposition members, including UPD president Zedi Feruzi, were briefly detained after meeting supporters in Rumonge to explain the boycott.[61]

After the presidential election on June 28, Nduwimana declared that opposition parties could resume activities. But *Iwacu*, an independent newspaper, reported that many still faced obstacles and were prevented from meeting.[62] On August 8, for example, police stopped a UPD meeting in Muramvya province. The communal administrator, a CNDD-FDD member, reportedly sought to justify the decision by telling journalists that in her view, the party UPD "no longer exists, having been submerged by the major victory of CNDD-FDD."[63]

On September 17, police forcibly shut down a press conference that ADC-Ikibiri members attempted to hold to address allegations they were fomenting a new rebellion. While the police did not explain their action, Minister of Interior Nduwimana stated that the press

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[58] "Burundi bans rallies by parties boycotting poll," Reuters, June 9, 2010, http://www.polity.org.za/print-version/burundi-bans-rallies-by-parties-boycotting-poll-2010-06-09.

[59] Ministry of Interior, Ordonnance Ministérielle n°530/1208 du 18 novembre 2008.

[60] See ICCPR, articles 21 and 22.

[61] Human Rights Watch telephone interviews with a representative of APRODH and with UPD spokesperson Chauvineau Mugwengezo, June 9, 2010; Esdras Ndikumana, "Ban Ki-moon au Burundi pour relancer le processus électoral," Agence France Presse, June 9, 2010, http://www.starafrica.com/fr/actualites/politique/article/burundi-le-secretaire-general-de-lonu-56459.html (accessed October 19, 2010); "Un bras de fer entre le ministre de l'Intérieur et des partis d'opposition," Xinhua, June 10, 2010, http://www.afriscoop.net/journal/spip.php?breve2849 (accessed October 19, 2010); "Les partis politiques de l'opposition ont effectué jeudi une marche-manifestation," Agence Burundaise de Presse, June 9, 2010.

[62] Edouard Madirisha (Pool PACAM), "Un processus électoral gâché par la violence," *Iwacu* (Burundi), July 21, 2010, http://www.iwacu-burundi.org/index.php?option=com_content&view=article&id=1503:un-processus-electoral-gache-par-la-violence&catid=1:latest-news (accessed October 19, 2010).

[63] "Le pari [*sic*] UPD-Zigamibanga empêché par la police de procéder à une remise et reprise," Agence Burundaise de Presse, August 9, 2010.

conference had been banned because coalitions of political parties are prohibited except during the election period.[64] There is no basis for his statement under Burundian law.[65]

Threats and Intimidation of Opposition Leaders

The ruling party and government security forces have threatened opposition leaders with arrest and physical violence.

On June 10, several hundred members of *Imbonerakure*, the CNDD-FDD's youth league, armed with sticks, lined the main road leading into the northwestern province of Cibitoke after it was rumored that opposition leader Alexis Sinduhije would be there for a meeting. They threatened journalists en route to the meeting, forcing them to turn back. "We were afraid for our lives. They had big sticks and looked in our car to see if Alexis was there," one journalist told Human Rights Watch. "We couldn't ask them questions or take any pictures. We just had to turn back."[66] Asked by journalists about this incident, Minister of Interior Edouard Nduwimana congratulated the population for looking out for its security.[67]

On June 15, a magistrate informed several sources, including journalists and human rights organizations, that the prosecutor's office had issued arrest warrants for FNL President Agathon Rwasa and MSD President Alexis Sinduhije.[68] Although the prosecutor general denied that there was an arrest warrant against Rwasa, hundreds of FNL members gathered outside Rwasa's house, prepared to "prevent" the arrest.[69] Police surrounded the house,

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[64] Human Rights Watch interview with a Bujumbura-based journalist, September 2010; "Burundi: la police interdit une conférence de presse de l'opposition," Xinhua, September 18, 2010, http://www.afriscoop.net/journal/spip.php?breve4228 (accessed September 18, 2010); email communication from a Burundian civil society activist to Human Rights Watch, September 25, 2010.

[65] The minister claimed to base his statement on article 81 of the constitution, which reads, "Political parties may form coalitions during elections according to the electoral law." The only other reference to coalitions in the constitution is in article 79: "Political parties and political parties' coalitions must promote free voting and contribute to national politics by peaceful means." No article or law expressly prohibits coalitions outside the election period, and to do so would be in violation of international legal protections for freedom of association and assembly. Loi no. 1/010 du 18 mars 2005 portant promulgation de la constitution de la République du Burundi, art. 78, 81; Loi No. 1/006 de 23 juin 2003 portant organisation et fonctionnement des partis politiques, art. 3, 8.

[66] Human Rights Watch telephone interview with a Bujumbura-based journalist, June 10, 2010.

[67] Radio Nationale broadcast, June 11, 2010.

[68] Human Rights Watch telephone interviews with a representative of APRODH and with Bujumbura-based journalists and diplomats, June 15, 2010.

[69] Human Rights Watch telephone interviews with Prosecutor General Elysé Ndaye and with a Bujumbura-based diplomat, June 15, 2010.

and though most conducted themselves with restraint, a police officer fired into the crowd during scuffles between FNL members and police, injuring at least one FNL supporter.[70]

On June 23, Rwasa left his home in Bujumbura.[71] FNL spokesperson Jean Bosco Havyarimana initially claimed Rwasa had gone on a two-week vacation.[72] However, on June 30, Rwasa sent a cassette to a Burundian radio station containing a taped message in which he said he had fled out of fear for his safety.[73]

The police and army responded to Rwasa's disappearance by surrounding the Bujumbura homes of FNL vice president, Alfred Bagaya, and spokesperson Havyarimana on the night of June 23.[74] Police searched Rwasa's home two days later.[75]

The peace process that concluded Burundi's civil war in 2009 guaranteed high-ranking FNL members a "close protection force" of personal police guards. However, after Rwasa fled, police reduced FNL Vice President Bagaya's 16-strong personal guard, and finally removed his last three guards on July 22.[76] Police reinstated three guards after BINUB officials expressed concerns about Bagaya's safety, but removed them again on August 31.[77] Bagaya went into hiding in October.[78]

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[70] Human Rights Watch telephone interviews with Bujumbura-based journalists, June 15 and 16, 2010, and with foreign diplomats, September 2010. Tensions were heightened by the presence of Commandant Désiré Uwamahoro, whom the police deployed into the crowd of FNL supporters, in civilian clothing and armed. A week before the incident at Rwasa's house, Uwamahoro was convicted in a Muramvya court of torturing alleged FNL members in 2007. He also fatally shot an FNL member in 2008. FNL members recognized Uwamahoro and attempted to assault him; he was rescued by police officers assigned to Rwasa's personal guard. Human Rights Watch telephone interviews with Bujumbura-based journalists, June 16, 2010.

[71] "Burundi opposition leader vanishes amid election chaos", Agence France Presse, June 23, 2010, http://www.google.com/hostednews/afp/article/ALeqM5gZX7IPQPlYp8eOK1nMbjpZNDFR1Q.

[72] Human Rights Watch telephone interview with Jean Bosco Havyarimana, June 24, 2010; "Burundi Opposition Party Denies Leader Fled to Congo", VOA news, June 24, 2010, http://www1.voanews.com/english/news/africa/Burundi-Opposition-Party-Denies-Leader-Fled-to-Congo-97084074.html (accessed June 25, 2010).

[73] "Burundi opposition leader Rwasa admits he is in hiding," BBC, June 30, 2010, http://news.bbc.co.uk/2/hi/world/africa/10458425.stm (accessed July 12, 2010).

[74] Human Rights Watch telephone interview with Jean Bosco Havyarimana, June 24, 2010.

[75] "Two more killed in Burundi ahead of presidential vote," Agence France Presse, June 26, 2010.

[76] Human Rights Watch telephone interview with Alfred Bagaya, July 23, 2010.

[77] Human Rights Watch email correspondence and telephone interview with Alfred Bagaya, August 31, 2010.

[78] Human Rights Watch email correspondence with an FNL leader, October 2010.

Restricting Freedom of Movement

The government curtailed opposition leaders' freedom of movement, in violation of international law, shortly after they initiated their boycott of the elections on June 1.[79]

In June, police and army officials prevented Charles Niyungeko, a member of parliament from the opposition party CNDD, from crossing a land border into Tanzania, where he regularly traveled for business. According to Niyungeko,

> I was going to Kigoma in June. I went to the border at Kabonga, in Nyanza Lac. My papers were in order. I had my diplomatic passport with me.
>
> A police agent from the PAFE [border police] stopped me and told me to wait for a commandant. He called over soldiers who were nearby, and they charged their guns to threaten me, to keep me from crossing the border. They had an order to stop me. They knew who I was.
>
> They called a commandant, Major Nzeyimana from the military camp at Nyanza Lac. He came and found me at Kabonga with a contingent, two military Jeeps full of soldiers. They said "You are forbidden from crossing the border." I said "According to whom?" The Major said "The order comes from up high."[80]

On June 27, Alice Nzomukunda, president of the opposition party Democratic Alliance for Renewal (*Alliance Démocratique pour le Renouveau,* ADR), was stopped at Bujumbura International Airport boarding a flight to Nairobi, and her passport and ticket confiscated. She said the police director general informed her that she could not travel because she was suspected of planning an illegal protest.[81] Contacted by Human Rights Watch, police director Gen. Fabien Ndayishimiye said: "She knows why she was stopped," but did not explain further.[82] Nzomukunda's passport was returned several weeks later.[83]

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[79] See ICCPR, article 12(2) ("Everyone shall be free to leave any country, including his own.").

[80] Human Rights Watch telephone interview with Charles Niyungeko, October 18, 2010.

[81] Human Rights Watch telephone interview with Alice Nzomukunda, June 27, 2010.

[82] Human Rights Watch telephone interview with Gen. Fabien Ndayishimiye, June 27, 2010.

[83] Human Rights Watch interviews with Bujumbura-based journalists, August 2010, and with foreign diplomats, September 2010.

Arrests of Opposition Party Members

BINUB human rights observers documented 280 election-related arrests between May 24 and September 7.[84] Some arrests were linked to alleged participation in grenade attacks or arms possession, though evidence was often minimal or non-existent.[85] Those jailed in relation to election-related violence during this period were disproportionately from the political opposition,[86] although Amatora Mu Mahoro, the coalition of international and domestic NGOs, found that CNDD-FDD members were responsible for 58 percent, and the FNL for 15 percent, of violent incidents that could be attributed to political party members between May 31 and July 4.[87]

In some cases, political activists were arrested for attending "unauthorized meetings." At least one detainee, in Ngozi province, was charged simply with being "FNL," a disturbing indication that for some police officers, mere membership of an opposition party constitutes a crime.[88] BINUB judged that at least 62 of 242 documented arrests carried out between May and July could be considered "politically motivated," rather than linked to evidence of a recognizable criminal offense.[89]

Thirty-two individuals, most of them FNL members, were rounded up and detained following the confrontation with police outside Rwasa's house on June 16, discussed above. They were tried on November 3 for "obstruction of law enforcement," with the prosecutor requesting a ten-year sentence for each suspect. A defense attorney contracted by the Belgian organization *Avocats Sans Frontières* argued that the prosecution had failed to demonstrate individual responsibility for each of his clients, some of whom admitted they were present at Rwasa's house but said they had not committed any illegal acts. At the time of writing, the court was deliberating.[90]

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[84] Data collected by BINUB Human Rights and Justice Division, on file with Human Rights Watch.

[85] Human Rights Watch interview with a Bujumbura-based journalist, September 2010; Médias du Burundi, "Le dépouillement a déjà commencé à Kabezi et dans Ruyigi/ Un responsable du FNL à Kabezi arrêté," *Iwacu* (Burundi), June 28, 2010, http://www.iwacu-burundi.org/index.php?option=com_content&view=article&id=1391:le-depouillment-a-deja-commence-a-kabezi-et-dans-ruyigi-un-responsable-du-fnl-a-kabezi-arrete&catid=40:quotidien (accessed October 19, 2010); data collected by BINUB Human Rights and Justice Division, on file with Human Rights Watch.

