



A FAÇADE OF PEACE IN A LAND OF FEAR

Behind Burundi's human rights crisis

The Burundi Human Rights Initiative

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January 2020

WHAT IS THE BURUNDI HUMAN RIGHTS INITIATIVE?

The Burundi Human Rights Initiative (BHRI) is an independent human rights project that aims to document the evolving human rights situation in Burundi, with a particular focus on events linked to the 2020 elections. It intends to expose the drivers of human rights violations with a view to establishing an accurate record that will help bring justice to Burundians and find a solution to the ongoing human rights crisis.

BHRI's publications will also analyse the political and social context in which these violations occur to provide a deeper and more nuanced understanding of human rights trends in Burundi.

BHRI has no political affiliation. Its investigations cover human rights violations by the Burundian government as well as abuses by armed opposition groups.

Carina Tertsakian and Lane Hartill lead BHRI and are its principal researchers. They have worked on human rights issues in Burundi and the Great Lakes region of Africa for many years. BHRI's reports are the products of their collaboration with a wide range of people inside and outside Burundi.

BHRI welcomes feedback on its publications as well as further information about the human rights situation in Burundi. Please write to contact@burundihri.org or +1 267 896 3399 (WhatsApp). Additional information is available at www.burundihri.org.

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METHODOLOGY

The information and analysis in this report – BHRI's first publication – is largely based on more than 160 interviews conducted in-person or on the phone with sources in Burundi and other countries, including Rwanda, the Democratic Republic of Congo, Uganda, Kenya, Belgium, France, Switzerland and the USA. For security reasons, the identities of BHRI's collaborators are withheld.

BHRI interviewed a wide range of sources including victims of human rights violations, members of their families, other witnesses to human rights violations, ruling party members, opposition party members, Burundian men and women with no political affiliation, local government officials, civil servants, justice officials, politicians inside and outside Burundi, members of civil society organisations, journalists, teachers, businessmen, lawyers, and others. Most of these interviews were conducted between July and December 2019.

The majority of the people interviewed currently reside in various provinces in Burundi. For security reasons, their identities remain confidential and other identifying details have been omitted. Those interviewed willingly agreed to share information on the understanding that their names would not be made public. No witnesses received compensation for the information they provided.

Interviews were conducted in French or in Kirundi with interpretation into French; a minority of interviews were conducted in English.

BHRI cross-checked the information in this report with several sources to the best of its abilities. BHRI also received credible information on numerous incidents not mentioned in this report. The cases cited represent just a small sample.

This report has undergone a pre-publication review by senior English defamation and human rights law experts.

On 7 January 2020, BHRI sent a letter to the Burundian government requesting a response to its main findings. The letter was sent to the Presidency, the Minister of Foreign Affairs, the Minister of Human Rights, the Minister of Justice, the Minister of Public Security, the Minister of Interior and the Secretary General of the ruling party, the National Council for the Defence of Democracy-Forces for the Defence of Democracy (*Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie*, CNDD-FDD). At the time of writing, BHRI had received no answer.

ACRONYMS

AU	African Union
BBC	British Broadcasting Corporation
BHRI	The Burundi Human Rights Initiative
CNC	National Communication Council (<i>Conseil national de la communication</i>)
CNDD-FDD	National Council for the Defence of Democracy-Forces for the Defence of Democracy (<i>Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie</i>)
CNL	National Congress for Freedom (<i>Congrès national pour la liberté</i>)
CNR	National Council for the Re-establishment of the Arusha Agreement (<i>Conseil national pour le rétablissement de l'accord d'Arusha</i>)
DRC	Democratic Republic of Congo
EU	European Union
FNL	National Liberation Forces (<i>Forces nationales de libération</i>)
FPB	Popular Forces of Burundi (<i>Forces populaires du Burundi</i>)
FRB-Abarundi	Burundi Revolutionary Front (<i>Front révolutionnaire burundais</i>)
FRODEBU	Front for Democracy in Burundi (<i>Front pour la démocratie au Burundi</i>)
MSD	Movement for Solidarity and Democracy (<i>Mouvement pour la solidarité et la démocratie</i>)
PALIPEHUTU	Party for the Liberation of the Hutu People (<i>Parti pour la libération du peuple hutu</i>)
RED-Tabara	Resistance Movement for the Rule of Law in Burundi (<i>Mouvement de la résistance pour un état de droit au Burundi</i>)
SNR	National Intelligence Service (<i>Service national de renseignement</i>)
UN	United Nations
UPRONA	Party of Unity for National Progress (<i>Parti de l'unité pour le progrès national</i>)

SUMMARY

On 29 September 2019, at the United Nations General Assembly in New York, the Burundian Minister of Foreign Affairs, Ezéchiel Nibigira, stepped up to the podium and addressed the dignitaries and diplomats, by turns castigating the United Nations and “foreign actors” and extolling the peace and stability in his country.

“Concerning security, the situation in Burundi is stable, calm, and entirely under control across the entire country. From north to south, from west to east, passing through the centre, at night as well as by day, Burundian citizens enjoy their civic and political rights in complete tranquillity,” he said.¹

It’s unlikely that anyone in the General Assembly hall knew that only a week before, Jérémie Ntaconimariye, a farmer in his late 50s in Karusi province, had been asleep in his house when three members of the ruling party’s youth league showed up uninvited, marched him to a small village centre about 3 kilometres away, then beat him to death.

Ntaconimariye was a member of the opposition party *Congrès national pour la liberté* (CNL, National Congress for Freedom), the main rival to the ruling party, the *Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie* (CNDD-FDD, National Council for the Defence of Democracy-Forces for the Defence of Democracy). Ntaconimariye is not the only victim of the government’s brutal repression against its opponents. Scores of other CNL members have been attacked, beaten, arbitrarily arrested and threatened since 2019, primarily by members of the ruling party’s youth league.

Minister Nibigira’s speech was typical of the response of many Burundian government officials to the protracted human rights crisis in the country. He took advantage of the lack of international media interest and most diplomats’ limited knowledge of the realities in Burundi to push a false narrative that the country is peaceful. While restrictions on legitimate political activities in Burundi have been tightening, the minister was citing “widening of political space... and the promotion of freedom of expression” as evidence of the government’s commitment to creating a climate conducive to peaceful and inclusive elections.²

This report illustrates the stark contrast between the Burundian government’s reassurances to international audiences and the sombre realities as the country heads towards elections in 2020.

¹ Speech by Minister of Foreign Affairs Ezéchiel Nibigira to the UN General Assembly, <http://www.fr.burundimission.org/republique-du-burundi-ministere-des-affaires-etrangeres-declaration-de-s-e-m-lambassadeur-ezechi-el-nibigira-ministre-des-affaires-etrangeres-de-la-republique-du-burundi-a-la-74e/>, 30 September 2019.

² Ibid.

Patterns have shifted since Burundi's human rights and political crisis began in 2015. Serious human rights violations continued in 2019, but were often hidden and quickly covered up, making it difficult to establish the circumstances in which they took place. Intense surveillance has spread fear among the population, making it almost impossible to conduct thorough investigations inside Burundi without putting witnesses at risk. The result is entrenched impunity for the perpetrators and disillusion and despair for victims and their families.

This report addresses some of these challenges by shining a light on recent human rights violations, including some that have been largely hidden from public view. It describes persistent attacks on CNL members throughout 2019, focusing on some of the most serious cases in which CNL members have been beaten to death by members of the youth league of the ruling party, the *Imbonerakure*. It also reveals secret burials of unidentified victims of killings in two provinces. The report delves into the power dynamics in some of Burundi's prisons where *Imbonerakure* prisoners routinely beat inmates suspected of not supporting the ruling party. It documents political interference in the justice system and describes extortion and forced contributions by the ruling party from an impoverished and worn-down population. It highlights the gulf between, on the one hand, positive speeches by government and ruling party officials urging political tolerance and, on the other, continuing violence against government opponents and a lack of accountability for the crimes committed.

In early 2020, Burundi is at a crossroads. BHRI urges the Burundian government and the ruling party, as well as the CNL, to prevent an escalation of human rights violations and defuse political tensions in the period leading up to the elections. Foreign governments and other international actors have a narrow window of opportunity to intensify their engagement with the Burundian government to prevent Burundi's human rights crisis from deteriorating further.

RECOMMENDATIONS

To the Burundian government and the CNDD-FDD

- ♦ President Pierre Nkurunziza and senior officials in the Burundian government, the security forces, the intelligence services, and the ruling party should publicly acknowledge that state agents and party members have committed serious human rights violations under their watch. They should take demonstrable steps to prevent further violations and to defuse political tensions in the period leading up to the 2020 elections.
- ♦ Senior government and CNDD-FDD officials should hold to account *Imbonerakure* and other ruling party members responsible for killings, ill-treatment, arbitrary and unlawful arrests, and other abuses and ensure that those found responsible are brought to justice and expelled from the party.
- ♦ Following the positive statement by Evariste Ndayishimiye, the secretary general of the CNDD-FDD, on 22 August 2019 that government officials who haven't fought against impunity in an "exemplary fashion will be removed from their jobs", the ruling party should conduct thorough investigations into the role of provincial, communal, and other local officials in human rights violations. Party officials found to have committed, ordered or allowed human rights violations should be dismissed and their cases handed over to the relevant judicial authorities for criminal investigation and possible prosecution. This would publicly demonstrate the party's commitment to justice and help restore a degree of public trust before the elections.
- ♦ Ruling party members who oppose party strategies that involve human rights violations should seek ways to collaborate with international human rights institutions and researchers to share information, raise human rights concerns, and try to prevent further violations.
- ♦ The government should ensure that the Code of Conduct for Political Parties signed in December 2019 is adhered to and that anyone from any party found to have breached the code is held to account.

To the CNL

- ♦ CNL leaders at national and local levels should urge their members to refrain from any acts of violence against their political opponents, even if provoked, and should intensify calls for restraint in the months leading up to the 2020 elections.

- ♦ CNL leaders should send a clear signal that any of their members found to have attacked their political adversaries will be held to account. They should expel them from the party and hand them over to the relevant judicial authorities for investigation and possible prosecution.

To foreign governments and other international actors

- ♦ Ambassadors in Burundi should step up efforts to engage directly with senior Burundian government officials in the lead-up to the 2020 elections with a view to preventing an escalation of political violence. Through a joint request, ambassadors should ask for regular high-level meetings with the Burundian government to discuss human rights concerns before, during, and after the 2020 elections, and agree on concrete steps to prevent further human rights violations. The Burundian government should be represented in these meetings by the relevant ministers or officials of at least equivalent seniority, and the embassies by their ambassadors.
- ♦ Ambassadors should send staff to observe key trials with a human rights dimension, for example significant trials of opposition or ruling party members, journalists or civil society members. They should raise any concerns about possible unfair trials with the Minister of Justice.
- ♦ Governments concerned about the human rights situation in Burundi should identify senior members of the Burundian government and the CNDD-FDD willing to engage in dialogue. They should organise private meetings with them inside or outside Burundi to discuss realistic measures to pressure ruling party members to stop committing or ordering human rights violations.
- ♦ In the run-up to the 2020 elections in Burundi, the United States should consider an executive order by President Trump that would impose visa restrictions on individuals who interfere in the democratic process or instigate violence before, during or after the elections. Other countries should consider similar measures.
- ♦ The African Union (AU) should propose the deployment of an AU election observation mission to Burundi and press the Burundian government for its observers to have full access to all stages of the election process across the country.

If the AU or other institutions send election observers to Burundi, they should deploy them in early 2020, well in advance of the first round of polls in May. Election observers should monitor the context surrounding the elections, including politically motivated human rights violations, ensure that these are accurately reflected in their reports or statements on the elections, and publish their findings.

- ♦ Uganda, Tanzania, Kenya and other East African countries should press the Burundian government to stop political violence and prevent an escalation of human rights violations in the pre-election period.

Governments such as the UK and the USA that have strong relations with these countries should urge them to become more actively involved in efforts to prevent such an escalation.

- ♦ Governments and intergovernmental organisations should suspend, or maintain the suspension of, direct aid and support for the Burundian government until there is a noticeable and significant improvement in the human rights situation and the government implements wide-ranging and lasting human rights reforms.

1. SHIFTING PATTERNS OF HUMAN RIGHTS VIOLATIONS IN 2019

It is now more than four and a half years since President Pierre Nkurunziza's decision to run for a disputed third term in office in 2015 plunged Burundi into a political and human rights crisis.³ This decision and its aftermath have had far-reaching consequences that are still visible in Burundi today.

In early 2020, blatant killings and systematic torture in Burundi may be less common than three or four years ago, but the repression has intensified. The CNDD-FDD – the former armed opposition group turned political party that has been governing Burundi for more than 14 years – has tightened its stranglehold on the country and freedom of expression has been snuffed out.

At the height of what has become known as Burundi's crisis (see "Context", page 84), in 2015 and 2016 members of the security forces and *Imbonerakure* openly killed people, especially in the former capital Bujumbura,⁴ whether indiscriminately in the context of police search operations or in targeted extrajudicial executions. Scores of people disappeared, many of them abducted by the intelligence services, and are presumed dead. The intelligence services systematically tortured detainees in their premises, using gruesome and painful techniques.⁵ Amazingly, scores of people survived to tell the tale. But many others were killed outright or died from the torture.

Since 2019, patterns of repression have shifted and some of the violence has been driven underground. Most of the human rights violations now occur in rural areas and primarily target members of the CNL (see Chapter 2, pages 18 to 32). Many of the victims are local CNL members or representatives rather than high profile national leaders. Likewise, most of the perpetrators are local *Imbonerakure*, often acting in complicity with or with the consent of local government officials. The involvement of senior officials is not always visible. However, the consistency in types of human rights violations across the country and in statements or speeches by political leaders clearly demonstrates the existence of a national strategy for dealing with the CNL.

³ This chapter provides an overview of the main human rights trends and events in 2019. For information on human rights patterns and significant events since 2015, see "Context", pages 84 to 90.

⁴ Burundi moved its political capital from Bujumbura to Gitega in December 2018.

⁵ For details of these and other human rights violations in 2015 and 2016, see Human Rights Watch, "Burundi's Human Rights Crisis: Materials Published by Human Rights Watch, April 2015 to July 2016", https://www.hrw.org/sites/default/files/supporting_resources/burundi_compendium_2016_web_version_4.pdf, July 2016, and United Nations Commission of Inquiry on Burundi, 2017 report, A/HRC/36/54, 11 August 2017, and detailed final report (2017), <https://www.ohchr.org/EN/HRBodies/HRC/CoIBurundi/Pages/CoIBurundiReportHRC36.aspx>, 29 September 2017.

Since the start of the crisis, the government has protected state agents and ruling party officials from prosecution for serious human rights violations. Senior officials in the security forces and intelligence services known to have ordered or committed crimes remain untouched. Some still hold powerful positions, while others have been promoted.

Unknown assailants launched armed attacks in northwest Burundi, near the borders with Rwanda and the Democratic Republic of Congo (DRC), on at least two occasions in late 2019. On 22 October 2019, in the first major incident of its kind for more than a year, an incursion by an armed group was reported in Musigati *commune*,⁶ in Bubanza province, near the DRC border. Burundian police, military, and *Imbonerakure* clashed with the armed group, exchanging gunfire. The deputy spokesperson of the police, Moïse Nkurunziza, announced that 14 members of the armed group had died; he denied there were any casualties among the security forces.⁷ Independent sources have been unable to verify the details and circumstances surrounding the attack.

The armed opposition group RED-Tabara claimed responsibility for the Musigati attack on Twitter, announcing that it was launching a movement of resistance for the rule of law and that Burundi was not as stable as the government claimed; it also stated that its combatants had “had contact with” the Burundian army.⁸

Then on the night of 16 to 17 November 2019, a Burundian military position came under attack in the Kibira forest, in Mabayi *commune*, Cibitoke province, and many soldiers were reportedly killed. Reports that emerged in the following days indicated that the majority of the approximately 90 to 100 soldiers who were at the base the night of the attack had not been found. If this initial information is confirmed, this would represent the most significant attack on the Burundian military for several years.

There are conflicting theories about who was responsible for the attack in Mabayi. The Burundian Ministry of Defence initially stated on 18 November that there had been an attack by a group that came from Rwanda, without providing details. An official government statement issued ten days later asserted explicitly that the Rwandan army attacked a Burundian military position on mount Twinyoni, in Mabayi *commune*.⁹ Other sources also believe the attack was carried out by a well-equipped unit of the Rwandan security forces.¹⁰ The Rwandan government has refuted these allegations.¹¹

⁶ Burundi is divided into 18 provinces. Each province is divided into *communes*. Each *commune* is divided into zones, which are further divided into *collines* (hills).

⁷ See Iwacu, “14 hommes armés tués et 11 fusils d’assaut saisis à Musigati,” <https://www.iwacu-burundi.org/14-hommes-armes-tues-et-11-fusils-dassaut-saisis-a-musigati/>, 23 September 2019.

⁸ See https://twitter.com/Red_Tabara/status/1186656830614888448 and https://twitter.com/Red_Tabara/status/1186656837002772482

⁹ Présidence de la République, Secrétariat général du gouvernement, “Communiqué du gouvernement de la République du Burundi suite à l’agression du Rwanda contre le Burundi”, 28 November 2019.

¹⁰ Discussion with Burundian who has sources close to the Rwandan government, 22 November 2019.



A view from a hill in Cibitoke province. On the night of 16 to 17 November 2019, a Burundian military position was attacked in the Kibira forest, in Mabayi *commune*, and many soldiers were reportedly killed. ©2020 Private

“Dead bodies are discovered and nothing is done”

The discovery of dead bodies, many of them unidentified, in various provinces of Burundi continues to be a deeply disturbing phenomenon in early 2020. Some of the bodies have been found with their arms tied, with injuries, mutilations, or other indications that they did not die of natural causes. Gruesome photos circulate on social media, with barely any reaction from government authorities.

For example, between 23 August and 17 October 2019, ten unidentified bodies, two of them decapitated, were found in the Rusizi River in Cibitoke province; another five were reported to have been discovered in the same river during the night of 2 to 3 November and three more were found on 14 December. At least nine bodies have been found in Bujumbura town since 26 August 2019. In Bujumbura province, one body was found washed up on the lake shore in Mutimbuzi in December 2019 and another was discovered in a river in Kanyosha on 1 January 2020. Two men were found dead in Buyengero, in Rumonge province, in December, and the dead body of a soldier was found hanging from a tree in a deserted area in the bush in Gitega province on 29 December 2019. A man was found dead in his home in

¹¹ See Radio France Internationale, “Au moins 8 militaires tués dans l’attaque contre un poste de l’armée burundaise”, <http://www.rfi.fr/afrique/20191119-moins-8-militaires-tues-attaque-contre-poste-armee-burundaise>, 19 November 2019, and KT Press, “Biruta speaks out on Uganda, Burundi”, <https://www.ktpress.rw/2020/01/biruta-speaks-out-on-uganda-burundi/>, 8 January 2020. Two hitherto unknown Burundian armed groups, FRB-Abarundi and the CNR, issued public statements claiming responsibility for the attack. Their statements would seem to lack credibility.

Kibago, in Makamba province on 23 November 2019; he appeared to have been killed by blows from a machete. The body of an unidentified dead man with his throat cut was found in a river in Makamba *commune*, Makamba province in late December 2019.

The Burundian human rights organisation Ligue Iteka reported that between October and December 2019 alone, 48 dead bodies had been found in rivers, in the bush and other locations in 16 provinces, and between July and September, 33 dead bodies had been found in 13 provinces.¹² The Burundi Human Rights Initiative has not independently verified this information.

Local authorities or police ensure the bodies are buried almost as soon as they are found, making investigations impossible – despite token statements by the police promising to open investigations. With a few exceptions, it is therefore extremely difficult to establish the facts surrounding these deaths, the identity of the perpetrators, or whether they were politically motivated. The common thread between these cases is the absence of serious inquiries, even when the victims have been identified. “The State doesn’t exist,” said a former CNDD-FDD official. “Dead bodies are discovered, and nothing is done.”¹³

Impact of the repression in 2020

Burundian society has undergone fundamental changes as a result of the brutal government repression since 2015. One of the lasting impacts of the crisis is the deep fear that now pervades the country.

Despite decades of armed conflict, Burundi used to be a relatively open country where people would willingly talk and debate, even on politically sensitive subjects. All that has changed. Within less than five years, people have become resigned, subdued, fearful. Complaining about the government, even in innocuous terms, or denouncing an injustice can cost someone their life or their liberty. People are no longer willing to take those risks. A source in Bujumbura said: “Even people who used to talk don’t talk anymore. It’s too dangerous for anyone to show they’re frustrated. They’re play-acting... They don’t even talk to their friends anymore (about politically sensitive issues).”¹⁴

If Burundians stay silent, don’t draw attention to themselves, steer clear of politics, they hope they won’t be targeted. Husbands and wives whisper about the dead bodies that are

¹² Ligue Iteka, “Rapport trimestriel de la Ligue Burundaise des Droits de l’Homme « ITEKA »”, <https://ligue-iteka.bi/wp-content/uploads/2019/10/RAPPORT-TRIMESTRIEL-ITEKA-IJAMBO-JUILLET-SEPTEMBRE-2019.pdf>, July to September 2019, and “Rapport trimestriel de la Ligue Burundaise des Droits de l’Homme « ITEKA »”, <https://ligue-iteka.bi/wp-content/uploads/2020/01/RAPPORT-TRIMESTRIEL-ITEKA-IJAMBO-OCTOBRE-DECEMBRE-2019.pdf>, October to December 2019.

¹³ Interview with former CNDD-FDD official, 9 July 2019.

¹⁴ Interview with source in Bujumbura, 4 September 2019.

once again turning up in Bujumbura, reminiscent of the start of the crisis. They dare not be heard talking about the policeman found dead in Kamenge in early September 2019 or the senior civil servant, Jean Marie Vianney Rugerinyange, who worked for the Ministry of Youth, Sports and Culture, who was found dead and buried in his garden on 4 October 2019. Rugerinyange had been missing since 30 September 2019.

A Burundian summed up what has become the default position: “Look and keep quiet. Even if someone is raped, even if your brother is killed, don’t say anything.”¹⁵

This fear and breakdown of trust, combined with the trauma that many Burundians still experience – whether as victims of torture, witnesses of killings, or relatives of the disappeared – has had a cumulative effect. Burundi is now deeply divided along political lines. Social relationships have fragmented, and with the acute economic crisis – a direct result of the political and human rights crisis – corruption is eating away at the fabric of society.

The destruction of independent media



Four journalists from Iwacu newspaper, detained in Bubanza prison, accused of complicity in endangering internal state security. From left to right: Christine Kamikazi, Agnès Ndirubusa, TERENCE Mpozenzi and Egide Harerimana. ©2020 Private

The government onslaught on the country’s once-vibrant independent media and civil society in 2015 and the absence of international reporters in the country have transformed Burundi’s media landscape and deprived Burundians of independent information about events in their country.

¹⁵ Interview with Burundian in exile, 16 August 2019.

In addition to an existing restrictive press law,¹⁶ the national body regulating the media, the National Communication Council (*Conseil national de la communication*, CNC), has imposed increasingly stringent rules on journalists. On 16 October 2019, the CNC presented media representatives with a code of conduct for the 2020 electoral period, without prior consultation, and asked them to sign it on the spot; Radio Isanganiro and the newspaper Iwacu refused to do so. Among other things, the code of conduct prohibits Burundian and foreign journalists from publishing or broadcasting provisional or definitive election results other than those officially announced by the National Independent Electoral Commission.¹⁷

In early 2020, most media outlets no longer dare counter the government's propaganda or tackle sensitive issues, leaving the ruling party's version of events almost unchallenged. For example, Radio Isanganiro, once a vocal, independent station that the government closed in 2015, has been allowed to resume broadcasts and occasionally reports on alleged human rights violations, but exercises caution.

One notable exception is the newspaper Iwacu, which has managed to keep publishing throughout the crisis, even after one of its journalists, Jean Bigirimana, was forcibly disappeared in July 2016 and other staff were repeatedly threatened. Iwacu is now the only independent media inside the country to investigate and report in detail on politically sensitive issues, including human rights violations.

As the repression has intensified, Iwacu has found itself walking a tightrope. On 22 October 2019, three of its journalists, Christine Kamikazi, Agnès Ndirubusa and Egide Harerimana, their photographer Tércence Mpozenzi, and their driver Adolphe Masabarakiza were arrested in Musigati *commune*, in the western province of Bubanza, where they had gone to cover a reported attack by an armed group. They had not even reached the scene of these events when the police officer in charge of operations in Bubanza intercepted them. On 25 October the prosecutor of Bubanza charged with them with complicity in endangering internal state security. At their trial on 30 December, he requested that they be sentenced to 15 years' imprisonment and that their vehicle, phones and other equipment be seized. At the time of writing, the three journalists and photographer are locked up in Bubanza Prison, awaiting the judgment. Their driver was released on 22 November.