[86] Data collected by BINUB Human Rights and Justice Division, on file with Human Rights Watch.

[87] Amatora Mu Mahoro "Troisième Rapport, 31 mai-4 juillet".

[88] Email communication from a UN official to Human Rights Watch, June 2010.

[89] Data collected by BINUB Human Rights and Justice Division, on file with Human Rights Watch.

[90] BINUB Human Rights and Justice Division Reporting Unit, "Election Related Arrests & Releases, 24 May to 07 September 2010," unpublished document on file with Human Rights Watch; Human Rights Watch email correspondences with a BINUB official, October 20, 2010, and November 7, 2010.

Police and intelligence agents carried out numerous arrests immediately before and after the June 28 presidential election, with the Burundian human rights organization Association for the Protection of Human Rights and Detained Persons (APRODH) recording 26 arrests from June 26 to June 28 alone.[91] Many of those arrested were charged with "inciting the population not to vote," which is not a crime under Burundian law.[92]

On the night of June 26, police arrested five members of MSD's political bureau and a driver at the Bujumbura home of the MSD financial administrator, Térence Ndayisenga, and took them to the municipal jail. Ndayisenga's home was searched, in violation of the law that only permits search warrants to be exercised during daytime hours.[93] Those arrested included Odette Ntahiraja, MSD's executive secretary; Justice Kamo, in charge of party cultural activities; Yvette Rwayongwe, the party treasurer; Léon Bangiricenge; and Nelly Abdoul Karim, a driver.[94] Police spokesperson Pierre Channel Ntarabaganyi told journalists that they had been denounced by a suspect held in Gitega for "taking part in a meeting preparing disturbances in tomorrow's presidential poll."[95] Later, the charge was changed to "threatening state security," on the basis that the accused had allegedly distributed tracts calling for an election boycott.[96]

Most of those arrested were released within the next few days, but Ndayisenga and Karim were transferred to a prison in Gitega province on June 27, allegedly to confront the witness who had accused them. They remained imprisoned as of November along with two other MSD members, Bernard Hatungimana and Janvier Nzohabonayo.[97] Two additional MSD members were arrested in Bujumbura on June 29 in conjunction with the same case. They were reportedly tortured by the SNR in Bujumbura before being transferred to Gitega, where they were freed on July 1.[98]

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[91] Human Rights Watch telephone interview with a representative of APRODH, June 28, 2010.

[92] BINUB report, June 30, 2010, on file with Human Rights Watch; Human Rights Watch telephone interview with a judicial police officer in Ruyigi province, June 30, 2010; "Burundi: le résultat de la présidentielle attendu mercredi," Xinhua, June 29, 2010, http://www.arib.info/index.php?option=com_content&task=view&id=2169&Itemid=63 (accessed June 29, 2010).

[93] Loi no. 0/15 du 20 juillet 1999 portant réforme du code de procédure pénale, art. 52.

[94] Human Rights Watch telephone interviews with Bujumbura-based journalists, June 26 and June 27, 2010; with a BINUB official, June 27, 2010; and with Alexis Sinduhije, June 27, 2010; "Burundi police arrests six opposition officials," Agence France Presse, June 27, 2010, http://news.yahoo.com/s/afp/20100627/wl_africa_afp/burundivotearrest (accessed June 27, 2010).

[95] "Burundi police arrests six opposition officials," Agence France Presse, June 27, 2010.

[96] Human Rights Watch telephone interview with defense attorney Pierre Claver Karabinjiye, November 4, 2010. According to Karabinjiye, his clients were accused on the basis of Article 602 of the Criminal Code, which punishes the distribution of material designed to "disturb the peace." Loi no. 1/05 du 22 avril 2009 portant révision du Code pénal, art. 602.

[97] Human Rights Watch telephone interview with defense attorney Pierre Claver Karabinjiye, November 4, 2010.

[98] Human Rights Watch interviews, August 2010.

In July, media reported that the SNR arbitrarily arrested three ADC-Ikibiri members who had been elected to communal councils but boycotted council meetings.[99]

On July 16, a judicial police officer in Ngozi province was arrested for "facilitating escape" after he released several FNL members who were detained in his jail despite lack of evidence against them. The officer told his superiors that the detainees had not "escaped," but rather had been released according to proper procedure. However, prosecutors detained him for nearly a month before the Ngozi Appeals Court released him on bail on August 13.[100]

On July 24, the SNR arrested FNL spokesperson Jean Bosco Havyarimana and two other party members, and interrogated them about Agathon Rwasa's whereabouts. Havyarimana, who was released the same day, told Human Rights Watch that a police officer had slapped him before his release.[101] He fled the country in September.[102]

Arrests in Ruziba, July 2010

On July 9, two men believed to be CNDD-FDD members were killed in Ruziba, a neighborhood in Kanyosha commune on the outskirts of Bujumbura.[103] On July 10, police and *Imbonerakure* began searching for the perpetrators. Fearing arrest, some local FNL members decided to flee, hide in a ravine, or board fishing boats and strike out into Lake Tanganyika. In an unusual move, the army joined police in the search, bringing in army helicopters and marine boats to arrest those who were fleeing or attempting to hide.

Authorities arrested 14 young men from Ruziba on July 11, most of them FNL members, and detained them in Bujumbura on charges of complicity in murder.[104] Army spokesperson Col. Gaspard Baratuza denounced those who were arrested in boats on the lake as "criminals

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[99] "Des arrestations au Bururi," Burundi Bwiza, July 21, 2010, http://www.burundibwiza.com/index.php?option=com_content&view=article&id=3164:des-arrestations-a-bururi&catid=1:actualite-nationale&Itemid=2 (accessed July 22, 2010); European Union Election Observation Mission, "Rapport Final,"p. 24.

[100] Media synergy, July 19, 2010; email communication from a UN official to Human Rights Watch, August 15, 2010.

[101] Human Rights Watch telephone interview with Jean Bosco Havyarimana, July 27, 2010.

[102] Human Rights Watch telephone interviews with FNL leaders, September and October 2010.

[103] Human Rights Watch interviews with victims' neighbors and family members, Kanyosha, July 15, 2010.

[104] BINUB Human Rights and Justice Division Reporting Unit, "Election Related Arrests & Releases, 24 May to 07 September 2010," unpublished document on file with Human Rights Watch.

and wrongdoers."[105] However, a judicial official familiar with the case told Human Rights Watch there was no evidence that any of the suspects had committed any crime.[106] The suspects were released on bail in August.[107]

Arrests of MSD members, August and September 2010

On August 9—a few days after MSD president Alexis Sinduhije fled the country—police searched MSD headquarters in Bujumbura, armed with a search warrant signed by Bujumbura Prosecutor Rénovat Tabu accusing "all persons present at MSD headquarters" of "threatening state security."[108]

The police claimed that they unearthed two grenades, military boots, binoculars and medicines, and arrested six persons on the premises. The detainees said these items had not been there prior to the search, implying that the police had planted the items.[109]

On September 27, the Bujumbura prosecutor's office arrested François Nyamoya, a prominent attorney and MSD spokesperson, on criminal defamation charges. In a debate on Radio Publique Africaine (RPA) earlier that month, Nyamoya had criticized human rights abuses by the police and the SNR. He proposed that President Nkurunziza dismiss SNR director Adolphe Nshimirimana and police deputy director Gervais Ndirakobuca, whom he suggested were responsible for the abuses. Nshimirimana's lawyer filed a complaint, falsely claiming that Nyamoya had called his client an "assassin and thief," and calling for him to be charged with defamation and "threatening state security."[110] The prosecutor immediately detained Nyamoya.

Besides his involvement with MSD, Nyamoya has often taken on politically sensitive cases, including that of opposition leaders accused of plotting a coup in 2006. One of his clients, Jackson Ndikuriyo, a former police officer on whose behalf Nyamoya was in the midst of filing a wrongful dismissal complaint, was shot dead on August 26, as discussed below. Burundian human rights organizations have alleged that police were responsible for the killing.

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[105] "Burundi: Une bande armée interceptée par l'armée," Pana, July 12, 2010, http://www.afriquejet.com/afrique-centrale/burundi/burundi:-une-bande-armee-interceptee-par-l'armee-2010071252575.html (accessed July 12, 2010).

[106] Human Rights Watch telephone interview with a judicial official, August 5, 2010.

[107] Human Rights Watch email correspondence with a BINUB official, October 20, 2010.

[108] Human Rights Watch telephone interview with an MSD activist, August 9, 2010; photo of the search warrant taken by an MSD member, on file with Human Rights Watch.

[109] Email communication from a UN official to Human Rights Watch, August 10, 2010.

[110] "Plainte contre Maître François Nyamoya," letter from Maître Arcade Habonimana to Bujumbura prosecutor Rénovat Tabu, dated September 20, 2010, on file with Human Rights Watch; RPA broadcast, September 19, 2010 (transcript, transcribed and translated from Kirundi to English by an embassy official, on file with Human Rights Watch).

Nyamoya was released on bail on October 14, but charges against him remained pending. Bail conditions included restrictions on his movement outside Bujumbura.[111]

Arrests of "Armed Bandits"

Between August and November, security forces arrested dozens of opposition members, including several communal and provincial party presidents, on charges such as "participation in armed groups." These charges are related to the reemergence of armed movements that appeared to be active in the Rukoko and Kibira forests and in Bujumbura Rural, all former FNL strongholds.

Human Rights Watch has not investigated the lawfulness of these arrests, and there is evidence that armed men were indeed responsible for killings, robbery, and possession of illegal weapons. However, in some cases there have been violations of due process rights under domestic or international law. Human Rights Watch received reports that FNL members arrested in Nyamurenza, Ngozi province, in late September and early October by the communal administrator (who has no authority to carry out arrests) were held without charge.[112] On September 3, authorities detained 10 young men in Ngozi merely on the suspicion that they planned to join a rebel movement.[113]

The SNR has also detained political opposition members for longer than the two weeks authorized by law without being charged and transferred to prison or freed. Human Rights Watch received a report that as of October 1, several detainees had been unlawfully held at SNR headquarters since August.[114]

Human Rights Watch also received reports that three FNL members whom police arrested in Cibitoke province on October 2, Jules Ndikumana, Paul Ndikumana, and Sylvestre Manirakiza, were later found dead in the Rusizi River. The provincial police chief claimed they had been freed on October 4. APRODH reported that six other FNL detainees were also missing.[115]

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[111] Email communication from Nyamoya's attorney Bernard Mainguin to Human Rights Watch, October 14, 2010; Human Rights Watch telephone interview with François Nyamoya, October 18, 2010.

[112] BINUB reports, September 30, 2010, and October 5, 2010, on file with Human Rights Watch.

[113] BINUB report, September 6, 2010, on file with Human Rights Watch.

[114] BINUB report, October 1, 2010, on file with Human Rights Watch.

[115] Human Rights Watch telephone interview with a BINUB official, November 3, 2010; "Burundi: des civils retrouvés morts après leur arrestation par la police," Agence France Presse, October 6, 2010.