2. THE CNL IN THE CROSSHAIRS

The CNL, formerly known as the *Forces nationales de libération* (FNL, see "Context", page 89), was formally registered as a political party in February 2019. But what may initially have seemed like a step towards opening political space turned out to be exactly the

¹⁶ Loi no.1/19 du 14 septembre 2018 portant modification de la loi no.1/15 du 9 mai 2015 régissant la presse au Burundi.

¹⁷ Conseil national de la communication (CNC), "Code de conduite des médias et des journalistes en période électorale 2020", October 2019.

opposite. Scores of CNL members have been ill-treated, and many more arbitrarily arrested and detained since the government registered the party. Arrests have taken place across the country, even in provinces that, until recently, had remained relatively calm, such as Rutana. At least nine CNL members were killed in Bujumbura, Muyinga, Kirundo, Ngozi, Muramvya and Karusi provinces between mid-August and December 2019; the total number is likely to be higher. The circumstances around some of these deaths remain unclear, but the victims' political affiliation and disputes with ruling party members are likely to have been factors in many of these cases. Other people have been targeted because they left the ruling party to join the CNL.

There have also been violent clashes between CNL members and *Imbonerakure*, with injuries on both sides.



Agathon Rwasa, president of the CNL and first deputy speaker of the National Assembly, gives a speech in Cibitoke province on 6 May 2018. ©2020 Private

Attacks on CNL party offices and members appear to be part of a national strategy by some ruling party officials to obstruct the CNL, to intimidate and discourage its members and to stop the party from extending its support. Agathon Rwasa, the president of the CNL (who is also First Vice President of the National Assembly), is the only opposition candidate who travels frequently to rallies across the country, drawing large crowds. The CNL's grassroots popularity has presented the ruling party with a near-term and existential challenge: how can it retain disgruntled members who have turned away from the party as extortion, human rights abuses, and violence by *Imbonerakure* increase?

Many Burundians believe the ruling party's tactics for winning back members and attracting new ones is simple: fear.

In Cankuzo province, on 30 September 2019, a local government official in Cendajuru *commune* said during a security meeting with local officials and political party members that those who don't follow the ruling party's initiatives will be killed: "Any member of any political party who campaigns here and doesn't talk about our government's programme – for example if they don't talk about free education from primary school to university – his mouth will be cut off, followed by his head."¹⁹

While some of the alleged perpetrators have been brought to justice, many have been quickly released or never even arrested. Police and justice officials' lack of response to many serious abuses against CNL members shows a blatant disregard for the rule of law.

The first major attack occurred on 15 June 2019, when unknown individuals set fire to the CNL party office in Nyabiraba *commune* in Bujumbura province. Shortly before the office was burned, at about 9:30 p.m., an altercation took place between CNL members and four unknown individuals who entered a house next to the party office. The local police commissioner arrived with 10 police and arrested 15 CNL members. After the CNL members had been taken into custody, a fire broke out at the office. In a newspaper article, the communal administrator (the most senior government official in the *commune*) claimed an explosion occurred after the CNL members left the office, which set the building on fire.²⁰ Nine CNL members were charged with complicity in arson and sentenced to two years in prison on 19 June 2019.

²⁰ Iwacu, “Nyabiraba : Le CNL indésirable?”, <https://www.iwacu-burundi.org/nyabiraba-le-cnl-indesirable/>, 21 June 2019.



Unknown persons set fire to and destroyed the CNL party office in Nyabiraba *commune*, Bujumbura province on 15 June 2019. ©2020 Private



Unknown persons destroyed a house rented by the CNL for its party office in Nyabiraba *commune*, Bujumbura province, on the night of 4 to 5 October 2019. ©2020 Private



Unidentified persons destroyed the CNL office in Minago zone in Rumonge province on 27 July 2019.

©2020 Private



Unknown persons destroyed the CNL office in Rugari *commune*, Muyinga province on 5 November 2019.

©2020 Private

On August 30, in Gihanga *commune*, Bubanza province, dozens of *Imbonerakure* carrying clubs attacked CNL members as they were about to inaugurate a new party office. A witness said:

“I saw a group of *Imbonerakure* armed with clubs chasing our members to our party office. And then, that’s where the clashes started. The *chef de colline* (local leader) was there. The clashes continued in his presence, and he didn’t react. They (the *Imbonerakure*) started beating our members; two of them were injured. The police intervened late. We tried to call the communal administrator, but he didn’t come to the scene. The communal police commissioner of Gihanga came, but he came late. Before he arrived, the soldiers who were on the road leading from Bujumbura to Cibitoke intervened.”²¹

Attacks on CNL offices continued to the end of the year. On 15 October 2019, a ruling party official in Murwi *commune*, in Cibitoke province, witnessed the vandalism of the CNL office and openly threatened its members. “What happened with this building is a simple matter,” he said. “Wait, we are going to come and break their heads.”²²

Even when opposition party offices weren’t vandalised, CNL members participating in inaugurations have been threatened and harassed by ruling party members. On 14 September 2019, CNL members and *Imbonerakure* clashed in Giharo *commune* in Rutana province. Both sides used violent and threatening language against their opponents. Before the inauguration of the CNL office, *Imbonerakure* chanted: “These traitors, these dogs who are always running after Rwasia, we are seriously watching them. We are going to castrate them.”²³

CNL members chanted back at them: “Only the antelope can die after having been warned. Ask those who know us. Dig your own grave that fits your size.”²⁴

The crackdown against the CNL extends to people who were hired on a commercial or professional basis to build or paint offices, sew uniforms, or perform at inaugurations. For example, in September 2019, *Imbonerakure* and a local official in Gasorwe *commune* in Muyinga province ordered a seamstress in the market to close her stall and seized shirts that she was making for the CNL. They told her she wasn’t allowed to sew the clothes in the market because it wasn’t a CNL office, and that only CNDD-FDD clothes should be sewn there because the president (Nkurunziza) had built the market. The seamstress reported the incident to the police and her merchandise was returned to her.²⁵

²¹ Interview with CNL member, 30 August 2019.

²² Speech by CNDD-FDD official in Murwi *commune* in front of vandalised CNL office, 15 October 2019.

²³ Chants by *Imbonerakure* in Giharo *commune*, Rutana province, 14 September 2019.

²⁴ Chants by CNL members in Giharo *commune*, Rutana province, 14 September 2019.

²⁵ Interviews with residents of Muyinga, 28 November and 3 December 2019.

A member of a traditional dance troupe was arrested on 16 October 2019 in Makamba *commune*, in Makamba province, by two *Imbonerakure* and a local government official after his brother, a member of the ruling party, revealed he had performed at the inauguration of a CNL party office on 6 October 2019 in Kayogoro. Several days later, the governor of Makamba province, Gad Niyukuri, issued repeated summonses for eight other members of the troupe who had performed at the inauguration, accusing them of defaming President Nkurunziza. The troupe, which is based in Makamba *commune*, had previously performed at various other events, including ruling party functions. At the time of writing, the eight members of the troupe have not responded to the summonses.²⁶

Property owners who rented buildings to the CNL for their party offices have also come under attack. A property owner said that in June 2019, the head of the *Imbonerakure* and the ruling party leader in his province threatened to burn his building to the ground if he rented it to the CNL. “I had to reject the CNL’s offer (to rent my building) that was three times higher than what I usually receive,” he said.²⁷ An *Imbonerakure* said that the head of the *Imbonerakure* in his province ordered him to watch over any property owner who rented buildings to the CNL for its party offices: “His house will be destroyed and he risks being killed,” the *Imbonerakure* said.²⁸

CNL member from Muyinga

A CNL member was walking down the road in Muyinga province on 18 September 2019 when he was stopped by an *Imbonerakure* who told him to go home. He became nervous when another *Imbonerakure* arrived and accused him of promoting CNL ideology. The CNL member shot back: “Come and take down my statement if you think I hold (CNL) meetings.” “Go home, then!” the *Imbonerakure* said.²⁹

As the man was making his way home, two more *Imbonerakure* showed up and said: “You, you stay here... We need you.” They told him they would take him to the *commune*. The man accepted. Before they arrived at the *commune*, they told him they had just received an order to take him home. When they passed the road leading to his house, the man jumped off the motorcycle, suspecting they were going to harm him. The *Imbonerakure* grabbed him and kicked him. “You don’t give us orders,” they said.³⁰

They took him to Nyarubuye, an area known for its artisanal gold mining. Four *Imbonerakure* beat him with sticks on his back, rear end, and shoulders, and stole his phone

²⁶ Interview with person with first-hand knowledge of these events, 19 November 2019; copy of a summons issued by the governor.

²⁷ Conversation with property owner, July 2019.

²⁸ Interview with *Imbonerakure*, 1 December 2019.

²⁹ Interview with resident of Muyinga province, 18 September 2019.

³⁰ Ibid.

and money. The beatings left him with a fracture and bad bruising. The *Imbonerakure* told him: “We’re going to give you the same punishment that we gave (name withheld, another CNL member). But we let him go, and he went home. You, you’re not going home. And another thing: we’re going to cut your head off.” They then threatened to throw him into a mining pit.³¹

A group of miners suddenly appeared and the *Imbonerakure* fled. The miners took the man to a local police station where he explained the attack to a police officer. He then went to a hospital where another policeman took pictures of his injuries. No arrests were made.

Jérémie Ntaconimariye

On 23 September 2019 Jérémie Ntaconimariye, a farmer in his late 50s in Karusi province, was asleep in his house when three *Imbonerakure* showed up uninvited, marched him to a small village centre about 3 kilometres away, then beat him to death.

The next morning, when villagers found him, he was bloody, but still alive. Dozens of residents heard the news and came to see what happened. The assailants, who fled when a policeman arrived, had beaten Ntaconimariye on his face, back, and shoulders. He died a short while later. A witness said his body was swollen. “When I touched him, it was like there were blood clots inside his body.”³²

The motive behind the attack is unclear. The previous day Ntaconimariye had had a dispute with a neighbour who accused him of witchcraft. Other sources claim that he was beaten because he was a member of the CNL.

Members of his family filed a complaint with the police in Gihogazi *commune*. A local resident said the police couldn't afford to conduct a proper investigation, but with the help of the family, they came to the *colline* and unsuccessfully attempted to locate one of the alleged perpetrators. A person who followed the events closely cited a Burundian proverb that goes to the heart of how people feel about filing a complaint with those they believe are linked to the crime: *Ntawuribwa n'inzoka ngo yitware kw'isato* (When you are bitten by a snake, you can't complain to the python).³³

Imbonerakure have since threatened relatives and friends of Ntaconimariye, accusing them of informing people outside the country about the attack. One person expressed concern that if nothing is done to stop the harassment, “there will be another death like Jérémie’s.”³⁴

³¹ Ibid.

³² Interview with witness in Karusi, 27 September 2019.

³³ Interview with person with knowledge of the case, 27 September 2019.

³⁴ Interview with resident of Karusi, 17 October 2019.

Révérien Kamarampaka



A view of Ntega *commune* in Kirundo province. Révérien Kamarampaka, a local CNL member, was killed in Ntega on 18 August 2019. ©2020 Private

Révérien Kamarampaka, a CNL member in Ntega *commune* in Kirundo province, was killed on the night of 18 August 2019. It's unclear who killed him, but he'd had run-ins with ruling party members prior to his death.

A fellow CNL party member said that Kamarampaka had been threatened in 2018 by a local ruling party official, so he fled to Uganda.³⁵ However, another person close to him said he had gone to Uganda to look for work.³⁶ When he returned in early 2019, Emmanuel Rwas, the *chef de zone* of Rushubije, and some *Imbonerakure* threatened to throw him in a river if he didn't join the CNDD-FDD. On other occasions, *Imbonerakure* threatened to beat him and his family, saying that his large family could mean several potential votes for the ruling party. His six children are all of voting age.

Ruling party members, including Emmanuel Rwas, threatened Kamarampaka again after he participated in the inauguration of a CNL office in Kirundo in late June 2019. *Imbonerakure* allegedly told him: "Those who participated in the meeting in Kirundo will be thrown in the river."³⁷ Local residents said that Rwas has been involved in other recent human rights violations in the area. In October 2019, he reportedly ordered *Imbonerakure* to

³⁵ Interview with CNL member, 12 September 2019.

³⁶ Interview with a person close to Kamarampaka, 20 October 2019.

³⁷ Interview with a person close to Kamarampaka, 17 September 2019.

beat a man for staying out late in a bar and was present when they beat him. Rwsa also extorted money from detainees to secure their release.³⁸

On the night of 18 August 2019, Kamarampaka was at a local bar with a friend. A witness in the bar said a man known to be affiliated with the *Imbonerakure* had purchased a drink for Kamarampaka. A ruling party member later entered the bar and told Kamarampaka the *chef de zone* wanted to see him. Kamarampaka was found dead the next morning in a nearby river.

There are conflicting accounts of the wounds inflicted on Kamarampaka. Two people who claimed they saw Kamarampaka's body after it was removed from the river said they saw no visible signs of violence to his body. Two others said they saw signs of violence. One person said he saw a wound and another man said he saw marks on his neck.³⁹

One witness said:

“The *chef de zone* ordered that he be buried immediately. No authority, no judicial police officer, no commander or administrator came to observe what happened. Nobody came to look into the case. That saddened me. (Two people) were in charge of putting the body in the coffin. They didn't want to take him out of the water. They put him in the coffin while the body was still in the water. The *chef de zone* supervised the operations... (One person) did everything he could to cover the body, especially his head and chest. He was in such a hurry that finally (the other person) got cross and reminded him that it wasn't a dog they were burying.”⁴⁰

The *chef de zone* of Rushubije claimed in a media article that Kamarampaka had committed suicide.⁴¹ Some *Imbonerakure* later repeated that version of events.⁴²

Kamarampaka's death was reported in the media and by civil society organisations. Yet senior government officials chose to ignore it and insisted that the country was calm.

On 23 August 2019 – five days after Kamarampaka's death – Pascal Barandagiye, Burundi's Interior Minister, arrived in Nduta, a camp for Burundian refugees in Tanzania. Along with the Tanzanian foreign minister, Barandagiye was there to persuade Burundians to return

³⁸ Interview with residents of Kirundo, 21 October 2019 and 31 October 2019.

³⁹ Interview with resident of Kirundo, 5 December 2019.

⁴⁰ Interview with resident of Kirundo, 17 September 2019.

⁴¹ SOS Médias, “Kirundo : Une veuve d'un membre du CNL exige la vérité sur la mort de son mari”, <https://www.sosmediasburundi.org/2019/09/08/kirundo-une-veuve-dun-membre-du-cnl-exige-la-verite-sur-la-mort-de-son-mari/>, 8 September 2019.

⁴² Interview with resident of Kirundo, 5 December 2019.

home. “Peace and security reigns in Burundi. Go back home. You will be welcomed with open arms, and you will be protected,” he said.⁴³

The crowd booed him. They questioned him about attacks against CNL members, enforced disappearances, torture and arbitrary arrests. When Barandagiye attempted to answer, boos rained down again. The minister cut his speech short and left the camp, not used to being openly challenged and chastised.⁴⁴

Ambush in Muyinga

A large-scale, carefully planned attack against CNL members took place on 18 August 2019 in Muyinga province. *Imbonerakure* attacked CNL members in Rugari, a village about 16 kilometres from Muyinga town, where the inauguration of the CNL provincial headquarters took place.

Members of the ruling party with knowledge of how the ambush was planned confirmed that Shabani Nimubona, the provincial head of the *Imbonerakure* in Muyinga, planned the attack. Shabani Nimubona is also *chef de zone* of Cumba, his home area on the outskirts of Muyinga town. Known as “the boss” or simply Shabani, he is one of the most influential men in the province, with close ties to senior members of the ruling party and the intelligence services. In years past, he held various local government positions such as *chef de colline* in Cumba.

Ruling party members said Shabani organised planning meetings to instruct *Imbonerakure* from across Muyinga on how to prepare for the CNL office inauguration. These meetings took place at the ruling party office in Muyinga, in Shabani’s own compound, as well as in the compound of a local businessman. Shabani called other *Imbonerakure* leaders on the phone and gave them orders. He told *Imbonerakure* to prepare lists of CNL members who planned to attend the ceremony. The *Imbonerakure* should also attend the inauguration and cross check these lists with the CNL members in attendance. An *Imbonerakure* said that the

⁴³ SOS Médias, “Nduta-Mtendeli (Tanzanie): Le ministre de l’intérieur burundais en visite dans les camps de réfugiés pour appeler au retour massif des réfugiés”, <https://www.sosmediasburundi.org/2019/08/23/nduta-mtendeli-tanzanie-le-ministre-de-linterieur-burundais-en-visite-dans-les-camps-de-refugies-pour-appeler-au-retour-massif-des-refugies/>, 23 August 2019; Deutsche Welle, “Le calvaire des réfugiés burundais en Tanzanie”, <https://www.dw.com/fr/le-calvaire-des-r%C3%A9fugi%C3%A9s-burundais-en-tanzanie/a-50654163>, 1 October 2019.

⁴⁴ SOS Médias, “Nduta-Mtendeli (Tanzanie): Le ministre de l’intérieur burundais en visite dans les camps de réfugiés pour appeler au retour massif des réfugiés”, <https://www.sosmediasburundi.org/2019/08/23/nduta-mtendeli-tanzanie-le-ministre-de-linterieur-burundais-en-visite-dans-les-camps-de-refugies-pour-appeler-au-retour-massif-des-refugies/>, 23 August 2019.

provincial police commissioner, Jérôme Ntibibogora, was aware of and agreed to the ambush.⁴⁵

On 18 August, the CNL rented four commercial transport trucks in the nearby province of Ngozi to drive members from Giteranyi *commune* to the inauguration ceremony in Muyinga. Truck owners from Muyinga had refused to rent their vehicles to the CNL because ruling party members had threatened them. A CNL member said: “When (CNL members) were going towards Muyinga, in Mugano zone, they were terrorised by people who shouted bad words at them. There were about 20 *Imbonerakure* (shouting at them). They threw stones at (CNL members in the trucks). They said: ‘When you come back, we’re going to hurt you.’”⁴⁶

After the ceremony, the truck drivers, having heard the threats against the CNL members, refused to drive them back to Giteranyi. A media report quoted a person who identified himself as an *Imbonerakure* who said that fellow *Imbonerakure* told the drivers that they would burn their trucks if they attempted to drive CNL members back to Giteranyi.⁴⁷

Unable to return to Giteranyi by vehicle, CNL leaders decided their estimated 500 members would spend the night in the CNL office in Muyinga town. But after they had entered the building, a policeman told party leaders that everyone had to leave in 30 minutes.

A CNL member present in the party office said the police threatened them. “Our leaders told us that we had 10 minutes to leave the office, otherwise they (the police) would shoot at us. The leaders looked through the window and some policemen had already positioned themselves.”⁴⁸

The police chief was receiving orders on a Walkie-Talkie to remove the crowd. “Get out! Get out!” he yelled at the CNL members, as hundreds of people left the office, unclear where they should go. Police surrounded the group and herded them about 1 kilometre to a school yard where they waited while the provincial representative of the CNL called Muyinga’s provincial police commissioner, Jérôme Ntibibogora, and other local leaders to ask permission to spend the night in the party headquarters.⁴⁹

⁴⁵ Interview with member of ruling party, 9 September 2019; interview with *Imbonerakure*, 5 September 2019; Iwacu, “Muyinga/Rugari: Qui a attaqué les militants du CNL?”, <https://www.iwacu-burundi.org/muyinga-rugari-qui-a-attaque-les-militants-du-cnl/>, 23 August 2019.

⁴⁶ Interview with CNL member, 20 August 2019.

⁴⁷ Iwacu, “Muyinga/Rugari: Qui a attaqué les militants du CNL?”, <https://www.iwacu-burundi.org/muyinga-rugari-qui-a-attaque-les-militants-du-cnl/>, 23 August 2019.

⁴⁸ Interview with CNL member, 10 October 2019.

⁴⁹ Interview with CNL member, 20 August 2019.

The authorities refused. Ntibibogora told him the CNL's meeting time was over, that they should stay with friends or family and those who had money should stay at a hotel. The night, he said, belongs to the police.⁵⁰

CNL leaders went to see Ntibibogora at a bar in Muyinga's Gasenyi neighbourhood to plead their case in person. They even asked to stay in the local detention centre or spend the night outside in front of a government building. Ntibibogora refused.⁵¹

A CNL member who was in a group waiting near the bar said policemen guarded them while the CNL representatives negotiated with Ntibibogora. "(Ntibibogora) ordered policemen to shoot at whoever got close to another person," he said.⁵²

CNL leaders tried to reserve rooms in a local hotel for the night, but the hotel staff claimed there was no vacancy. It was getting late and the CNL members milling around were getting nervous. The CNL leaders decided to return to Giteranyi on foot.

By this point, some CNL members who were afraid left on their own. When the remaining members – estimated to be more than 200 – reached a police checkpoint near the party office, a rumour spread through the crowd: there was trouble ahead, and a trap awaited them. A policeman had whispered this to someone in the crowd. Was this true? They felt they had no choice, so they continued on foot.

Meanwhile, the *Imbonerakure* had heard that some CNL members from Giteranyi were unable to return home. An *Imbonerakure* involved in the attack said: "The police commissioner (Ntibibogora) told us to get in front of them and wait in Rugari to beat them. He told us to bring clubs, machetes, and iron bars."⁵³

As the CNL group began walking, about 2 kilometres from Muyinga a vehicle appeared and Ntibibogora got out. A CNL member remembers Ntibibogora asking, "if we were really going home, and we said that we didn't have any other choice since he refused to let us stay in the detention centre. He told us that we would be responsible for anything that happened to us."⁵⁴

Another CNL member remembered Ntibibogora saying: "Because you decided to return on foot, take my phone number. If you arrive someplace, let me know. I have alerted everyone

⁵⁰ Iwacu, "Muyinga/Rugari : Qui a attaqué les militants du CNL ?", 23 August 2019.

⁵¹ Interview with CNL member, 20 August 2019.

⁵² Interview with CNL member, 10 October 2019.

⁵³ Interview with *Imbonerakure*, 5 October 2019.

⁵⁴ Interview with CNL member, 10 October 2019.

on this road that a group is passing. I will give you the number of another policeman called Nazaire. He will come in a vehicle, and he will follow you.”⁵⁵

Around midnight, as the group approached Rugari, they saw three young men pedal past them on a bicycle. The group continued a short distance, then screams rose up from the rear of the group. Some CNL members had been attacked by people with machetes.

A CNL member called Ntibibogora who said the policeman Nazaire would arrive shortly and accompany them. Ntibibogora told the CNL member: “I have informed the people along the road and the *Imbonerakure* in charge, as well as the local *colline* chiefs. Carry on walking.”⁵⁶

After another 100 meters, at a place called Kwitongo, about 16 kilometres from Muyinga, the ambush started in earnest. A CNL member said: “I heard someone behind me yell: ‘Charge! Charge!’ They had clubs and knives. They hit an old man in the eye with a club and then cut him on the head with a machete. Some of us went to look for sticks to defend ourselves.”⁵⁷ CNL members fashioned clubs out of tree branches and fought back against the attackers.

The elderly man who was attacked, Grégoire Nsavyumwami from Giteranyi *commune*, died from his injuries on the spot. A witness said that a machete and a club were found next to his body. Police took both items away. In total, at least seven people were injured, including a 74-year-old woman, and taken to the hospital in Muyinga.

An *Imbonerakure* involved in the attack said: “When we arrived (at Rugari), we hid, dividing ourselves into three groups. The (CNL) group came to where we were with machetes and clubs. We fought with each other. Some (*Imbonerakure*) were injured and some of (the CNL) were injured. One of (the CNL members) died. But among us nobody died; they were injured.” He said they were afraid to take the injured *Imbonerakure* to health centres for medical treatment, presumably for fear they could be linked to the attack.⁵⁸

A witness said the policeman Nazaire arrived approximately 15 minutes after the attack started and Ntibibogora arrived after him.⁵⁹ The police took Nsavyumwami’s body to Muyinga. They also arrested three men whom CNL members had captured and claimed were involved in the attack. CNL members captured another person the next day. CNL members said all four men were *Imbonerakure*.⁶⁰

⁵⁵ Interview with CNL member, 20 August 2019.

⁵⁶ Interview with CNL member, 20 August 2019.

⁵⁷ Ibid.

⁵⁸ Interview with *Imbonerakure*, 5 October 2019.

⁵⁹ Interview with CNL member, 20 August 2019.

⁶⁰ Interview with CNL member, 10 October 2019.