Arrest and Killing of Jackson Ndikuriyo

On August 26, a former police officer, Jackson Ndikuriyo, was shot dead in Musigati, Bubanza province. Ndikuriyo had been arrested and detained without charge in December 2009 after publicly alleging that the National Police of Burundi failed to provide sufficient salaries and benefits to low- and mid-ranking police officers due to corruption. He had been released in January 2010 but expelled from the police force, prompting him to initiate a complaint for unlawful dismissal, with the help of François Nyamoya, the lawyer whose arrest in September 2010 is discussed above.[116] Ndikuriyo also told Nyamoya that he received death threats from a high-ranking police official. Nyamoya addressed a letter to Vice President Yves Sahinguvu, copied to Minister of Public Security Gen. Alain Guillaume Bunyoni and Police Director Gen. Fabien Ndayishimiye, expressing concern about these threats against his client.[117]

On June 29, Ndikuriyo emailed Human Rights Watch, saying he feared for his life because had received information that high-ranking police and intelligence officials had ordered his assassination.[118] In July, he told a Burundian journalist that he was considering fleeing to Tanzania. He left Bujumbura in mid-August.[119]

Police arrested Ndikuriyo in Bubanza province on August 26, allegedly on charges of joining a group of armed bandits. Police claimed that Ndikuriyo agreed to show them where the other bandits were hiding, but that bandits shot and killed Ndikuriyo in an ambush as they made their way to the hideout.[120] Bubanza police commissioner Rémégie Nzeyimana told Human Rights Watch that police fled when they were fired upon, only realizing later that Ndikuriyo had been hit. No police officers were injured. According to Nzeyimana, local officials found Ndikuriyo's body the following morning, and buried it when they could not identify him.[121]

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[116] Human Rights Watch interviews with Jackson Ndikuriyo, Bujumbura, April 7, 2010, and with François Nyamoya, by telephone, October 18, 2010.

[117] Human Rights Watch interviews with Jackson Ndikuriyo, Bujumbura, April 7, 2010, and with François Nyamoya, by telephone, November 4, 2010.

[118] Email communication from Jackson Ndikuriyo to Human Rights Watch, June 29, 2010.

[119] Human Rights Watch interview with a Bujumbura-based journalist, September 20, 2010.

[120] "Une personne morte dans un affrontement entre la police et un groupe armé à Bukinga en commune Musigati," Agence Burundaise de Presse, August 27, 2010.

[121] Human Rights Watch telephone interview with Bubanza police commissioner Rémégie Nzeyimana, October 1, 2010.

According to journalists, witnesses to the Bubanza incident told them that no ambush occurred, and that police had arrested and extrajudicially executed Ndikuriyo.[122] According to the Burundian human rights organization APRODH, police spokesperson Pierre Channel Ntarabaganyi and Bubanza police commissioner Nzeyimana provided dramatically divergent accounts of the killing: for instance, while the police spokesperson claimed that Ndikuriyo was armed at the time of the alleged ambush, the commissioner said he was not.[123] On APRODH's urging, prosecutors summoned Nzeyimana in order to interrogate him about the killing. As of October, according to APRODH, Nzeyimana had failed to respond to at least two such summonses.[124]

Human Rights Watch has not been able to independently verify accounts that Ndikuriyo was extrajudicially executed. However, journalists and human rights activists' claims, combined with Ndikuriyo's own well-documented fears of his impending assassination, raise serious questions about possible police involvement in his death.

Torture and Ill-Treatment

Political activists arrested by police and the SNR in late June and early July 2010 alleged they were tortured or otherwise ill-treated in custody. Victims said they were subjected to serious beatings and psychological torture, such as death threats. One activist told Human Rights Watch:

> They pulled on my ears, they spat on me and they punched me all over my body. One of the SNR agents said, "He's so skinny, where are we going to hit him?" And the other said "Keep looking, eventually you'll find a place."[125]

He was later subjected to death threats and other forms of physical torture that he said left him "in shock, confused and disoriented," with pain in his head and the soles of his feet, which had been beaten with batons.[126]

An FNL member arrested by the police and taken to the SNR, shortly after FNL President Agathon Rwasa fled in late June, told Human Rights Watch:

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[122] Human Rights Watch interviews with Bujumbura-based journalists, September 3 and September 20, 2010.

[123] Human Rights Watch telephone interview with APRODH representative, August 31, 2010.

[124] Human Rights Watch telephone interview with APRODH representative, October 22, 2010.

[125] Human Rights Watch interview with victim, August 2010.

[126] Ibid.

> They asked me where Rwasa was. I said I didn't know, and as I was on the ground, one of the guards kicked me in the genitals. That caused me to suffer a great deal. Then more police came, and they started to beat me all over. Then they locked me up in the toilets.[127]

A journalist based in Bujumbura told Human Rights Watch in July that the SNR had ill-treated and possibly tortured detainees by shining a projector in their eyes: "They've found ways of torturing people so that they don't leave any marks," he said. He also said people were being incarcerated in toilet facilities at the SNR.[128]

Election-related torture and ill-treatment were also reported by other independent sources. One human rights organization in Burundi documented four cases of torture, and 26 cases of ill-treatment, by police officers between May and July 2010.[129] Amnesty International reported 12 cases of torture and ill-treatment of political opposition activists by the SNR in late June and early July.[130] In one particularly egregious case, Amnesty International reported that a detainee had a portion of his ear cut off, which sources interviewed by Human Rights Watch corroborated.[131]

BINUB officials raised cases of torture and ill-treatment with the government in early July. A BINUB official told Human Rights Watch that government officials seemed to take the charges seriously and ensured BINUB that such practices would end. Only one further case of torture was reported to BINUB between mid-July and November.[132] However, by early November, the government had not initiated investigations into the allegations of torture, despite promising, in response to Amnesty International's report, to do so.[133] On October 29, an SNR official told Human Rights Watch that if SNR officials had injured any detainees, it

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[127] Human Rights Watch interview with detainee, Bujumbura, July 2010.

[128] Human Rights Watch telephone interview with a Bujumbura-based journalist, July 9, 2010.

[129] Human Rights Watch interview with a diplomat, Nairobi, August 2010; unpublished report prepared by a human rights organization working in Burundi, on file with Human Rights Watch.

[130] Amnesty International, "*A Step Backwards" – Torture and other Ill-Treatment by Burundi's National Intelligence Service*, AFR 16/002/2010, August 23, 2010, http://www.amnesty.org/en/library/asset/AFR16/002/2010/en/758d5167-cd6c-43fd-b671-bd13936017bd/afr160022010en.pdf (accessed October 21, 2010).

[131] Human Rights Watch interviews with detainees, Bujumbura, July 2010; email communication from an MSD activist to Human Rights Watch, August 9, 2010; Human Rights Watch email correspondences with a Bujumbura-based diplomat and a representative of a human rights organization working in Burundi, July 22 and September 27, 2010.

[132] Human Rights Watch interview with Charles Petrie, BINUB Executive Representative of the Secretary General, Brussels, September 2010.

[133] Human Rights Watch interview with a BINUB official, September 2010, and with a Burundian government official, by telephone, October 18, 2010; "Communiqué du gouvernement du Burundi en rapport avec le rapport d'Amnesty International du 23 août 2010," August 25, 2010, http://www.burundi-gov.bi/COMMUNIQUE-DU-GOUVERNEMENT,1474 (accessed August 31, 2010).

was in "self defense," and that no disciplinary or judicial measures would be taken against the officials in question.[134]

Government Interference with the FNL

The Burundian government has on numerous occasions tried to overthrow the FNL hierarchy and replace it with a leadership compliant with the ruling party.[135]

In July, after the opposition boycotted the June 28 presidential election, the ruling party sought to convince certain parties to rejoin the political process for the upcoming legislative elections. According to opposition party leaders, the ruling party promised them a number of parliamentary seats in exchange for their cooperation.[136] A small group of FNL leaders supported this option. Most did not.

Several FNL leaders critical of the election boycott were ousted or resigned from the party. On August 1, two of these former FNL members organized an "extraordinary congress" attended by about 350 people, mostly young men. According to the FNL, many were CNDD-FDD members. The congress voted out the FNL's leadership, including President Rwasa, Vice President Alfred Bagaya, and Secretary General Adolphe Banyikwa, and voted in three leaders sympathetic to the CNDD-FDD: Emmanuel Miburo, Jacques Bigirimana, and Astère Sindayigaya.

The FNL wrote to the minister of interior, protesting that the congress violated party rules that require party congresses be called by the party's president, vice president, or two-thirds of the party's political bureau.[137] However, on August 4, the minister of interior officially recognized the congress's outcome and issued a congratulatory statement to the new leaders—a move that one UN official likened to the governing party "converting the lead

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[134] Human Rights Watch telephone interview with an SNR official, October 29, 2010.

[135] The current and previous Burundian governments have tried to overthrow the FNL hierarchy on at least four occasions, "replacing" Rwasa with dissidents alleging to be the legitimate president of the FNL. Examples include the creation of FNL-Iragi rya Gahutu, a dissident wing led by Jacques Kenese and Pasteur Habimana, formed in 2009; the dissidence led by Nestor Banzubaze (aka "Banes") in 2007; the alleged overthrow of Rwasa by Jean Bosco Sindayigaya (aka "Gatayeri") in 2005; and the formation of a dissident wing of the FNL led by Alain Mugabarabona in 2002. See, for instance, "Rififi chez le FNL," Agence France Presse, October 4, 2009, http://www.jeuneafrique.com/Articleimp_DEPAFP20091004T171506Z; "Burundi: Rwasa expelled as FNL leader," IRIN, October 12, 2005, http://www.globalsecurity.org/military/library/news/2005/10/mil-051012-irin02.htm; and "Burundi Rebels Remain Reluctant to Open Peace Talks," South Scan, September 25, 2005, http://allafrica.com/stories/200509300167.html (accessed October 18, 2010).

[136] Human Rights Watch interview with MSD president Alexis Sinduhije, Nairobi, August 2010; Letter from ADC-Ikibiri to South African president Jacob Zuma, "Appel à Votre intervention pour le redressement du processus de Paix en péril," August 19, 2010, on file with Human Rights Watch.

[137] FNL Statute, article 60, and FNL internal rules, articles 44 and 57, as cited in letter from ADC-Ikibiri to South African president Jacob Zuma, August 19, 2010. In this case, according to the FNL, over two-thirds of its political bureau had written to the minister of interior *protesting* the congress.

opposition party into a CNDD-FDD satellite."[138] Police helped Miburo's group break into FNL headquarters, and appropriate the building and party material.[139]

The FNL wrote to Vice President Yves Sahinguvu and to President Nkurunziza in late August, appealing the minister's decision on the grounds that it violated Burundi's constitution and the 2003 law on political parties.[140] FNL representatives in different parts of Burundi, and those based abroad, also wrote to government officials expressing support for Rwasa, Bagaya, and Banyikwa.[141] According to Rwasa and other FNL officials, the government had not responded to these letters by September 21, when Rwasa wrote to UN Secretary-General Ban Ki-moon asking for UN intervention to resolve the impasse.[142] His letter implied that the FNL intended to return to armed conflict in the absence of a political solution.[143]

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[138] Email communication from a BINUB official to Human Rights Watch, August 7, 2010.

[139] "La nouvelle équipe du FNL occupe les locaux de la permanence," Agence Burundaise de Presse, August 6, 2010.

[140] The constitution states that: "The law guarantees the non-interference of government authorities in the internal functioning of political parties, except in the case of restrictions necessary to prevent ethnic, political, regional, religious or gender-based hatred and to maintain public order." Loi no. 1/010 du 18 mars 2005 portant promulgation de la constitution de la République du Burundi, art. 80. Article 4 of the 2003 law on political parties stipulates that parties freely govern their own affairs, while article 71 provides a judicial mechanism to resolve intra-party disputes. No such mechanism was invoked in the instance described above. Loi n° 1/006 du 26 juin 2003 portant organisation et fonctionnement des partis politiques; letter from ADC-Ikibiri to South African president Jacob Zuma, August 19, 2010; letter from Agathon Rwasa to President Nkurunziza, "Demande de rétablissement du Parti FNL dans ses droits," August 31, 2010, on file with Human Rights Watch.

[141] Sections FNL/Diaspora, "Déclaration des membres du parti Forces Nationales de Libération 'FNL' de la diaspora au sujet du pseudo congrès de ce dimanche 1er août 2010," August 9, 2010; letter from the FNL Regional Representation to Minister of Interior Nduwimana, August 17, 2010, on file with Human Rights Watch.

[142] Letter from Agathon Rwasa to Ban Ki-moon, "Appel à votre intervention face à la situation très préoccupante liée au coup d'État orchestré par le pouvoir à Bujumbura à la tête du parti FNL," September 21, 2010, on file with Human Rights Watch.

[143] Letter from Agathon Rwasa to Ban Ki-moon, September 21, 2010.The letter, after requesting UN intervention, states, "…we inform you that this is the last letter we will write on this subject." It concludes, "May I remind you, Your Excellency, of the many human lives lost [during Burundi's civil war] … It would be very dangerous to let [the peace process] be torpedoed by people who just want to stay in power … Sacrificing the FNL political party, signatory to the peace accords, on the altar of petty interests, does not bode well for the future of Burundi."

III. Closing Space for Human Rights Defenders and Journalists

Government efforts to silence critical voices extend beyond political opponents, impacting civil society, media, independent human rights organizations, and even the United Nations.

Members of the Burundian government and the ruling party have tended to equate such entities with the political opposition, in order to deflect criticism. As a result, the crackdown against the political opposition has been matched by a crackdown on civil society. One activist explained:

> Before, civil society was considered to be *close* to the political opposition. In the current context, where we barely have a political opposition to speak of, civil society is more exposed. Now, civil society is considered to *be* the opposition.[144]

The same logic seemed to apply to journalists. When President Nkurunziza returned from a trip to India in September, all major media were invited to his press conference, but journalists from three private radio stations that had been critical of government abuses were turned away at the door.[145]

Targeting of Burundian Journalists and Civil Society Activists

Burundi's Press Law guarantees journalists the right to "investigate and freely comment on public life."[146] Despite this, journalists and civil society activists have been arrested several times for exercising their right to free expression since CNDD-FDD won the elections in 2005.

For example, in November 2006, two journalists from Radio Publique Africaine and a third from Radio Isanganiro were arrested for commenting on an apparently fabricated "coup plot" that had landed several opposition leaders in prison.[147] The journalists were detained for several months before being acquitted. In August 2006, Gabriel Rufyiri, president of the anti-corruption organization OLUCOME, was detained on the basis of a defamation complaint

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[144] Human Rights Watch interview with FORSC representative Pacifique Nininahazwe, Brussels, October 3, 2010.

[145] Human Rights Watch interview with a UN official, Geneva, September 24, 2010.

[146] Loi n°1/025 du 27 novembre 2003 régissant la presse au Burundi.

[147] Ligue Iteka, "Le défi d'asseoir la culture de la démocratie, la tolérance et la bonne gouvernance: Rapport annuel sur la situation des droits de l'homme, Édition 2006," Bujumbura, May 2007, pp. 15-17.

and only freed on bail six months later. The court eventually dismissed the charges.[148] In September 2008, Jean Claude Kavumbagu, editor of the online news service *Net Press*, was jailed on defamation charges after denouncing the misuse of state funds; he was tried and acquitted six months later.[149] The vice president of the judicial workers' union, Juvénal Rududura, was also arrested in September 2008 for criticizing corruption in the Ministry of Justice and held for nine months before being provisionally released in July 2009. Charges against him were still pending as of November 2010.[150]

A common thread in these cases was the questionable use of pretrial detention to silence critics.[151] In some cases, the detention was clearly illegal. For instance, a court rejected Rududura's bail motion in 2008 on the basis that holding him in pretrial detention would "deter, through intimidation" persons who "would act" like him. This is not a circumstance provided for by law to justify pretrial detention.[152]

In general, journalists and civil society organizations were able to carry out their activities freely during the elections.[153] However, the election period also saw a new spate of arrests and harassment of journalists and civil society activists.

On July 17, Bujumbura prosecutor Rénovat Tabu ordered the arrest of Jean Claude Kavumbagu in connection with a July 12 *Net Press* article that criticized Burundi's security forces and questioned their ability to defend the country against attack.[154] The article followed the July 11 bombings in Kampala, Uganda, and threats by the Somali insurgent group al-Shabaab to target Burundi because of the presence of Burundian troops in the African Union Mission in Somalia (AMISOM). All those who had heard about the Kampala bombings, the article stated, were convinced that al-Shabaab militants who wanted to try "something" in Burundi would "succeed with disconcerting ease, [given that] our defense and security forces shine in their capacity to pillage and kill their compatriots rather than defend our country."[155]

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[148] Ligue Iteka, "Le défi d'asseoir la culture de la démocratie, la tolérance et la bonne gouvernance : Rapport annuel sur la situation des droits de l'homme, Édition 2006," Bujumbura, May 2007, p. 19.

[149] "Remise en liberté du directeur de l'agence Net Press," Agence Burundaise de Presse, March 19, 2009.

[150] Email communication from Juvénal Rududura to Human Rights Watch, October 29, 2010.

[151] Loi no. 0/15 du 20 juillet 1999 portant réforme du code de procédure pénale, art. 71.

[152] Human Rights Watch interview with Juvénal Rududura, Bujumbura, November 21, 2008. During this interview a Human Rights Watch researcher saw a copy of the October 23, 2008 judgment from the Anti-Corruption Court which made this claim.

[153] European Union Election Observer Mission, "Rapport final," October 2010.

[154] Human Rights Watch telephone interview with Kavumbagu's attorney Gabriel Sinarinzi, July 18, 2010.

[155] "Le Burundi, sera-t-il la prochaine cible des Shebbab somaliens?" Net Press, July 12, 2010, www.netpress.bi/spip.php?article4225 (accessed October 19, 2010).

Prosecutor Tabu charged Kavumbagu with treason under article 570 of Burundi's criminal code, which penalizes "any Burundian who, in times of war... knowingly participates in an attempt to demoralize the Army or the Nation, with the object of weakening national defense." The penalty for treason is life imprisonment.[156] Prosecutor Tabu could not explain to Kavumbagu's attorney how the charge could be applicable since Burundi was not at war.[157]

Kavumbagu was immediately placed in pretrial detention. Under Burundian law, bail hearings that allow a detainee to plead for "provisional release" by arguing that conditions for pretrial detention are not met must be held within two weeks after a suspect is charged with a crime. However, authorities announced that they had scheduled a full trial for July 30, just two weeks after the arrest. This is unusual in the Burundian judicial system, where cases often drag on for several years before reaching a tribunal.

The trial was held as scheduled on July 30. However, after the trial, the court retroactively declared itself incompetent to hear the case as one of the judges had received a transfer order to another court two days earlier. Ten civil society organizations published a communiqué questioning how it was possible that neither the judge nor his superiors told the court of the transfer before the trial was held.[158]

No cases are heard during judicial vacations in August, so Kavumbagu remained illegally detained for the month without a chance to plead for provisional release. When a bail hearing was finally held in September, the court ruled that Kavumbagu should remain in pretrial detention, because it was the best way to keep him "at the disposition of the justice system," in spite of his lawyer's arguments that his client had never ignored a summons.[159] The language of the decision implies that *all* criminal suspects should be held in pretrial detention—logic that runs counter to the principle of liberty enshrined in the ICCPR.[160]

On July 29, anti-corruption activist Gabriel Rufyiri was summoned before a magistrate following a complaint filed by the director of COGERCO, a cotton company, who claimed that Rufyiri's organization, OLUCOME, had falsely accused him of using a state vehicle to campaign for

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[156] Loi no. 1/05 du 22 avril 2009 portant révision du Code pénal, art. 570.

[157] Human Rights Watch telephone interviews with Kavumbagu's attorney Gabriel Sinarinzi, July 18 and 19, 2010.

[158] "Manœuvre intentionnelle de maintenir en détention illégale le Directeur de l'agence indépendante d'information Net Press ? La société civile s'interroge!" , communiqué signed by 10 civil society organizations, reprinted at http://www.focode.org/spip.php?article952 (accessed August 31, 2010).

[159] Tribunal de Grande Instance de Bujumbura, decision in RPC 75, September 6, 2010, on file with Human Rights Watch.

[160] See ICCPR, art 9(3) ("It shall not be the general rule that persons awaiting trial shall be detained in custody."). See also Loi no. 0/15 de 20 juillet 1999 portant réforme du code de procédure pénale, art. 71.

CNDD-FDD.[161] Human Rights Watch learned that the magistrate refused to arrest Rufyiri on the basis of insufficient evidence. The next day, judicial authorities ordered that the magistrate be transferred to a post in a jurisdiction in rural Burundi.[162] Moving magistrates from one jurisdiction to another has often been used to punish them for exercising independence or taking decisions that are perceived contrary to government interests.[163]

On August 10, prosecutors arrested Thierry Ndayishimiye, editor of the independent newspaper *Arc-en-Ciel*, on charges of criminal defamation for a July 30 article that accused the state energy company REGIDESO of economic malpractice.[164] Ndayishimiye was released on bail on August 12; the case against him is still open.

Pacifique Nininahazwe, delegate general of the civil society organization FORSC and a key voice in the campaign for justice for the death of Ernest Manirumva and the release of Kavumbagu, informed Human Rights Watch that he was followed by a police vehicle on August 25. When he arrived at home, two Jeeps were parked conspicuously in front of his house, and were soon joined by two more. Eventually, all four Jeeps drove away together. The following day, two Jeeps were again parked in front of his house.[165] Another FORSC member, also in August, received a series of anonymous calls in the middle of the night from silent callers.[166]

Twelve civil society organizations submitted a memorandum to the government on August 25, citing the arrests of journalists and civil society activists in 2006; actions taken in 2009 against FORSC; and the expulsion of the Human Rights Watch researcher and arrests of Kavumbagu and Ndayishimiye in 2010, as undermining the relationship between the Burundian government and its critics. Calling for improved collaboration, the organizations stated: "One must recall that media and civil society are indispensable actors in a country's governance. Persecuting journalists and civil society representatives is tantamount to governing without accountability, and abusing the power [invested by] the people."[167]

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[161] Ir. Léopold Manirakiza, "Plainte contre Mr. Rufyiri, Président d'OLUCOME," March 23, 2010, on file with Human Rights Watch.

[162] Email communication from Gabriel Rufyiri to Human Rights Watch, August 4, 2010; Human Rights Watch telephone interviews with judicial officials and Burundian human rights organizations, August 5, 2010, and with Rufyiri, August 31, 2010.

[163] "Le syndicat SYMAPA déplore le non respect de l'indépendance de la magistrature," Agence Burundaise de Presse, June 6, 2010.

[164] Jacques Burundi, "Odeur d'un détournement de près de 280 millions Fbu," *Arc-en-Ciel* (Burundi), no. 308, July 30, 2010.

[165] Email communication from FORSC representative Pacifique Nininahazwe to Human Rights Watch, August 26, 2010.

[166] Human Rights Watch telephone interviews and email correspondence with a member of FORSC, August 2010.

[167] "Memorandum: Quelles attentes de la société civile des institutions nouvellement élues ?" Communiqué issued by 12 civil society organizations, August 25, 2010.

However, the new government did not seem to heed the civil society organization's recommendations. On October 21, police spokesperson Pierre Channel Ntarabaganyi threatened in a press conference to arrest APRODH president Pierre Claver Mbonimpa after Mbonimpa denounced extrajudicial executions of FNL members and said he had evidence that these killings were committed by police. Minister of Interior Edouard Nduwimana, in a private meeting with civil society leaders held at the same time as Ntarabaganyi's press conference, told Mbonimpa that if he did not stop denouncing abuses, Nduwimana could arrange to have him ousted as president of APRODH.[168]

On November 5, two journalists from the independent weekly newspaper *Iwacu*, Elyse Ngabire and Dieudonné Hakizimana, were arrested after visiting a prominent FNL member detained at Bujumbura's Mpimba prison. They were held for two days without charge and were denied access to a lawyer, in violation of Burundi's Criminal Procedure Code, before being "provisionally released" on November 7.[169]

Threats against Radio Publique Africaine (RPA)

Several journalists and other staff at the independent African Public Radio (*Radio Publique Africaine*, RPA) received death threats and were harassed by judicial authorities. Founded in 2000 by Alexis Sinduhije, a one-time CNDD-FDD supporter who left journalism in 2007 to form the opposition party MSD, RPA has often been portrayed by the ruling party as biased toward the opposition and linked to MSD.