Ntibibogora said after the attack that an investigation was underway. Shabani Nimubona later denied that *Imbonerakure* were involved in the attack. He told a journalist: “No *Imbonerakure* were involved from near or far in that matter.”⁶¹

On 8 October 2019, in an expedited trial in which the verdict was announced the same day, the *tribunal de grande instance* (high court) of Muyinga sentenced the four alleged *Imbonerakure* who had been arrested to life imprisonment for murdering Grégoire Nsavyumwami and wounding him with intent. Jean Minani nicknamed Gasongo, Fabrice Ndizeye, Innocent Ndikumagenge and Shabani Bivugire, nicknamed Stamini, were also collectively required to pay 4.3 million Burundian francs (approximately US\$2,388) in compensation.⁶² The defendants have appealed the decision.

A promise to fight impunity. Then silence.



Evariste Ndayishimiye, secretary general of the CNDD-FDD, speaking at a rally in Bujumbura on 14 May 2018.
©2020 Private

On 22 August, just days after the attack in Rugari, the secretary general of the ruling party, Evariste Ndayishimiye, called for a one month “ceasefire” during a meeting in Bujumbura with political party representatives and provincial governors. The meeting was organised by

⁶¹ Iwacu, “Muyinga/Rugari : Qui a attaqué les militants du CNL?”, <https://www.iwacu-burundi.org/muyinga-rugari-qui-a-attaque-les-militants-du-cnl/>, 23 August 2019.

⁶² The conversions from Burundian francs to US dollars throughout this report are based on the official rate of exchange in early January 2020. Black market rates can vary considerably.

the first vice president of the country, Gaston Sindimwo, who said the topic of the day – “Political Intolerance: The Situation is Serious” – had been ordered by President Nkurunziza.

Ndayishimiye had noticed that during the election period, local authorities “resign” and assume the role of party activists. “They should keep in mind that they should govern for everyone,” he said. “Otherwise they will be accused of high treason... In one month, let’s come back together here for an evaluation. From now until then, each governor will have met with their administrators who will in turn communicate to the sector chiefs. Those who haven’t fought against impunity in an exemplary fashion will be removed from their jobs.”⁶³

This was a shot across the bow to ruling party officials who had allowed the violence to take place. Their leader’s admonishment must have caused confusion, as violence against opponents had not only been tolerated but sanctioned by the CNDD-FDD since the start of the crisis. Usually senior government or party officials dismissed abuses, blaming the violence on the CNL members or drunk youth, or claiming political parties got along well in their province.⁶⁴ At the time of Ndayishimiye’s announcement, no one was sure if the ruling party would indeed crack down on political intolerance or if his statement was empty rhetoric meant to appease local and international actors.

As it turns out, nothing changed. As the rainy season set in and 2019 drew to an end, attacks on CNL party offices and members continued and even intensified. Local authorities, most of whom are CNDD-FDD members, continued to look the other way, and despite Ndayishimiye’s threat, it appears none were dismissed in relation to these or other similar incidents.

3. THE DARK SIDE OF THE CNDD-FDD

In early June 2019, Burundi’s ruling party held an important meeting at its national headquarters in Bujumbura. The attendees were the Who’s Who of the ruling party in and around Bujumbura: provincial ruling party secretaries, *Imbonerakure* leaders, and communal party leaders. Private invitations were also extended to individuals loyal to the ruling party. It wasn’t clear to some attendees who these men were – and nobody dared ask.⁶⁵

⁶³ Iwacu, “Un cessez-le-feu viable?”, <https://www.iwacu-burundi.org/un-cessez-le-feu-viable/>, 2 September 2019.

⁶⁴ Iwacu, “Nyabiraba: Le CNL indésirable?”, <https://www.iwacu-burundi.org/nyabiraba-le-cnl-indesirable/>, 21 June 2019; “Kirundo: Intolérance politique, l’escalade”, <https://www.iwacu-burundi.org/kirundo-intolerance-politique-escalade/>, 15 June 2019; and “Interview exclusive: ‘Après les élections, la vie continue’”, <https://www.iwacu-burundi.org/interview-exclusive-apres-les-elections-la-vie-continue/>, 25 October 2019.

⁶⁵ Interview with *Imbonerakure*, 17 August 2019.

It was a privilege for *Imbonerakure* leaders from surrounding provinces to travel to Bujumbura. Local officials and important politicians often visited them in their *communes* to pass on the latest orders from the ruling party. It was at private meetings like this where senior party leaders gave *Imbonerakure* their marching orders and threatened them if they disobeyed.

Anticipation built as the crowd gathered. The participants were eager to hear that afternoon's keynote speaker Sylvestre Ndayizeye, the national secretary of the *Imbonerakure* and other CNDD-FDD-affiliated leagues.⁶⁶ Ndayizeye was known as “*Mutama*” to many of the *Imbonerakure*, a wise and respected man. But he was also someone they feared who had direct links to the most senior party members, including President Pierre Nkurunziza.

After the opening remarks, Ndayizeye got right to the point: no more pictures of dead bodies, he admonished the crowd.⁶⁷



Sylvestre Ndayizeye, the national secretary of the *Imbonerakure* and other CNDD-FDD-affiliated leagues, gives a speech in an undated photo. Ndayizeye told a gathering of CNDD-FDD members in Cibitoke province on 29 September 2019: “There shouldn’t be any reports that you have ill-treated CNL members. You are the lions, the courageous ones.” ©2020 Private

The attendees listened intently as Ndayizeye told them it was strictly forbidden to share cell phone images of dead bodies because the photos revealed that killings were still taking place in Burundi. The photos were posted on social media, staining the reputation of the

⁶⁶ Ibid.

⁶⁷ Ibid.

country, which the ruling party was desperately trying to portray as peaceful. Ndayizeye's message was clear: the international community must be led to believe that there are no human rights violations in Burundi.

Ndayizeye warned the crowd that if a photo of a dead body is shared on social media, the person who circulated the photo must be found. He didn't say what would happen to them – he didn't need to. *Imbonerakure* know what happens when they run afoul of the party's leadership. One *Imbonerakure*, who did not attend the meeting, said: "When you are suspected (of collaborating with the opposition), you are brought to the CNDD-FDD main office and you are beaten, ill-treated, and sometimes killed. There is an *Imbonerakure* friend, we don't know where he is. He was suspected of playing for both sides."⁶⁸

Ndayizeye gave other orders, too, using the increasingly popular coded military language favoured by many *Imbonerakure*. Opponents seen as obstacles, he said, would no longer be put in "matchboxes" (prisons), but they must be "dressed in a red beret" (killed) far from where they live.⁶⁹

Coded language is frequently used on *caratuvunye.com*, a WhatsApp group comprising demobilised soldiers, police, members of the intelligence services, *Imbonerakure* and other authorities. In the group, members use military call signs to identify themselves and the areas in which they operate. They share messages about the security environment in their *communes* and provinces around the country. In another WhatsApp group, called "*La patrie ou la mort*" (Homeland or Death), CNDD-FDD members debate issues in the country. A recent topic: the rise in popularity of Agathon Rwasa and the CNL.

The increased popularity of WhatsApp groups has led some ruling party members to worry about private, sensitive messages being leaked. Walkie-Talkies have been distributed to some *Imbonerakure* leaders in certain provinces to allow party officials to communicate directly with those working on their behalf.⁷⁰

The language used also reflects a militarisation of the *Imbonerakure*. Some members behave as if they are private security forces working on behalf or in place of the state security forces, when in fact they are civilians who have no legal authority to arrest or detain people. In practice, the *Imbonerakure* have become a pillar of the parallel security apparatus in the country, upon which the government is increasingly reliant.

Back at the meeting in Bujumbura, the message, drilled into them by a party cadre, was now percolating in the heads of the *Imbonerakure* – no photos of the dead. But that didn't mean

⁶⁸ Interview with *Imbonerakure*, 5 September 2019.

⁶⁹ Interview with *Imbonerakure*, 19 August 2019.

⁷⁰ Discussion with *Imbonerakure*, 28 November 2019; interview with ruling party member, 9 September 2019.

they were going to let up when it came to targeting the opposition. Their main nemesis, the CNL, would be in for months of abuse.

The rise of the ruling party hardliners

The 2015 crisis exposed the underlying hardline tactics of the CNDD-FDD born out of their years of fighting in the bush. Once the moderates and reformists in the party had been sidelined (see “Context”, page 84), senior party officials focused on political survival, which meant eliminating political threats. Unflinching loyalty towards the party and its leaders was the only thing that mattered. The *caratuvunye*, CNDD-FDD members who had fought and suffered for the country during the civil war, which lasted 16 years and was fought along ethnic lines, claimed they were the rightful heirs to power.

In early 2020, former combatants hold most of the powerful positions in the CNDD-FDD, assisted by civilians who either lack power or are little more than puppets. The “*réflexes du maquis*” (bush reflexes), which the CNDD-FDD initially made efforts to mask to gain credibility, have come into the open, as demonstrated by party leaders’ hostility towards anyone who questions their actions. Some observers, including former senior CNDD-FDD officials, believe the party has gone so far in its repression, as well as in accumulation of wealth by some individuals, that it can no longer turn back. Fear of prosecution by the International Criminal Court (ICC) may be an additional factor behind some individuals’ attempts to cling to power at any cost.⁷¹

Although the current crisis in Burundi is driven primarily by political rather than ethnic interests, the CNDD-FDD – dominated by members of the Hutu ethnic group – has increasingly resorted to ethnic propaganda to broaden its appeal among the Hutu population, particularly as its main competitor in the elections, the CNL, is also a majority Hutu party. “The CNL and the CNDD-FDD are both fishing from the same pond – the Hutu vote – so they will always fight and be enemies,” said a source in Bujumbura.⁷²

On the positive side, the bulk of the Burundian population has so far resisted this drift towards ethnic extremism. The ethnic dimension that comes to the fore in the discourse of some CNDD-FDD leaders does not appear to resonate widely among the general population, for whom the memories of the devastating civil war are still fresh and act as a reminder of the dangers of lapsing back into ethnically divisive language and behaviour.

Despite its defiance and relentless propaganda, the CNDD-FDD is not a homogenous party. Dissatisfaction has grown among party members and civil servants, and by early 2020,

⁷¹ Interview with former CNDD-FDD officials, 7 July and 9 July 2019, and opposition official, 7 July 2019. In November 2017, the ICC announced it was opening an investigation into crimes allegedly committed in Burundi between 26 April 2015 and 26 October 2017 (see “Context”, page 86).

⁷² Interview with resident of Bujumbura, 4 September 2019.

many are deeply unhappy about the trajectory of the country. But unlike in 2015, when some senior CNDD-FDD members found ways of voicing their discontent, even if this meant having to leave the country, as the 2020 elections approach, dissenters are keeping quiet. They are trapped in the system, worried about losing their jobs or fearing for their security. A former CNDD-FDD member in exile said: “When I speak to people in Bujumbura, they say: ‘We are in a prison, the prison that is Bujumbura’.”⁷³

There is also disillusion among some *Imbonerakure*, but it is almost impossible for them to voice these feelings publicly. Not only would the CNDD-FDD leadership view them as traitors, but they would fear that disgruntled *Imbonerakure*, many of whom have participated in or been witness to serious crimes, could turn into dangerous whistleblowers. “If an *Imbonerakure* leaves, he risks his life because he could reveal secrets. As a result, some stay because they’re afraid of being killed, not because they agree with what’s being done,” said an opposition politician.⁷⁴

An *Imbonerakure* said: “If we have been given a mission and one of us reveals it or refuses to do it, he will then be hunted down (by members of the ruling party); he is hunted down more than (ruling party) opponents.”⁷⁵



The CNDD-FDD national headquarters in Bujumbura. ©2020 Private

⁷³ Interview with former CNDD-FDD member, 16 October 2019.

⁷⁴ Interview with opposition politician, 7 July 2019.

⁷⁵ Interview with *Imbonerakure*, 13 December 2019.

4. DIVIDE AND RULE: POLITICAL SCHISM IN THE CNDD-FDD

The 2015 crisis exposed deep divisions within the CNDD-FDD. Initially, these crystallised around support for, or opposition to, Nkurunziza's third term in office. In broad terms, those who supported his third term won, and those who had opposed it, known as the *frondeurs*, either changed their minds or fled. Since then, divisions have deepened further. The internal dynamics of the CNDD-FDD may be opaque to outsiders, but one thing is clear: the struggles within the party are not about the development of the country or the well-being of the Burundian population. They are about personal rivalries, greed, and the desire for control.

With the May 2020 presidential elections on the horizon, President Nkurunziza has exploited these divisions. In mid-2019, a former CNDD-FDD official commented that Nkurunziza was “the strongest and the weakest”, accurately capturing the political flux and confusion.⁷⁶ Nkurunziza's announcement that he will not stand for a fourth term has done little to dampen speculation. Although he indicated as recently as December 2019 that this would be his last term in office,⁷⁷ some Burundians believe he may do an about-turn at the last minute and declare he is in the running again. Others believe he will handpick a candidate and ensure that person wins the party nomination. Others fear that the uneasy cohabitation of so many ruthless personalities in the CNDD-FDD inner circle, combined with increasing disaffection with the party's handling of the economic crisis and its relations with international partners, will lead to further internal rifts and violence.

Nkurunziza has proved adept at playing political games with some of the strongmen who were once his closest allies, demoting and marginalising them one by one, bringing them back into favour, then pushing them to one side again. By keeping those around him off-balance and limiting their influence, he has ensured that no one accumulates too much power. In particular, he has used this tactic against some of the powerful generals in his inner circle who have reportedly been agitating for the next presidential candidate to come from the west of the country.⁷⁸ Senior figures such as Godefroid Bizimana, formerly deputy director of the national police force then presidential adviser in charge of missions, and Etienne Ntakarutimana, the former head of the national intelligence service (*Service national de renseignement*, SNR), reportedly demoted to presidential adviser for military affairs in November 2019, appear to have been stripped of much of their power at the present time.

⁷⁶ Interview with former CNDD-FDD official, 7 July 2019.

⁷⁷ For example in an address to members of the security forces in Gitega on 20 December and in a call-in radio show on 26 December.

⁷⁸ Regionalism plays an important part in Burundian politics. Some of the powerful generals in the CNDD-FDD are from the western provinces of Cibitoke, Bujumbura and Bubanza and believe the next leader of the country should come from one of those provinces.

In November 2019, one of the generals involved in some of the worst crimes since the start of the crisis, Gervais Ndirakobuca alias Ndakugarika (“I will kill you” in Kirundi), who had been relegated to a reduced role as presidential adviser for police affairs, was appointed head of the powerful intelligence services.⁷⁹ “Ndakugarika is there to intimidate” in the run-up to the elections, said a former CNDD-FDD official, and added that Ndirakobuca is considered close to Alain Guillaume Bunyoni, the public security minister. The two men are a powerful duo, controlling the SNR and the police.⁸⁰

Nkurunziza’s strategy of promoting and demoting individuals has spread suspicion among high-ranking individuals who used to collaborate closely to fight common enemies. They may now be facing an increasing number of disgruntled members within their own ranks. “The CNDD-FDD live in terrible fear. They don’t know who is who, and they spy on each other... It’s very tense in the party,” said one observer.⁸¹



President Pierre Nkurunziza and First Lady Denise Bucumi Nkurunziza attend a commemoration ceremony for former President Cyprien Ntaryamira in Bujumbura on 6 April 2017. ©2020 Private

⁷⁹ Gervais Ndirakobuca is one of several senior Burundian officials against whom the European Union and the US imposed targeted sanctions in 2015, including travel restrictions and a freeze on financial assets. See Council Regulation (EU) 2015/1755 of 1 October 2015 concerning restrictive measures in view of the situation in Burundi, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R1755>, 2 October 2019, and US Treasury Department, “Treasury sanctions four Burundian individuals: action targets individuals fueling the recent violence in Burundi,” <https://www.treasury.gov/press-center/press-releases/Pages/jl0310.aspx>, 18 December 2015.

⁸⁰ Interview with former CNDD-FDD official, 23 November 2019.

⁸¹ Interview with source in Bujumbura, 4 September 2019.

Nkurunziza, whom CNDD-FDD leaders named the “Eternal, Supreme Guide” in March 2018, often gives lectures on morals to hand-picked audiences. Telephones and notebooks are collected from spectators before the lectures start to prevent recording or note taking. Nkurunziza extols the benefits of traditional Burundian culture and warns against information on social media. He has reprimanded the population for past transgressions, denigrated colonial rulers for their role in the country’s history or threatened those he views as disloyal.⁸²

In a speech in Bujumbura province in November 2019, President Nkurunziza threatened those who dared go against the party:

“Starting in 2015, and going back to when the movement (the CNDD-FDD) was created in 1994, all those who were traitors, none of them were at peace... To have a good life in the CNDD-FDD, avoid being a traitor. And if you become a traitor, you’ll have problems... Even now, those who want to betray (us) exist. Yes, maybe there are even some among you... But I would like to tell you, whether you betray us or not, you will be cursed... no one who betrayed the CNDD-FDD had any luck. This is the advice I’m giving you.”⁸³

With so much uncertainty about the dynamics in Nkurunziza’s inner circle, it is not always clear who wields the most influence at any one time. Some former CNDD-FDD members believe some senior figures in the party may be waiting for divisions to come to a head before siding with or coming out against Nkurunziza – depending on what they see as their likely political future. Others may hold out until after the elections. Power struggles have become very personal. “The generals with blood on their suits want Nkurunziza to leave, but they want the system to continue and they want to replace him,” explained a former government official.⁸⁴

5. THE RULING PARTY’S TOUGH TALK

Public relations, empty promises

In late 2019, several senior government and party officials publicly preached political tolerance and called on their supporters to refrain from attacking their opponents. These

⁸² Agence Burundaise de Presse, “President Nkurunziza held a moralization session in Mukaza commune”, <http://abpinfos.com/president-nkurunziza-held-a-moralization-session-in-mukaza-commune>, 22 March 2018, and Radio France Internationale, “Burundi : Nkurunziza élevé au rang de ‘guide suprême éternel’ du parti au pouvoir”, <http://www.rfi.fr/afrique/20180311-burundi-nkurunziza-guide-supreme-eternel-parti-pouvoir-eleve-rang>, 11 March 2018.

⁸³ Speech by President Pierre Nkurunziza, Mubimbi *commune*, Bujumbura province, 16 November 2019 (translation from Kirundi).

⁸⁴ Interview with former government official, 10 July 2019.

speeches marked a welcome departure from the more aggressive discourse of the recent past. Their impact, however, has been limited, in part because these officials have been giving mixed messages and in part because they have been contradicted or undermined by other senior officials, some of whose hostile rhetoric borders on hate speech or incitement to violence.

For example, in a public speech on 29 September 2019, in Cibitoke province, Sylvestre Ndayizeye, the national secretary of the *Imbonerakure* and other CNDD-FDD-affiliated leagues, told ruling party members to stop attacking the CNL:

“You, the youth, behave yourselves. There shouldn’t be any reports that you have ill-treated CNL members. You are the masters of this forest. You are the lions, the courageous ones. Know that a lion doesn’t eat a cat, a rat. A lion isn’t a scavenger. You must ensure their security so they can live. Because if you don’t do that, it will be difficult to convince them to join our party.”⁸⁵

Ndayizeye’s language wavered between flattering encouragement and cryptic warning. It was a signal to the *Imbonerakure* that while they should think twice about attacking CNL members, there are times when they shouldn’t hesitate. “But always be ready to intervene because you must struggle for the country. You can’t let them walk all over you. You have to be ready for everything, show your claws when needed, and roar like a lion and scare them.”⁸⁶

And he made sure to sweeten the deal by alluding to a promise of compensating members for a job well done: “If you want lots of sparkly V8 Jeeps in your province of Cibitoke, you must have 100 percent of the votes in the elections. That’s a directive to the CNDD-FDD. Make a clean sweep of 100 percent and may Cibitoke be the leader.”⁸⁷

Ndayizeye’s speech coincided with outreach to grassroots leaders. On September 3, Emmanuel Nkeshimana, the head of the ruling party in Bujumbura province, held a meeting in Kajaga neighbourhood in which he warned *colline*-level authorities not to target CNL members or they would be punished. Despite the order, CNL arrests continued in Bujumbura. On 9 November 2019, in Mutimbuzi *commune*, Joe Dassin Nkezabahizi (head of the SNR in Mutimbuzi), policemen and *Imbonerakure* arrested three people in an operation targeting CNL members. They were unable to locate two of their intended targets, so they arrested the wife of one of the men.⁸⁸

⁸⁵ Video recording of Ndayizeye’s speech, September 29, 2019 (translation from Kirundi). See also Iwacu, “Laissez ces opposants, les lions ne mangent pas les rats”, <https://www.iwacu-burundi.org/laissez-ces-opposants-les-lions-ne-mangent-pas-les-rats/>, 30 September 2019.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Discussion with ruling party member, 11 November 2019.

In December 2019, in a further move to advertise the government's commitment to democratic principles, a code of conduct for the 2020 elections was signed by 28 political parties and the Ministry of Interior.⁸⁹ The code explicitly lays out the principles of equality, respect for law and order, political tolerance, and other peaceful and democratic values. It prohibits violence, intimidation, hate speech and disruptive and threatening actions against political opponents – many of which became almost routine in 2019 – and tasks the administration with ensuring that the signatories respect the code.

Teaching toxic chants to children



Children dressed in CNDD-FDD clothing dance at a ruling party rally. ©2020 Private

The indoctrination of ruling party members starts young. In August 2019, the CNDD-FDD organised a week of activities for children and youth, who are known as eagle chicks (*ibiswi vy'inkona* in Kirundi), a name linked to the party's mascot, the eagle. Children between the ages of 5 and 16 were invited to participate.

Ruling party officials cloaked the indoctrination in a veneer of respectability. A ruling party member wrote in a tweet that the week's activities had the “goal of promoting patriotism to the youth and thus constructing the future of Burundi.”⁹⁰

What he didn't say was that ruling party members taught children threatening chants during the week-long event.

⁸⁹ “Code de conduite des partis politiques, des coalitions des partis politiques, des candidats indépendants et de l'administration territoriale aux élections générales de 2020”, December 2019.

⁹⁰ Tweet by Intumwa Burundi, <https://twitter.com/IntumwaNews/status/1157318332384718848>, 2 August 2019.

In another video, the date of which is unclear, the youth chant: “There are little men who are opponents. We warned them, but they refused. One day, we are going to wipe them out. Don’t worry. All the *Imbonerakure*, don’t worry.”

Some chants included the Kirundi term *kumesa* (literally to wash them), which is understood by Burundians to mean beat them, kill them, or wipe them out. These are phrases used by adult ruling party members to insult and intimidate opponents. Hateful rhetoric taught to children as young as 5 years old who don't understand the significance of the words could have a lasting impact on the children and on their future behaviour. Videos of children reciting hateful speech have been widely circulated on social media.



A CNDD-FDD advertisement for ideological training for children of ruling party members. The theme of the training: “The eagle chicks, the future of the party.”

Indoctrination, propaganda and hate speech

Burundians have become accustomed to ruling party members verbally attacking foreign countries or insulting opponents. But a speech by Senate President Révérien Ndikuriyo sent

⁹¹ *Injaviyi* is a term used to designate opponents of the ruling party. The literal meaning is one who dirties something.

chills down the spine of many in September 2019 in Marangara *commune* in Ngozi province. Ndikuriyo recounted an incident in Matana *commune* in Bururi province where he offered 5 million Burundian francs (approximately US\$2,780) for a man to be brought to him “alive or dead” whom he accused of providing military training to opponents. “A single person can’t (be allowed to) disturb the security of the population. He must be eliminated. The only thing left to do is ask God if it’s a sin when He protects his lambs... (Ask) God since these people were in a bad situation, an entire *commune* of (people), if I remove the one threatening them, is that a fault? For the security of the country, you have to do some crazy things.”⁹²

A senior official openly calling for someone to be killed shows how easily some officials resort to violence and feel safe doing so, knowing they will not be held to account.



Senate President Révérien Ndikuriyo (left) and CNDD-FDD secretary general Evariste Ndayishimiye attend the funeral for victims of the Ruhagarika attack that killed at least 24 people in Cibitoke province on 11 May 2018.
©2020 Private

⁹² Unofficial audio recording of Révérien Ndikuriyo, 11 September 2019, translation from Kirundi. The last sentence in Kirundi, *Ku mutekano w’igihugu ni ukwambara urwaga*, refers to people wearing nettles, a reference to mental problems; the translation used is not a literal translation.

Burundians listen to WhatsApp audio messages like Ndikuriyo's bragging about killing, then quickly erase them from their phones for fear of being caught with a controversial recording that casts a senior ruling party member in a bad light. This could get them branded as *ibipinga* (a recalcitrant, someone who doesn't believe in what people say), *intumva* (a stubborn person), *inzoka* (a snake), *abavyonzi* (a disruptive person), *mujeri* (a stray dog) or *ibishitsi* (tree trunk, or someone stubborn) – all terms used to insult CNDD-FDD opponents or critics.