In September 2010, RPA director Eric Manirakiza said he was approached by P., a former CNDD-FDD combatant known to collaborate with the intelligence service.[170] Manirakiza told Human Rights Watch:

> P. came to my office and asked where Alexis Sinduhije was. I told him I didn't know. He said "If you don't tell me, you'll pay." When I asked him what he meant, he said "I'll kill you." I saw that he had a pistol.

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[168] Human Rights Watch telephone interview with Pierre Claver Mbonimpa, October 22, 2010; email communication from a civil society activist to Human Rights Watch, October 21, 2010.

[169] Human Rights Watch telephone interviews with *Iwacu* Editor-in-chief Antoine Kaburahe, November 6 and 7, 2010; Human Rights Watch email correspondence with police spokesperson Pierre Channel Ntarabaganyi, November 7, 2010; Loi no. 0/15 du 20 juillet 1999 portant réforme du code de procédure pénale, art. 92-93.

[170] Human Rights Watch interviews with P. (not his real initial), Bujumbura, February and July 2008.

> P. came back a second time and made the same threats. The third time, he went to my wife's workplace. He told her, "If your husband doesn't give me the information I want, you're going to be a widow."[171]

Another RPA journalist, Bob Rugurika, who had reported on the killing of Ernest Manirumva, received an email message in February 2010 telling him he would be "punished [because of] your lies in the Manirumva affair."[172] In July, an anonymous caller warned RPA's receptionist that Rugurika should "be careful." On August 23, a CNDD-FDD official told Rugurika that he was "in danger" because he was believed to have given Amnesty International information concerning torture by the SNR. It was unclear whether the warning was intended to protect or threaten him.[173] During the same period, Rugurika received two telephone calls from SNR officials who said they needed to speak with him about "information" they thought he had, but did not provide further details. Rugurika agreed to meet with them, but they did not follow up. Rugurika told Human Rights Watch that, given the threats he had received, these phone calls made him increasingly concerned about his security.[174]

On September 15, the SNR arrested RPA fleet manager (*chef de charroi*) Faustin Ndikumana, apparently on the basis of one person's testimony that Ndikumana was involved in an arms delivery. Prosecutors interrogated three other RPA staff members and its former director in the following three weeks concerning the allegations. RPA's secretary general, André Palice Ndimurukundo, denied the criminal allegations and publicly accused the government of a campaign of harassment against RPA. "The truth is the authorities want to close down RPA because they accuse us of reporting on embarrassing issues such as corruption and bad governance," Ndimurukundo told journalists.[175] During a hearing on October 14, the alleged witness admitted he had no proof for his allegations, but Ndikumana remained in prison.[176]

In late October, the mayor of Bujumbura, Evrard Giswaswa, filed a defamation complaint against RPA and the civil society association Action by Christians against Torture (ACAT), after RPA broadcast a report that Giswaswa had injured another man in a fight. The journalists interviewed the victim as well as ACAT's president, Armel Niyongere, who suggested on the air that prosecutors should investigate whether Giswaswa might be responsible for torture.

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[171] Human Rights Watch interview with Eric Manirakiza, The Hague, September 20, 2010.

[172] Email communication to Bob Rugurika, dated February 22, 2010, on file with Human Rights Watch.

[173] Email communication from Bob Rugurika to Human Rights Watch, August 27, 2010.

[174] Human Rights Watch telephone interview with Bob Rugurika, September 22, 2010.

[175] "Burundi radio complains of harassment," Agence France Presse, October 5, 2010.

[176] Human Rights Watch telephone interview with an RPA official, October 19, 2010.

Niyongere and four RPA journalists were summoned and interrogated—several of them repeatedly—but the prosecutor's office declined to arrest them.[177]

Targeting of Human Rights Watch

Even before the elections, the government had demonstrated growing intolerance of criticism. On May 18, Foreign Minister Augustin Nsanze wrote to Human Rights Watch's researcher in Burundi, Neela Ghoshal, and revoked her foreign work permit. The move was allegedly based on "'We'll Tie You Up and Shoot You'," Human Rights Watch's May 14 report that documented the lack of accountability for political violence in Burundi committed by supporters of CNDD-FDD, FNL, and FRODEBU, and called on police and prosecutors to prevent more violence.[178]

Nsanze did not dispute any specific information in the report, but claimed it was "biased," and that Ghoshal demonstrated "attitudes that are harmful to government institutions."[179]

Meanwhile government spokesperson Philippe Nzobonariba said the report represented a "campaign orchestrated by the representative of HRW in Burundi, along with certain political groupings, to tarnish the image of the security and judicial institutions."[180] Ghoshal had to leave Burundi on June 2. The government of Burundi did not respond to three letters from Human Rights Watch addressed to the Ministry of Foreign Affairs, on May 26, June 14, and July 14, requesting dialogue on the subject of Human Rights Watch's work in Burundi.

A group of 11 Burundian civil society associations deemed the expulsion of Human Rights Watch's researcher "a form of intimidation toward all other human rights defenders."[181] Indeed, as seen above, Burundian human rights defenders and journalists also came under pressure in the months that followed.

Targeting of UN Officials

Nongovernmental organizations were not the only entities to be targeted by the Burundian authorities. The government has also compelled three successive heads of the UN mission

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[177] Human Rights Watch telephone interviews with an RPA journalist and with ACAT president Armel Niyongere, October 27, 2010.

[178] Human Rights Watch, *"We'll Tie You Up and Shoot You": Lack of Accountability for Political Violence in Burundi*, May 2010.

[179] "Annulation de votre agrément comme représentante de 'Human Rights Watch' au Burundi," letter from Augustin Nsanze to Neela Ghoshal, Ministry of Foreign Affairs and International Cooperation No. 204.20/132/RE/2010,dated May 18, 2010, on file with Human Rights Watch.

[180] Philippe Nzobonariba, "Communiqué de Presse," May 15, 2010, on file with Human Rights Watch.

[181] "Declaration by Burundian civil society organizations on the decision to cancel the accreditation of Human Rights Watch's Representative in Burundi," May 20, 2010.

in Burundi to leave: Carolyn McAskie and Nureldin Satti in 2006, and Youssef Mahmoud in December 2009.[182] The government claimed that Mahmoud, who was widely known for his even-handedness in fostering the peace process and the opening of political space in Burundi, was too close to the opposition. His expulsion came shortly after the UN Group of Experts on the Democratic Republic of Congo, an entity separate from BINUB, released a report linking Burundian officials to the illegal arms and minerals trade in eastern Democratic Republic of Congo.[183]

Beginning in 2008, the Burundian government also sought to minimize the reporting capabilities of a UN-appointed Independent Expert on the Situation of Human Rights in Burundi, and to prevent discussion of Burundi's human rights record at the UN Human Rights Council in Geneva, discussed below.

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[182] International Crisis Group, "Ensuring Credible Elections," Africa Report No. 155, February 2010, p.20.

[183] Letter from the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004), "Final report of the Group of Experts on the Democratic Republic of the Congo re-established pursuant to resolution 1857 (2008)," November 9, 2009.

IV. International Response

Foreign governments have shown considerable support for civil society activists and journalists who have been threatened or arbitrarily arrested in Burundi. Foreign diplomats in Bujumbura, embassy representatives, and UN officials have attended court hearings and spoken out on their behalf.

This positive response to government human rights violations against civil society has not been echoed in the international reaction to the government crackdown against opposition political parties. Foreign diplomats in Bujumbura were reluctant to listen to criticism of the electoral process, even from the European Union Election Observation Mission. One senior member of the observation mission told Human Rights Watch:

> The international community wanted to show at all costs that Burundi's elections were a success. But it wasn't true. There were serious human rights abuses, there was torture, all the opposition leaders are hiding or going into the bush—that's not a success. But when the opposition complained, the diplomats treated the opposition like they were worthless. And when we criticized the CENI's lack of transparency, the diplomats didn't want to hear it...[184]

The mission member added that the international community "should have at least insisted that the written vote tallies [from the communal elections] be made public as a condition to continue financing the elections."

After declaring its election boycott on June 1, the opposition came under heavy international pressure to reconsider this move. On June 3, foreign diplomats in Burundi representing the UN, Germany, Belgium, France, Russia, United States, South Africa, and the European Union issued a joint statement asking the opposition to reconsider its position, but did not voice much criticism of the human rights abuses that partly drove the boycott.[185] The opposition coalition, ADC-Ikibiri, issued a declaration the following day, castigating those governments for ignoring the government's rights abuses:

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[184] Human Rights Watch interview with a member of the European Union Election Observation Mission, September 2010.

[185] "Déclaration de la Communauté Internationale présente au Burundi," June 3, 2010.

> [W]e reject this paternalism of the International Community, which considers our country to still be a banana republic in which large-scale corruption, electoral fraud, human rights violations and oppression can continue to be tolerated with impunity.[186]

There were some exceptions. On June 15, EU Special Envoy Roeland van de Geer stated at a press conference in Bujumbura that the opposition should have the right to hold meetings.[187] The EU high representative for foreign affairs, as well as the EU Election Observation Mission, also condemned the ban on opposition meetings and argued that the opposition should have been given free political space to promote an election boycott, as a legitimate choice to be put to the voters.[188]

However, the government's replacement of the FNL hierarchy with a more compliant leadership in early August was met with conspicuous silence. One diplomat told Human Rights Watch that the diplomatic community, having supported the peace process for years, had grown weary of the FNL after it withdrew from the elections.[189] Some diplomats' personal disapproval of the FNL's tactics also seemed to shape their official position. Some seemed frustrated by their lack of influence vis-à-vis the opposition. One diplomat from a major donor country told Human Rights Watch, "We were upset because Rwasa didn't want to listen to us. Instead, he wanted to listen to Nyangoma. Miburo and Bigirimana, on the other hand, listened to us"—suggesting the embassy's tolerance of the unlawful FNL takeover stemmed from a sense of having been personally slighted.[190] The opposition parties, in turn, may have reacted negatively because they believed the diplomatic community was "taking sides" against them.

Burundi's neighbors in the East African Community also showed disregard for the crackdown against opposition parties. On June 4, Adolphe Nshimirimana, head of the SNR, addressed a memo to his counterparts at state intelligence services in Uganda, Tanzania, Kenya, Rwanda, the Democratic Republic of the Congo, and Ethiopia. Titled "Threats Against the 2010

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[186] ADC-Ikibiri, "Déclaration de l'Alliance des Démocrates pour le Changement au Burundi : Considérations sur la déclaration de la communauté internationale présente au Burundi faite en date du 03 juin 2010," June 4, 2010.

[187] Media synergy, June 16, 2010.

[188] "Déclaration de Madame Catherine Ashton, Haute Représentante, sur les élections présidentielles au Burundi," European Union, Brussels, July 2, 2010, A 120/10; European Union Election Observation Mission, "Déclaration Préliminaire," June 30, 2010, http://www.eueom.eu/files/pressreleases/english/moe-ue-burundi2010-declaration-preliminaire-presidentielles_fr.pdf (accessed October 19, 2010).

[189] Human Rights Watch interview with a Bujumbura-based diplomat, Nairobi, August 2010.

[190] Human Rights Watch interview with a diplomat from a major donor country, September 2010.