Public insults extend to foreign critics. Officials increasingly use the pejorative term *abakoloni* (colonisers) to refer to Belgium (the former colonial power) and by extension the European Union and other Western countries with whom Burundi has had a tense diplomatic relationship. Officials have publicly blamed the “colonisers” for current problems in the country, while at the same time calling for the resumption of aid and the normalisation of diplomatic relations.

The frequency of statements and public demonstrations against Belgium, in particular, appears to have decreased since 2018, perhaps because of a desire by the government to improve diplomatic relations before the 2020 elections. However, some senior officials continued to pepper their speeches with references to the “colonisers” in 2019.

On 30 September 2019, Ndikuriyo told local leaders in Gashoho *commune* in Muyinga province that all the *communes* in the country were calm and the government had taken advantage of the peace and had improved diplomatic relations with other countries. He said Burundi had made the international community understand the politics of the country.⁹³

Despite Ndikuriyo's claims, the ruling party issued a press release on 13 October 2019, excoriating Belgium and accusing it of involvement in the death of Burundian leader Prince Louis Rwagasore in 1961: “The legacy of Belgium has been only division and discrimination, inciting ethnic hatred and violence. It is an anti-model that only sustains under-development and blocks the well-being of citizens.” The statement goes on to accuse Belgium of trying to stifle the independence movement and assassinating leading independence figures.⁹⁴

Local ruling party officials have threatened their political opponents with violence during public events. For example, a CNDD-FDD official in Muyinga province said at a demonstration during the Week of the Combatant on 14 November 2019: “According to a

⁹³ Radio télévision nationale du Burundi (RTNB), 12:30 p.m. edition, 30 September 2019.

⁹⁴ “Communiqué de presse du parti CNDD-FDD à l'occasion de la commémoration du 58ème anniversaire de l'assassinat du Prince héros de l'indépendance”, <http://cndd-fdd.org/2019/10/13/communiqué-de-presse-du-parti-cndd-fdd-a-loccasion-de-la-commemoration-du-58eme-anniversaire-de-l-assassinat-du-prince-heros-de-lindependance/>, 13 October 2019.

Burundian proverb, he who wants to die embraces a leopard, and we say that he who wants to die opposes the directives of the CNDD-FDD in Muyinga province.”⁹⁵

Government officials, many of whom are Hutu, have used ethnic slurs and insults to denigrate members of the Tutsi ethnic group. After Jean Prosper Hitimana, a CNL member, was found dead in Ntega *commune* in Kirundo province on 18 August 2019, a local government official mocked his death: “You must not say that this is a member of the CNL. This was a Tutsi.”⁹⁶

Ethnically divisive language such as this scares many Burundians, reminding them of the waves of ethnic killings over past decades. Similar language is often used when groups of *Imbonerakure* gather. During an exercise session for *Imbonerakure* in October 2019 in Nyamagana *colline* in Gitega province where many Tutsis live, motorcycle and bicycle taxi drivers among the *Imbonerakure* chanted slurs aimed at opponents, assimilating them to armed opposition groups in two *communes* in Cibitoke province: “These low lifes that you sent to the bush in Bukinanyana and Murwi, whether they are pathetic Tutsis, pathetic CNL members or other little Hutus, know that you have sent them into the forest of strong men. We are going to kill all of them, and then we are going to put their bodies on your heads. And the survivors, we will make them have sex with their mothers. We will make them disappear quickly.”⁹⁷

Songs by *Imbonerakure* in Nyeshenza, in Mugina *commune*, Cibitoke province, in November 2019 also included violent ethnic language against Tutsis: “These little *inkotanyi* (members of the Rwandan Patriotic Front), these little cockroaches, we’re going to hit them hard, we’re going to chop them up like pieces of meat. Nobody messes with us.”⁹⁸

6. LIVING UNDER THE CNDD-FDD: FEAR AND DISCONTENT

The ruling party’s dominance permeates Burundian society, at all levels. Burundians say they feel it all around them, seeping into almost every aspect of their life. In some rural areas, harassment and extortion has become the norm. Lower-level rural authorities and *Imbonerakure* have forced villagers to pay for grazing rights, access to drinking water, harvesting of crops, and access to markets. This comes at a time when most Burundians’ income has shrunk, many people are unemployed, and the economy has dramatically slowed.

⁹⁵ CNDD-FDD official in Muyinga speaking at a public demonstration on 14 November 2019.

⁹⁶ Interview with source in Kirundo, 27 October 2019.

⁹⁷ Chants by *Imbonerakure* motorcycle and bicycle taxi drivers in Nyamagana *colline*, Bugendana *commune*, Gitega province, 26 October 2019.

⁹⁸ Extract from a song by *Imbonerakure* in Nyeshenza, Mugina *commune*, Cibitoke province, 22 November 2019. The Rwandan Patriotic Front is the ruling party in Rwanda, dominated by members of the Tutsi ethnic group. The term “cockroach” was frequently used by Hutus to refer to Tutsis before and during the genocide in Rwanda in 1994.

In some parts of Kirundo province, *Imbonerakure* have prevented people from fetching water at a lake unless they pay 1,000 or 2,000 Burundian francs (approximately US\$0.50 or US\$1) for access. There is no running water in the area, so residents rely on the lake. The *Imbonerakure* claimed the money went to “development” but residents believed that money supported the ruling party or its members, especially as there was an eagle, the symbol of the CNDD-FDD, on the receipt.⁹⁹

A woman in Kirundo said the area she lives in was rife with *Imbonerakure* who patrolled at night. Authorities imposed an unofficial curfew, usually between 8 p.m. and 9 p.m. “There are no mixed security committees!” she said, referring to the local groups that are supposed to consist of residents (including civil society members and representatives of youth and women), local authorities, police, justice, and administrative officials.¹⁰⁰ “It’s the *Imbonerakure* who do the patrols. During the night, if they are suspicious of someone, they come up to your house and listen outside the window. We are afraid to go out at night. They watch over you. At 5 a.m., we see them again around the neighbourhood. We see them with their machetes, big sticks, military uniforms, boots. They can ask you: Why did people come over to your house?”¹⁰¹

Burundians no longer talk about sensitive political issues around people they don’t know. “If you are walking with three people, immediately, there are *Imbonerakure* who come up to you to listen to what you are talking about,” said the woman from Kirundo. “Even two people; they listen.” She said that if *Imbonerakure* are suspicious of conversations or visitors, they might contact the head of the *colline*, and you can be brought in for questioning.¹⁰²

A man in Karusi province said that the mixed security committees in his local area are *Imbonerakure* who “don’t just patrol to patrol... It’s when they have someone they want to go after, that’s when they do patrols.”¹⁰³

The relative of a CNL member who was killed a few weeks before said *Imbonerakure* and a local official needled and threatened the family after his death. “These *Imbonerakure* as well as the *chef de zone* continue to threaten (the family). X (name withheld) is the most virulent of all of them. (In September), the *Imbonerakure* had a meeting in our zone. While they were singing their threatening songs against the CNL, X... came up and started to yell: ‘Crush these stubborn ones! Their ears are blocked!’”¹⁰⁴

⁹⁹ Interview with resident of Kirundo, 9 October 2019.

¹⁰⁰ The functions and composition of the mixed security committees are described in a 2014 joint ruling of the Ministry of Interior and Ministry of Public Security: “Ordonnance conjointe no.530/215/137/2014 du 4 février 2014 portant cahier de charge des comités mixtes de sécurité humaine”.

¹⁰¹ Interview with resident of Kirundo, 9 October 2019.

¹⁰² Ibid.

¹⁰³ Interview with resident of Karusi, 17 October 2019.

¹⁰⁴ Interview with relative of CNL member, 20 October 2019.

7. THE *IMBONERAKURE* AND THEIR MASTERS

Government and ruling party officials complain that their critics demonise all *Imbonerakure* for the acts of a few. During an April 2019 debate in Muyinga between members of various political parties, the provincial head of the *Imbonerakure* in Muyinga, Shabani Nimubona, said that when CNDD-FDD members, who are part of mixed security committees or night patrols, commit abuses or acts that contradict party rules, they should be punished.

“Such individual lapses are in no way what this party believes in,” he said. “They depend more on people’s temperament. But we are ready to crack down if grievances are brought to our attention and the identity of the alleged patrols are revealed.”¹⁰⁵

It’s easy to say that as one of the most powerful men in the province. In practice, many Burundians are far too afraid to denounce abuses by *Imbonerakure*. They also believe it’s futile to complain to leaders who collaborate with *Imbonerakure*.

An *Imbonerakure* said that Shabani doesn’t accept advice from the population. “Our chief (Shabani) is strong. Nobody dares give him advice; they risk being treated as an enemy.”¹⁰⁶

It is rare for *Imbonerakure* to be charged and tried for political violence against their opponents. The conviction of four *Imbonerakure* for murdering a CNL member in Muyinga in August 2019 is the exception rather than the rule. This judgment may have been due to a desire to improve the international reputation of the country before the upcoming elections. However, since then, many *Imbonerakure* have escaped justice for less publicised crimes, and local officials have continued to protect them from prosecution.

A former member of the youth league of the ruling party said that usually, *Imbonerakure* weren’t detained for long: “Immediately arrested, immediately released... (*Imbonerakure*) were released by the *chef de zone* with the involvement of the judicial police officer.”¹⁰⁷

The chain of command followed by local ruling party members depends on the targeted opponents’ political significance and their perceived threat to the ruling party. It may also vary from province to province, depending on with whom senior ruling party members prefer to communicate. They often have parallel lines of communication with former combatants or others they trust. Some matters are managed at the local level and never make it onto the radar of the party at national level. Other more serious or prominent cases rise up the chain of command quickly and directly involve senior ruling party members or intelligence agents.

¹⁰⁵ Maison de la Presse du Burundi, “Se parler pour ne pas s’affronter”, undated, accessed September 2019.

¹⁰⁶ Interview with *Imbonerakure*, 1 December 2019.

¹⁰⁷ Interview with former *Imbonerakure*, 28 September 2019.

An *Imbonerakure* said that in his province, a structured hierarchy exists to instruct local leaders on how to deal with opposition members. He gave an example of how a typical case might develop against an opposition party member in his area:

“When there is a person we want to go after, that involves two things for us: his arrest and sending him (away to be arrested or killed). When a person is arrested... accusations are formulated (against the opponent) in their home *colline* and then they are sent to the *commune*. The communal head of the ruling party sends them to the province (level). And they are sent by the provincial party leader to the ruling party head of security. And after that, the order will come back down from the national ruling party office... (which) will contact the head of the SNR at the provincial level, and he will contact the SNR at the *commune* level. (The opponent’s) life or death will be decided from up above.”¹⁰⁸

Local government officials have colluded with *Imbonerakure* and shielded them from justice.

An *Imbonerakure* explained that they can commit serious abuses and get away with them because they are protected. Moreover, victims often don’t alert authorities whom they fear or distrust:

“We can find a (woman) in a field and rape her. Even if she screams, we’re not worried because we are protected. We do it openly because she will not complain to the *chef de colline* or the administrator...

But if you fail (to complete your mission) and you are detained, you won’t be detained in anything above the zonal detention centre because you’ll be freed. Those who give these orders (to release someone) are often the *chef de colline* or the *chef de zone*. Even the governor is involved from time to time.”¹⁰⁹

In Birambi, a zone in Ngozi province, on 5 September 2019, three *Imbonerakure* beat and stabbed a CNL member with a knife. Two days later, the victim filed a complaint with the police, who, after much pressure, issued a summons for one of the *Imbonerakure* allegedly involved in the attack, and he was arrested. The next day, the *chef de zone* of Birambi came to the detention centre and forced the judicial police officer to release the *Imbonerakure*. He then took him away on his motorcycle. The other *Imbonerakure* allegedly involved in the attack were never prosecuted.¹¹⁰

¹⁰⁸ Interview with *Imbonerakure*, 19 August 2019.

¹⁰⁹ Interview with *Imbonerakure*, 13 December 2019.

¹¹⁰ Interview with former *Imbonerakure*, 28 September 2019.



CNDD-FDD supporters salute during a ruling party rally in support of the constitutional referendum in Bujumbura on 14 May 2018. ©2020 Private

Often, the power in *communes* resides with the administrator and the local ruling party secretary, both of whom give orders to *Imbonerakure*. In Nyamurenza *commune* in Ngozi province, the ruling party relies on the administrator, Dieudonné Niyonzima, to do the party's bidding.