Election Process in Burundi," the memo said that opposition parties planned to "destabilize the democratic process in order to impose a transitional government upon the Burundian people." Nshimirimana accused the opposition of "promising apocalypse," and called on neighboring countries to pressure the opposition to respect the election results.[191]

After meeting President Nkurunziza on June 25, East African Community (EAC) leaders did just that, threatening sanctions against anyone responsible for election violence.[192] However, the message seemed to target solely the opposition, not the government: for example, Tanzania explicitly said it would not welcome opposition leaders seeking "refuge and mediation here after causing chaos in their country."[193]

Most of these diplomatic initiatives appeared motivated by sincere interest in advancing multiparty politics in Burundi, and concern that the opposition's choices were self-destructive.[194] However, the tendency to publicly criticize the opposition, while adopting a quieter approach towards the government as it committed serious abuses, may have been counterproductive by further radicalizing the opposition, thus making political compromise less likely.[195]

The UN took a similar approach. In a brief visit to Burundi on June 9, UN Secretary-General Ban Ki-moon "congratulated" Burundi on the electoral process and did not publicly comment on illegal restrictions on political rights, causing his visit to antagonize the opposition.[196] While BINUB did publicly denounce cases of torture, its denunciations were undermined by its description of incidents of torture as "excesses" (*dérapages*) – the same language used by the government spokesperson.[197] In an October 2010 press conference, BINUB head Charles Petrie said that the opposition, by boycotting the elections, had "failed

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[191] Letter from Adolphe Nshimirimana to intelligence chiefs in Uganda, Tanzania, Kenya, Rwanda, the Democratic Republic of the Congo, and Ethiopia, "Les menaces contre le processus électoral de 2010 au Burundi", June 4, 2010, on file with Human Rights Watch.

[192] Alphonce Shiundu and Emma Cherop, "EA issues Burundi sanctions threat," Daily Nation (Kenya), June 26, 2010.

[193] Bernard Lugongo, "Dar's tough warning to feuding Burundi politicians," The Citizen (Tanzania), June 27, 2010, http://thecitizen.co.tz/sunday-citizen/40-sunday-citizen-news/2656-dars-tough-warning-to-feuding-burundi-politicians.html (accessed October 19, 2010).

[194] Human Rights Watch interviews with foreign diplomats in Europe, September 2010.

[195] Human Rights Watch interviews with two opposition leaders, interviewed independently, Brussels, September 2010.

[196] Esdras Ndikumana, "Ban Ki-moon au Burundi pour relancer le processus electoral," Agence France Presse, June 9, 2010; "Ban Ki-moon urges Burundi leaders to settle differences," Agence France Presse, June 10, 2010, http://cpha-africa.org/bankimoon.html (accessed October 20, 2010).

[197] "Des cas d'abus du pouvoir ont bel et bien eu lieu," Burundi Tribune, August 28, 2010, http://binub.turretdev.com/index.php?option=com_content&task=view&id=1156 (accessed October 20, 2010).

to uphold its responsibility towards the people."[198] He did not mention the government's failure to uphold its obligation to protect basic human rights.

Despite the lack of even-handedness in its public statements, BINUB has played a valuable role with respect to documenting and following up individual cases of arbitrary arrest and ill-treatment. Its effectiveness in identifying torture cases and raising them promptly with the government likely contributed to the decline in torture cases. BINUB's Human Rights and Justice Division—which works in collaboration with the Office of the High Commissioner for Human Rights in Burundi—also closely monitored arrests of opposition leaders throughout the election period. Its staff continues to follow cases to ensure detainees' rights are respected. BINUB, as well as European Union Special Envoy Van de Geer, called for the government to investigate reports of extrajudicial killings occurring between August and October.[199] The former UN-appointed Independent Expert on the Situation of Human Rights in Burundi, Akich Okola, also expressed concern about human rights abuses, including arbitrary arrests and harassment of opposition leaders.[200]

Burundi's government has tried to limit the effectiveness of the Independent Expert. Okola, appointed in 2004, provided regular reports to the UN Human Rights Council documenting both human rights violations and positive developments in Burundi. In 2008, the government attempted to persuade member states of the Human Rights Council to cancel his mandate. When this appeared politically unfeasible, the government managed to obtain a provision in the resolution renewing the Independent Expert's mandate that has been interpreted to limit his capacity to provide annual public reports. The resolution "*decides* to extend the mandate of the independent expert until an independent national human rights commission has been established" and "*invites* the independent expert to report on his activities to the Council at the session following the establishment of the above-mentioned commission."[201]

At the time, Burundian authorities stated that a National Independent Human Rights Commission (CNIDH) would be set up within months—a claim reiterated in December 2008

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[198] "UN 'extremely' worried about Burundi: representative," Agence France Presse, October 15, 2010; BINUB transcription of Charles Petrie's press conference, October 15, 2010, on file with Human Rights Watch.

[199] "L'UE 'préoccupée' par des cas d'exécutions extrajudiciaires au Burundi," Agence France Presse, October 20, 2010, http://www.google.com/hostednews/afp/article/ALeqM5if1PI1TwRqVhjVn4Bqzj72za1SZw?docId=CNG.2cee7ae3ded9b63e98fobf525e6b2927.301 (accessed October 20, 2010).

[200] "UN Human Rights Expert Warns of Violations Ahead of Burundian Polls," UN News Centre, June 25, 2010, http://www.un.org/apps/news/story.asp?NewsID=35145&Cr=burundi&Cr1= (accessed October 21, 2010).

[201] UN Human Rights Council, "Resolution 9/19. Advisory services and technical assistance for Burundi," September 2008, art. 8, 9.

by Burundian Minister of National Solidarity, Immaculée Nahayo, who assured the Council that the CNIDH would be "functional by January 2009."[202] However, almost two years on, no commission has been established.

The interpretation of Resolution 9/19, according to which the Independent Expert's reporting is conditioned on the establishment of the CNIDH, has resulted in a highly unusual situation for the Council's Special Procedures: the Independent Expert continues to monitor Burundi and engage with the government and the international community, but has issued no formal report in over two years. Diplomats in Geneva told Human Rights Watch that Burundi had made a "gentlemen's agreement" in May 2010, allowing the Independent Expert to report at the June 2010 session of the Council, but had reneged on its commitment.[203]

In September, the Burundian government blocked a planned visit to Burundi by Fatsah Ouguergouz, who replaced Okola as Independent Expert in July 2010. It persuaded the Council not to allow Ouguergouz to report, and to cancel an interactive debate on the state of human rights in Burundi, scheduled for September 28.[204] In a letter addressed to the Council on September 21, the Burundian government argued that any reporting would constitute a violation of Resolution 9/19—contrary to its verbal commitment to Council members in May.[205] Human Rights Council delegates told Human Rights Watch they were deeply disappointed that the Independent Expert was prevented from reporting, since they still judged the human rights situation in Burundi to be precarious.[206] One delegate from the African Group at the Council told Human Rights Watch, "We think they are hiding something."[207]

Ouguergouz was eventually able to visit Burundi in November 2010, but it was not yet clear whether he would be able to report on the human rights situation at the next Council session in March 2011.[208]

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[202] UN General Assembly, A/HRC /10/7 1, "Report of the Working Group on the Universal Periodic Review–Burundi," January 9, 2009.

[203] Human Rights Watch interviews, Geneva, September 23, 24, and 27, 2010.

[204] Human Rights Watch interviews, Geneva, September 23, 2010.

[205] Ambassador Pierre Barusasiyeko, "Concerne: 15ème Session du CDH : Rapport de l'E.I. sur la situation des droits de l'homme au Burundi," No. Ref : 204.02.17/0419/RE/2010/Nk.E, letter addressed to the Amb. Sihasak Phuangketkeow, President of the Human Rights Council, Geneva, September 21, 2010, on file with Human Rights Watch.

[206] Human Rights Watch interviews, Geneva, September 23, 24, and 27, 2010.

[207] Human Rights Watch interview, Geneva, September 27, 2010.

[208] Human Rights Watch interview with a UN official, Nairobi, November 7, 2010.

V. Government Institutions to Protect Human Rights

The elections have strengthened the political control of the ruling CNDD-FDD. While that position could lead the government to relax repressive measures adopted during the elections and break with past abusive practices, it could also reinforce political repression.

One difficulty in ensuring progress in confronting such abuses is that Burundi has few independent institutions that can ensure accountability. Moreover, the government's repression of the political opposition has facilitated its avoidance of more traditional forms of democratic accountability.

For example, Burundi's relatively weak judiciary and parliament pose a challenge to human rights protection. Under existing law, the judiciary is heavily under the control of the executive branch, contrary to the principle of judicial independence. Judicial officials risk being penalized for rendering judgments contrary to government interests, as seen in the case involving a magistrate who refused to arrest Gabriel Rufyiri, discussed above. In a similar case, after Bujumbura courts in March 2009 acquitted both MSD president Alexis Sinduhije (charged with "insulting the president") and journalist Jean Claude Kavumbagu, the Ministry of Justice transferred four judges responsible for the acquittals to rural provinces, with no explanation.[209]

Other judicial officials have attempted to negotiate their vulnerable position by exercising independence only in a limited way. On June 7, a court in Muramvya province convicted three police officers—Désiré Uwamahoro, Apollinaire Sindikubwabo and Nestor Niyukuri—of assaulting detainees, many of whom were suspected of being FNL members, in Rutegama in 2007.[210] The court had been under enormous pressure not to convict the police officers, who were considered close to the ruling party.[211] The ruling was considered a victory by human rights groups. But in violation of criminal procedure, judicial officials failed to notify the defendants, who were free on bail during the course of trial, nor did they render public the

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[209] Human Rights Watch interview with a judicial official, Ruyigi, July 10, 2009; Ministry of Justice, Ordonnance ministérielle n°550/687 du 29/05/2009, portant affectation de certains magistrats auprès des juridictions supérieures et du ministère public; Observatoire de l'Action Gouvernementale (O.A.G.), "Burundi : Une gouvernance fortement marquée par le spectre des élections de 2010," September 2009, www.oag.bi/IMG/doc/Rapport_observation.final-2.doc, p. 30.

[210] Human Rights Watch telephone interview with civil party lawyer Jean Bosco Nyakiki, July 2010; Human Rights Watch, *Every Morning They Beat Me: Police Abuse in Burundi*, April 2008, http://www.hrw.org/en/reports/2008/04/29/every-morning-they-beat-me-0.

[211] Human Rights Watch telephone interview with a representative of a Burundian human rights organization, July 2010.

decision.[212] In November, two of the defendants were still free and remained on active duty as police officers, with Uwamahoro assigned to sensitive operations against FNL members in the troubled commune of Kanyosha, Bujumbura.[213]

The magistrate's union has recommended judicial reforms that would protect the independence of the judiciary. These include separating the Ministry of Justice budget from the operating budget for the courts and tribunals; ending the practice by which the president selects half the members of (and presides over) the Supreme Council of the Judiciary; and ending the practice by which magistrates are demoted or moved from one province to another when they fail to comply with politically motivated orders.[214] These proposals should be considered by the new parliament.

The parliament itself has been ineffectual in protecting the human rights of the Burundian population. The constitution guarantees parliament an oversight function: it can summon government officials to answer questions, carry out investigations into executive action, and produce reports.[215] However, between 2005 and 2010, the parliament rarely undertook such exercises. One diplomat told Human Rights Watch, "We spoke to a member of the parliamentary commission on security, to ask whether the commission evaluated abuses by the police. The parliamentarian told us they couldn't do that, that it would put them in danger."[216] A parliament that is more heavily dominated by the CNDD-FDD than in the previous term is even less likely to challenge the executive branch. However, parliamentarians have occasionally demonstrated independence, and the coming period will be a test of the new parliament's legislative priorities and willingness to exercise its role by serving as a counterweight to the executive in protecting and promoting human rights.

Other accountability mechanisms can play an important role. The 2000 Arusha Accords—a key step in Burundi's peace process that provided the building blocks for the 2005 constitution—called for the establishment of several mechanisms that would protect human rights and punish perpetrators. The Arusha Accords called for the establishment of an

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[212] Loi no. 0/15 du 20 juillet 1999 portant réforme du code de procédure pénale, art. 161. The Public Ministry should inform those convicted of a crime to present themselves at court within eight days.

[213] Human Rights Watch interviews with journalists, by telephone, June 16, 2010, and with a police official, Bujumbura, October 2010. The third officer, Nestor Niyukuri, had been arrested and jailed in 2009 on murder charges after shooting at a troop of Boy Scouts, killing one.

[214] Burundi Magistrates' Union (*Syndicat des magistrats du Burundi*, SYMABU), "Memorandum," February 16, 2008.

[215] Loi no. 1/010 du 18 mars 2005 portant promulgation de la constitution de la République du Burundi, art. 158, 187 (4), 201-202, 204.

[216] Human Rights Watch interview with a diplomat, September 2010.

ombudsman, who would serve as a mediator to whom citizens could submit complaints regarding the behavior of state officials. After years of inaction, on November 11, 2009, the Senate adopted a law establishing an ombudsman, granting the post the power to receive complaints, investigate human rights abuses and other abusive treatment by state agents, and make recommendations to the authorities.[217] The law was promulgated in January 2010, with parliament putting out an official call for candidatures in October.[218]

Burundi is the only country in the East African Community without at least a nominally independent human rights commission. As discussed above, the Burundian government has publicly promised since 2008 that a National Independent Human Rights Commission would be in place "within months."[219] After much debate on different versions of the bill—with the government attempting to remove key provisions granting the commission investigatory powers—a bill to establish a human rights commission was brought before parliament in mid-2010. Since August 2010, government officials, including human rights minister Immaculée Nahayo, have announced on several occasions that the bill will be voted on before the end of 2010.[220] But as of early November 2010, the commission has not been established.

Human rights commissions in neighboring countries have often been manipulated by the government and have avoided politically sensitive cases.[221] The current draft bill in Burundi stipulates that civil society organizations, women's groups, universities, religious institutions, and other non-state actors play a role in nominating commissioners, putting forward two names from each "corps of origin," which might allow Burundi's commission a greater degree of independence.[222]

UN human rights officials and Burundian civil society organizations have concluded that despite some weaknesses, most aspects of the draft bill before parliament are consistent with the Paris Principles, a set of standards endorsed by the UN Human Rights Council to

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[217] Radio Nationale broadcast, November 11, 2009.

[218] Human Rights Watch telephone interview with a representative of Ligue Iteka, November 4, 2010.

[219] UN General Assembly, A/HRC /10/7 1, "Report of the Working Group on the Universal Periodic Review–Burundi," January 9, 2009.

[220] Human Rights Watch telephone interview with a government official, October 19, 2010; Minister of National Solidarity, Human Rights and Gender Immaculée Nahayo, presentation at the UN Committee on the Rights of the Child, Geneva, September 16, 2010, attended by a representative of Human Rights Watch; "La mise en place d'une commission nationale indépendante des droits de l'homme accuse du retard," Agence Burundaise de Presse, August 20, 2010; "Ouverture de la session ordinaire d'octobre au Sénat," Agence Burundaise de Presse, October 4, 2010.

[221] Human Rights Watch, *Protectors or Pretenders? Government Human Rights Commission in Africa*, January 2001, http://www.hrw.org/en/reports/2001/01/01/protectors-or-pretenders.

[222] Projet de loi portant création de la commission nationale indépendante des droits de l'homme, November 2009, art. 7-11.

ensure that national human rights commissions serve as effective watchdogs.[223] However, one UN official expressed reservations concerning a provision according to which the president ultimately selects the commissioners, on the basis of pairs of names put forward for each of the 13 seats on the commission. He remarked, "What if the president rejects both names put forward for a position? We need assurances from the government that this is not going to be the case."[224]

Institutions such as ombudsman offices and human rights commissions do not in themselves constitute sufficient remedies to human rights abuses; they must be accompanied by political will on the part of government to allow them to operate freely and to adhere to their recommendations. However, were positions in such institutions to be held by well-respected, impartial individuals, and have broad mandates and powers and sufficient resources, they could provide important first steps towards promoting a measure of government accountability.

[223] United Nations General Assembly resolution 48/134 of 20 December 1993, "National institutions for the promotion and protection of human rights."

[224] Human Rights Watch interviews with BINUB and OHCHR officials, Bujumbura, April 2010 and Geneva, September 2010.

VI. Conclusion

Increased government oppression of opposition political parties, civil society, and media during Burundi's 2010 elections has continued in the ensuing months, narrowing the space for criticism and dissent. Civil society activists and journalists fear that simply fulfilling their role of monitoring and reporting on abuses and pushing for accountability and reform may put them at risk of arrest or physical harm. Meanwhile, the resurgence of armed groups suggests that some opposition members, in the absence of space for "permitted" dissent, are ready to resort to extra-legal means, including violence. The government response also suggests readiness to take illegal measures, including extrajudicial executions and arbitrary arrests, in the name of fighting "armed bandits."

These negative developments are not irreversible. Neither the government nor the ruling party is monolithic: while some officials seem to believe that an independent media, a critical civil society, and a strong political opposition have no place in Burundi, others have expressed a commitment to upholding human rights. In the coming months, it is incumbent on those within government and the ruling party who support an inclusive model of politics, and who recognize the need in a democracy to tolerate dissent, to restore Burundi's image as a country in which civil society and political pluralism can flourish.

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Human Rights Watch would like to thank the victims of human rights abuses who shared their stories with us, particularly the Burundian journalists and civil society activists whose courage helps to keep the doors from closing.

Annex I: Political Violence in the Period Preceding Communal Elections, May 2010

Human Rights Watch's May 2010 report, "'We'll Tie You Up and Shoot You': Lack of Accountability for Political Violence in Burundi," documented cases of political violence that took place between September 2009 and April 2010. The following 14 incidents, which occurred since then, demonstrate that despite claims from election observer missions that the communal election campaign period was "calm," violent incidents occurred on a nearly daily basis in May 2010. Four incidents–on May 11, 13, 16, and 22–resulted in death.[225]

May 1	An FNL member was beaten by alleged members of CNDD-FDD's youth league, *Imbonerakure*.[226]
May 2	Four CNDD-FDD members and five FNL members were injured in a stone-throwing bout in Bugabira commune, Kirundo province.[227]
May 2	FNL members seriously assaulted a CNDD-FDD member in Kanyosha commune, in Bujumbura. The intervention of police in conjunction with high-ranking FNL officials ended the beating. CNDD-FDD members beat several FNL members as retribution.[228]
May 5	In Bubanza, a CNDD-FDD member injured an MSD member during a fight at a bar.[229]
May 8	In Cibitoke province, a Burundian soldier reportedly stabbed an FNL activist after the FNL member criticized CNDD-FDD.[230]

[225] The cases of violence in this annex only cover the month of May 2010. Altogether, Amatora Mu Mahoro, a coalition of national and international NGOs, documented at least 519 acts of politically-motivated violence, including 20 killings, between April 26 and September 12, 2010. Amatora Mu Mahoro, "Rapport final: 26 avril-12 septembre 2010," http://www.ifes.org/Content/Publications/Reports/2010/Systeme-de-monitoring-des-principes-democratiques-et-de-prevention-de-la-violence-electorale-5.aspx, p. 4.

[226] Radio Isanganiro broadcast, May 3, 2010; Ligue des droits de la personne dans la région des Grands Lacs (LDGL), "Rapport sur la situation des droits humains dans la région des Grands-Lacs : Les grandes tendances du mois de mai 2010," undated.

[227] Email communication from BINUB Human Rights and Justice Division to Human Rights Watch, May 5, 2010.

[228] European Union Election Observation Mission, "Déclaration Préliminaire," May 27, 2010.

[229] "Un membre du MSD sérieusement frappé et blessé par celui du CNDD-FDD à Ruvumvu," Agence Burundaise de Presse, May 7, 2010.

[230] "La campagne électorale pour les communales du 21 mai 2010 se poursuit," Agence Burundaise de Presse, May 11, 2010.

May 11	CNDD-FDD members in Kirundo province killed FNL activist Abraham Nshimirimana, beating him over the head with a drum. The principal perpetrator reportedly fled to neighboring Rwanda.[231]
May 11	Alleged FNL members beat a journalist from Umuco FM, a radio station affiliated with the CNDD-FDD, accusing him of broadcasting false information about their meetings.[232]
May 13	Eddy Munezero, an MSD activist and singer, was shot dead by two men in police uniforms while returning to his home in Bujumbura after a political rally.[233] As of November, no one has been arrested for the killing.[234]
May 13	Members of UPD-Zigamibanga beat several CNDD-FDD activists in Rumonge, Bururi.[235]
May 14	A journalist from Rema FM, close to the ruling party, was reportedly beaten by alleged MSD activists while covering protests related to the killing of MSD activist Eddy Munezero.[236]
May 16	In Mubimbi, Bujumbura Rural, Joseph Birambona, a CNDD-FDD member, was stabbed to death. A former FNL member, he had recently shifted his allegiance to the ruling party.[237] Two suspects were arrested.[238]

[231] Human Rights Watch telephone interviews with a judicial official, May 12, 2010, and with a UN representative, , May 13, 2010; email communication from a UN official to Human Rights Watch, May 12, 2010; RPA and Radio Isanganiro broadcasts, May 12, 2010; "Les démons de l'intolérance politique se réveillent en province Kirundo," Agence Burundaise de Presse, May 12, 2010.

[232] "Campagne électorale : L'UBJ condamne l'agression d'un journaliste à Ngozi," *Burundi Tribune*, May 13, 2010, http://www.burunditribune.com/news/article.cfm?pid=4&catid=15&ID=5675&LANG=F (accessed October 9, 2010).

[233] All major radio broadcasts, May 14, 2010. A second body was dumped in front of the MSD office several blocks from Munezero's house on the same night; the victim's identity was never established, and it was not clear whether the killing was politically motivated. Human Rights Watch telephone interview with a representative of an international election observation mission, May 14, 2010.

[234] Human Rights Watch interviews with journalists, Bujumbura, May 19, 2010; media synergy, May 19, 2010.

[235] Human Rights Watch interviews with victims, Rumonge, Bururi province, May 16, 2010; "Les élections sont impossibles dans un climat de tension, selon la COSOME," Agence Burundaise de Presse, May 15, 2010.

[236] Rema FM broadcast, May 14, 2010.

[237] Human Rights Watch telephone interview with Mubimbi *chef de colline*, May 18, 2010; Rema FM broadcast, May 17, 2010; media synergy, May 19, 2010.

[238] BINUB report, May 18, 2010, on file with Human Rights Watch.

May 16	In Kayanza, at least four FNL members assaulted a communal administrator who tried to halt fighting between FNL and CNDD-FDD members. Police arrested the assailants.[239]
May 17	In Muyinga, CNDD-FDD members beat three young men because they refused to respond to a ruling party salute and slogan, "*Shirira*," a former battlefield cry loosely translated as "burn." One victim, Joseph Macumi, was hospitalized. Two suspects were arrested.[240]
May 22	Two FNL members were beaten to death in Kanyosha, Bujumbura, during a fight with CNDD-FDD members.[241] When journalists from a private television station arrived to interview witnesses, they were chased back to the television station by CNDD-FDD members and agents of the SNR.[242]

[239] Human Rights Watch telephone interview with CNDD-FDD communications officer Gloriose Berahino, May 17, 2010; BINUB report, May 17, 2010, on file with Human Rights Watch. According to BINUB, the Muhanga communal administrator intervened, but was beaten by six FNL members.

[240] "La cohabitation entre les militants des partis politiques n'est pas bonne ces derniers jours," Agence Burundaise de Presse, May 18, 2010.

[241] Human Rights Watch interviews with Télévision Renaissance journalists; "Burundi : deux personnes tuées dans des violences électorales," Pana, May 24, 2010, http://www.afriquejet.com/afrique-centrale/burundi/burundi:-deux-personnes-tuees-dans-des-violences-electorales-2010052449810.html (accessed June 20, 2010).

[242] Human Rights Watch interviews with Télévision Renaissance journalists.

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October 20, 2010

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Secretary-General and Spokesperson of the Government of Burundi

M. Augustin Nsanze
Minister of Foreign Affairs

Bujumbura, Burundi

Sent by facsimile and e-mail, and delivered in hard copy

Re: Questions relating to a new Human Rights Watch report on Burundi

Dear Mr. Nzobonariba, Mr. Nsanze,

Human Rights Watch is preparing a report on the human rights situation in Burundi during and immediately following the 2010 elections. We value the government's perspective and, as usual, would like to reflect its viewpoint in the final product.

In the report, we examine, in particular, Burundi's adherence to civil and political rights as set forward in the International Covenant on Civil and Political Rights (ICCPR), which Burundi has ratified. Our research found that during and after the election period, the government restricted the rights to freedom of assembly and freedom of movement for some opposition parties. Human Rights Watch also received credible reports of arbitrary arrests, and torture of some opposition members. In addition, we are concerned by reports of arrests of, and threats against, journalists and civil society activists. Finally, we have recently received reports that suggest that some detainees may have been victims of extrajudicial executions.

The government of Burundi has a responsibility to allow peaceful political activity, to protect the rights of civil society actors and journalists, and to hold accountable those who commit abuses. This kind of tolerance is crucial to Burundi's long-term political stability as well as sustaining its reputation as a country emerging peacefully from years of conflict.

To ensure that the report is inclusive, comprehensive, and accurate, we would appreciate a response from your office to the following questions **by November 5, 2010**. We would also welcome responses from the individual ministries mentioned in the report, where noted. We would also welcome any additional comments on these issues.

Concerning the Ministry of Interior's restrictions on and interference with political parties:

On June 8, following the declaration of an election boycott by opposition parties, the Minister of Interior prohibited parties that were not participating in the presidential elections from holding meetings or carrying out other activities. After banning an ADC-Ikibiri press conference on September 17, the Minister further stated that political parties could not form coalitions outside of the election period.

In our estimation, these orders breached Burundi's obligations under the ICCPR, which guarantees to all individuals the rights to freedom of assembly and freedom of association. According to Article 21 of the covenant, "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others."Article 22 sets forth the same requirements on any restrictions of freedom of association.

Political party meetings are thus protected under Article 21 of the ICCPR, as well as under Burundi's 2003 law on political parties and the Ministry of Interior's *Ordonnance n°530/1208 du 18 novembre, 2008*. The right to form coalitions is protected by Article 22 of the ICCPR, by Article 79 of Burundi's constitution, and by Articles 3 and 8 of the *Loi No. 1/006 du 23 juin 2003 portant organisation et fonctionnement des partis politiques*.

We are also concerned by the fact that on August 4, the Minister of Interior recognized the results of an extraordinary congress held by a dissident faction of the FNL. The congress was held in violation of the FNL Statute (art. 60) and the FNL Internal Rules (art.44, 57), which require that an extraordinary party congress be called by the party's president, vice

president, or 2/3 of the party's Political Bureau. It overthrew the FNL's elected leaders and put in place leaders who are not recognized by the FNL's Political Bureau.

Questions:

1. Given the protections in the ICCPR, please explain the legal basis for banning opposition party meetings, as well as the activities of political coalitions. We would welcome your confirmation that such restrictions have been, or will be, lifted with immediate effect.
2. What is the legal basis for the government's recognition of FNL leaders who were chosen in violation of the party's internal rules?

Concerning the Ministry of Public Security and Ministry of Defense's restrictions on the freedom of movement of opposition leaders:

Human Rights Watch has documented two cases in which opposition leaders were prohibited from leaving the country. These prohibitions appear to be in violation of Article 12 of the ICCPR, which guarantees that "Everyone shall be free to leave any country, including his own."

The two cases are as follows. In June, Charles Niyungeko, a member of Parliament from the National Council for the Defense of Democracy (*Conseil National pour le Défense de la Démocratie*, CNDD), was prohibited by a police agent and the Commander of Nyanza-Lac military camp from crossing the border into Tanzania. Niyungeko's travel documents were valid, according to information provided to Human Rights Watch.

On June 27, Alice Nzomukunda, president of the opposition party Democratic Alliance for Renewal (*Alliance Démocratique*, ADR), was stopped at Bujumbura International Airport when boarding a flight to Nairobi; police confiscated her passport and ticket. According to Nzomukunda, Police Director Fabien Ndayishimiye informed her that she could not travel because she was suspected of planning an illegal protest. However, there is no legal basis for denying freedom of movement to someone who is suspected of a crime if that person has not been arrested or charged.

Two other opposition leaders have claimed that they knew of the existence of a list of opposition leaders who would not be allowed to travel, and that consequently, several opposition members who wished to travel were forced to leave the country clandestinely.

Question:

1. We would be grateful if you could explain the legal basis for travel prohibitions on Mr Niyungeko and Ms Nzomukunda and confirm that such bans will not be applied in the future. Please also confirm that there are no travel bans in effect that would affect other members of opposition parties.

Concerning the Office of the Prosecutor's arrest and detention of Jean Claude Kavumbagu:

On July 17, Bujumbura prosecutor Mr Rénovat Tabu ordered the arrest and imprisonment of Jean Claude Kavumbagu in connection with a July 12 *Net Press* article that criticized Burundi's security forces and questioned their ability to defend the country against attack. The prosecutor charged Kavumbagu with treason under Article 570 of Burundi's criminal code, which penalizes "any Burundian who, in times of war... knowingly participates in an attempt to demoralize the Army or the Nation, with the object of weakening national defense."

According to Article 72 of the Criminal Procedure Code, a hearing to ascertain whether the conditions for pre-trial detention are met must be held within two weeks after a suspect is charged with a crime. Although a hearing was held on July 30, the court retroactively declared itself incompetent to hear the case, as one of the judges had received a transfer order to another court two days earlier. Thus, Kavumbagu remained illegally detained throughout August, without having had an opportunity to plead for provisional release before a court that had the jurisdiction to hear the case.

Questions:

1. What is the basis for charging Kavumbagu with violating Article 570 of the Criminal Code? Based on the treason charge, which applies only "in times of war," can one conclude that the government considers that Burundi is currently in a time of war?
2. In terms of the case itself, could you explain why the tribunal that heard Kavumbagu's case on July 30 included a judge who was not competent to hear the case? Please also clarify whether the Ministry of Justice has acted to ensure that such errors, which result in prolonged detention in violation of the law, will not recur.

Concerning Allegations of Torture and Ill-treatment by the National Intelligence Service (SNR) and the National Police of Burundi (PNB) and allegations of extrajudicial executions by the PNB:

Human Rights Watch welcomes the government's positive response to reports of cases of torture of political opposition leaders in late June and early July, raised by the United Nations Integrated Office in Burundi (BINUB) and Amnesty International. We also welcome the government's promise to investigate allegations of torture committed by SNR and PNB agents.

We also recognize that the Tribunal de Grande Instance of Muramvya on June 7 convicted three police officers for ill-treatment of detainees in Rutegama in October 2007. However, two of those police officers, Désiré Uwamahoro and Apollinaire Sindikubwayo, are currently free and continue in their functions, which involve regular contact with the civilian population.

We are deeply concerned by recent reports from Burundian human rights organizations which suggest that police may have carried out several extrajudicial executions of opposition members and others suspected of participation in groups of "armed bandits." On August 26, Jackson Ndikuriyo, a former police officer who intended to open a complaint against the PNB for unlawful dismissal, was arrested by police in Bubanza province. He was shot and killed the same evening. Police claim he was killed by armed bandits when he attempted to show police their hiding place, but human rights organizations and journalists have told us that witnesses can attest that he was killed by the police. Similarly, on October 2, Cibitoke police arrested FNL members Jules Ndikumana, Sylvestre Manirakiza, and Paul Ndikumana. Manirakiza and Jules Ndikumana's bodies were found several days later in the Rusizi River. Paul Ndikumana is missing. Police claim the three men were released from police custody, while Burundian human rights organizations allege that the police may have killed them.

Questions:

1. What is the status of the promised investigations into cases of torture and ill-treatment? Have prosecutors questioned or arrested any SNR and PNB agents in relation to these allegations, and have any been subject to internal disciplinary measures? If a commission is in place to investigate such allegations, we would welcome details on its composition.
2. Will the police suspend police officers Désiré Uwamahoro and Apollinaire Sindikubwayo from any professional functions that bring them into regular contact with the civilian population pending the notification of their conviction by the

Tribunal de Grande Instance of Muramvya? Why have they not yet been notified of this judgment, four months after their conviction?

3. What steps are being taken to investigate claims that police may have played a role in the killings of Jackson Ndikuriyo, Jules Ndikumana and Sylvestre Manirakiza, and the disappearance of Paul Ndikumana?

Concerning national and international mechanisms promote accountability and human rights:

Human Rights Watch is encouraged by recent statements by Minister of National Solidarity, Human Rights and Gender Immaculée Nahayo and by parliamentarians that parliament will soon vote on a law to establish a National Independent Human Rights Commission (CNIDH). However, we also note that several such statements have been made since December 2008 without leading to the creation of the CNIDH. The same applies to a bill that would establish an Ombudsman, who could hear and respond to civilian complaints against government officials.

Questions:

1. When do you anticipate that both houses of parliament will vote on the bill to establish the CNIDH? If the bill is passed in its current form, when do you anticipate that the commission will be fully functional?
2. What is the timetable for establishing the institution of Ombudsman?

We thank you in advance for your responses to these questions and any additional information you are willing to share with us. We would very much appreciate your response by November 5.

Sincerely,

Rona Peligal
Acting Director, Africa Division

CC:
Minister of Interior, Edouard Nduwimana
Minister of Justice, Ancilla Ntakaburimvo
Minister of Public Security, Alain Guillaume Bunyoni
Minister of Defense, Pontien Gaciyubwenge
Minister of National Solidarity, Human Rights and Gender, Immaculée Nahayo
Prosecutor General of the Republic, Elysé Ndaye

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Closing Doors?

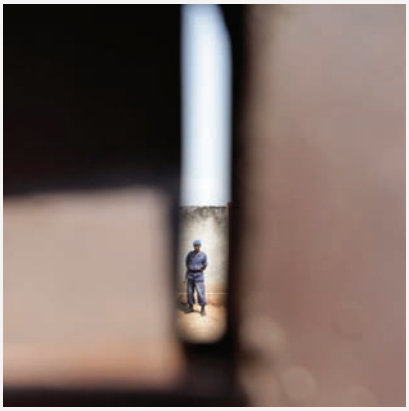
The Narrowing of Democratic Space in Burundi

Burundi's 2010 election period was marked by repression of civil society, media, and opposition parties. After claiming that communal elections in May were fraudulent, opposition parties boycotted subsequent elections, which resulted in a massive electoral victory for the ruling party. The government responded with a crackdown on liberties that continued into the post-election period. It banned political meetings, outlawed an opposition coalition, and unlawfully acted to convert the main opposition party into a satellite of the ruling party. Authorities arrested several hundred opposition members; some were tortured. They also arrested journalists, harassed civil society organizations, and branded those who spoke out on security and justice issues as "political opponents." Since September, a new wave of killings has targeted members of both the ruling party and the opposition.

The specter of a de facto one-party state, consisting mainly of officials who perceive dissident voices as enemies, raises concerns about future repression and the narrowing of democratic space in Burundi. The possibility of renewed armed conflict heightens concerns of abuse by the government and armed movements.

This report documents the factors leading to the democratic breakdown, and the closing space for political opposition, human rights defenders and journalists. It also examines the international reaction to such abuses, and evaluates the ability of government institutions to protect human rights.

Closing Doors? urges the new government to take further steps toward establishing institutions that will promote accountability; commit to reestablishing space for opposition parties to function; and allow journalists and civil society activists to fulfill their monitoring function. It calls on international donors to match their demonstrated support for civil society with an even-handed approach to the ruling party and the political opposition that is rooted in upholding fundamental human rights.

A policeman stands outside the opposition party CNDD's headquarters in Bujumbura during a meeting of opposition leaders on June 23, 2010. After police and intelligence agents surrounded the office, opposition leaders locked themselves in, fearing arrest.

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