Residents in Nyamurenza said Niyonzima collaborated closely with the provincial head of the *Imbonerakure*, Jean-Bosco Ndayishimiye. Niyonzima has used former *Imbonerakure* who have joined the CNL to infiltrate the group and recruit former members back to the CNDD-FDD. He has cajoled them with money and asked them why they left the CNDD-FDD. A CNL member and a former *Imbonerakure* said Niyonzima held several meetings in August 2019 in Nyamurenza in a forest and in a cemetery. He gave an example of one such meeting:

“He uses former *Imbonerakure*... During the meeting, he tells them that the CNL is lying, that the future is with the CNDD-FDD, that they will have everything they want. He forces the new recruits (to the CNDD-FDD) to convert others and tells them that when they succeed, they will have more money. Those who refuse or object to carrying out the administrator's directives are beaten. After the meeting, he established a list of those who joined the ruling party. Some people (attend the

meetings) out of fear of repercussions. Sometimes he gives them 1,000 or 2,000 Burundian francs (approximately US\$0.50 or US\$1)."¹¹¹

Another former *Imbonerakure*, who left the ruling party in 2019 and joined the CNL, said multiple *Imbonerakure* approached the former CNDD-FDD member about attending a meeting led by Niyonzima:

"The communal administrator asked us to join the ruling party. (He said he) will give us money. He also told us to spy on members of the CNL and to report everything they say to him as well as what they plan to do. (The administrator) said if we refuse to do what he asked us, we would never again benefit from any service from the *commune*... At least five people accepted 10,000 (Burundian francs, approximately US\$5) from the administrator."¹¹²

Another CNL member who attended a meeting led by Niyonzima on 11 October 2019 said that some 35 people attended. He was contacted by former CNL members who had recently joined the CNDD-FDD and been given T-shirts and promised money if they recruited others.

"The administrator told us that voting for Agathon Rwasa was like voting for the former regime of (Pierre) Buyoya and others. According to (the administrator), it would mean the return of Tutsis to power. If Agathon Rwasa won, Pierre Buyoya would order his soldiers to assassinate him, and we would have to flee again. (The administrator) assured us that this is what the Tutsis planned. He asked us to sensitise others and told us we should never give the power to the Tutsis again. Everyone received 1,500 (Burundian francs, approximately US\$0.80). He asked us how many recruits we were going to bring to the next meeting. The pay for the next time would depend on the number of recruits (we brought)... His words frightened me."¹¹³

On Saturday, 5 October 2019, the ruling party announced in a tweet that in Nyamurenza *commune*, 191 new members joined the party. Of those, 181 came from the CNL.¹¹⁴

¹¹¹ Interview with former *Imbonerakure*, 28 September 2019.

¹¹² Interview with CNL member and former *Imbonerakure*, 12 October 2019.

¹¹³ Interview with CNL member, 13 October 2019. The administrator's comments reveal the ethnic propaganda and politicisation of historic events to manipulate the population. For many residents of Nyamurenza, this reference is a reminder of attacks that occurred in the nearby *communes* of Ntega and Marangara during Pierre Buyoya's presidency in 1988, when the predominantly Tutsi army killed Hutu civilians in reprisal for attacks by Hutu opposition groups against Tutsis.

¹¹⁴ <https://twitter.com/CnddFdd/status/1180599386272718848>

8. IN MUYINGA, HIDING BODIES IN PLAIN SIGHT

Ruling party members, including *Imbonerakure*, have confirmed that since 2018, CNDD-FDD members have abducted people they viewed as opponents, killed them, and buried them in cemeteries in Muyinga located far from where the person lived or was abducted. While there have been isolated cases of this kind in the past – a man was killed and buried in a Muyinga cemetery in 2014 – the phenomenon intensified in 2018. People inside the ruling party say the strategy is an attempt to hide these killings from human rights organisations and persuade international actors that the country is calm as elections approach.¹¹⁵

An *Imbonerakure* explained how a local government official asked him to accompany him to a nearby *commune* in 2019. The official gave another local official a large sum of money to pay people who were involved in transporting and burying a man who had been killed. “We went to a health clinic... and we (picked up a body).... (The victim) had been shot in the head. He was between 30 and 35 years old. We took the body to X (name of place withheld). There’s a forest and banana grove there. He was buried in a cemetery.”¹¹⁶

Current and former ruling party members, including *Imbonerakure*, confirmed that the ruling party has changed tactics. A local *Imbonerakure* leader said:

“So people don’t know where we take them, we kill them and throw them in other areas... Often, we abduct them during the night... before, we did it during the day and we beat them and some of them died. Now, for the time being, we’ve changed the strategy. We abduct them and kill them later. Or we call them to the CNDD-FDD party headquarters and pretend to imprison them. And if someone comes to look for them, we say he’s in a detention centre in Rumonge (far from where he was abducted or killed), but we have already dug a grave to bury him... The CNDD-FDD said we’re going to continue to do this until the elections are held.”¹¹⁷

It is difficult to determine the scale of these killings, who is directing them, the identity of the victims and exactly where they are buried. Sources within the ruling party who oppose the killings said one location is near the town of Gatumba near the border with the DRC (in western Burundi, far from Muyinga). At least two are in Muyinga province. Of these, one is in the zone of Cumba, located on Nyamirambo *colline*, about 7 kilometres from Muyinga town and about 2 kilometres from Shabani Nimubona’s house. The other is in Bwica, a nearby *colline*.

¹¹⁵ Interview with *Imbonerakure*, 23 August 2019.

¹¹⁶ Interview with *Imbonerakure*, 17 August 2019.

¹¹⁷ Interview with *Imbonerakure*, 5 September 2019.

A ruling party member said the two cemeteries in Muyinga have been used since late 2018 to secretly bury the bodies of ruling party opponents who had already been killed. It is unclear who killed them, when, or where.¹¹⁸

In August 2018, seven dead bodies were brought to Nyamirambo from Karusi province and were buried in the cemetery. Police in camouflage uniforms accompanied the bodies in the back of the truck, where they were covered with a tarpaulin. Some bodies were buried in existing graves. They were all males and appeared to be between the ages of 30 and 45 years old. Their arms were tied behind their backs. Some had what appeared to be ligature marks on their necks. Their identities and areas of origin were unknown.¹¹⁹

In September 2019, three people, whose arms and legs were bound but who were still alive, were brought to Nyamirambo in a truck. Their faces were covered with black fabric. *Imbonerakure* pushed them into graves that had already been dug and shot them dead.¹²⁰

A ruling party member in Muyinga said that a person who complained about these killings was also killed. “People from the area can’t come and see. The one (person) who dared to complain... was killed. When (the ruling party) wants to kill someone from the area, they take you out during the night as if there is someone who wants to go to the clinic. And when their family asks where the person has gone, they tell you the person went back (home). They don’t tolerate questions.”¹²¹

The night of the Rugari ambush in Muyinga province on 18 August 2019 (see “Ambush in Muyinga”, pages 28 to 32), a white Hilux pick-up truck brought three unidentified dead bodies to the cemetery in Nyamirambo. They had serious head wounds and their hands were bound behind their backs. Two other bodies were taken to the cemetery in Bwica. It is unclear how they were killed.¹²²

9. RULING THE PRISONS

The reach of the ruling party, the *Imbonerakure*, and the intelligence services extends deep into Burundi’s prisons. Within the prison hierarchy, many of those who wield power are *Imbonerakure*. As one former prisoner said, “the image of the country is reflected inside the prison.”¹²³

¹¹⁸ Interview with ruling party member, 9 September 2019.

¹¹⁹ Interview with ruling party member, 9 September 2019.

¹²⁰ Interview with ruling party member, 1 December 2019.

¹²¹ Ibid.

¹²² Interview with ruling party member, 9 September 2019.

¹²³ Interview with former prisoner, 16 September 2019.

These *Imbonerakure*, who are prisoners themselves, play several roles. They control prisoners' behaviour; they single out and punish those perceived as government opponents; and they assert their power through force and intimidation.

Current and former prisoners said some *Imbonerakure* spend only a short period in prison and appear to be sent there to gather information on other inmates. "There were two categories of *Imbonerakure*," recalled a former prisoner who was released in 2019. "Some were prisoners. Others came to spy for one or two months, then left, then others came and left, and so on."¹²⁴ For several years, political prisoners in Burundi have suspected that intelligence agents masquerading as prisoners have also been spying on them inside the prison.¹²⁵

Mpimba prison

The power enjoyed by *Imbonerakure* is particularly striking in Mpimba prison, the largest prison in the country. Built to house 800, it is filled to several times its capacity. In December 2019, it housed over 4,200 prisoners.

In Mpimba, the *Imbonerakure* not only set the rules, but ill-treat prisoners with complete impunity. Beatings are common, as is enforced confinement in "isolation cells". Extortion is widespread.

It is difficult to estimate the number of *Imbonerakure* prisoners in Mpimba at any one time. Some prisoners and former prisoners estimated that there were several dozen, others several hundred. Not all *Imbonerakure* or ruling party members in prison are involved in violence or intimidation against other prisoners. Likewise, not all prisoners who carry out acts of violence in the prisons are *Imbonerakure* and not all incidents of violence in the prisons have political connotations.

Abuses by *Imbonerakure* prisoners are especially prevalent among male prisoners. A similar system exists in the women's block, but a former female prisoner said the abuses there were less severe because of the number of female prisoners is much smaller (around 200 in December 2019); there are also fewer political prisoners.¹²⁶

Imbonerakure often target so-called "political prisoners" – a shorthand used to refer to prisoners accused of offences of a political nature, such as endangering internal state security, participation in rebel groups, or intent to overthrow the government. These prisoners include members of opposition parties, people who supported or participated in protests against President Nkurunziza's third term in 2015, people accused of participating

¹²⁴ Interview with former prisoner, 20 August 2019.

¹²⁵ Information confirmed by a police source, mid-August 2019.

¹²⁶ Interview with former prisoner, 12 October 2019, and interview with prison staff member, 29 October 2019.

in the May 2015 failed coup d'état (see “Context”, page 84), alleged members of armed opposition groups, and others perceived as critics of the ruling party.

Many of those arrested in Bujumbura in the initial phase of the crisis, particularly in 2015 and 2016, were tortured by the intelligence services or the police before being transferred to Mpimba, so were already suffering from serious physical injuries or psychological trauma when they arrived. One former prisoner who was tortured by the police and by the SNR in 2015 was in such a bad state when he was transferred to Mpimba that he couldn't even stand up and had to be carried in.¹²⁷ He and other torture victims then had to endure further threats and intimidation at the hands of their fellow inmates.

Imbonerakure prisoners keep a close watch on those viewed as unsympathetic to the ruling party. A former prisoner, who was a member of an opposition party, named two *Imbonerakure* who used to follow him everywhere in Mpimba; at the time of writing, they are both still detained there.¹²⁸ *Imbonerakure* stand behind some political prisoners during family or social visits, trying to listen to their conversations with visitors, or cut short their visits.¹²⁹



Prisoners relax in the courtyard of Mpimba, Bujumbura's central prison, in February 2011. In December 2019, there were more than 4,200 prisoners in Mpimba that has a capacity of only 800. ©2020 Private

¹²⁷ Interview with former prisoner, 20 August 2019. For further information on torture by the SNR and police between 2015 and 2017, see Human Rights Watch, “Burundi’s Human Rights Crisis: Materials Published by Human Rights Watch, April 2015 to July 2016”, https://www.hrw.org/sites/default/files/supporting_resources/burundi_compendium_2016_web_version_4.pdf, and United Nations Commission of Inquiry on Burundi, 2017 report, A/HRC/36/54, and detailed final report (2017), <https://www.ohchr.org/EN/HRBodies/HRC/ColBurundi/Pages/ColBurundiReportHRC36.aspx>

¹²⁸ Interview with former prisoner, 20 August 2019.

¹²⁹ Interviews with visitor and sources in Mpimba, October 2019; interview with former prisoner, 20 August 2019.

Structure, command and leadership

The *Imbonerakure* in Mpimba prison have their own command structure and their own space within the prison. “They have a place they call *kw’isoko* (the Market),” a former prisoner explained. “You couldn’t go there... It was a special place for *Imbonerakure*. It had a gate. Even police couldn’t go in.”¹³⁰ The Market is where *Imbonerakure* take other prisoners to beat them. It is also where their leader, Prosper Minani, lives and where the *Imbonerakure* leaders meet. Some prisoners refer to this area as *l’Etat-Major* (the military headquarters) and said the *Imbonerakure* had guards, who were also prisoners, outside their cells.

The *Imbonerakure* who order or carry out abuses are well-known, and many of the same names came up repeatedly in interviews with witnesses. Until mid-2019, the head of the *Imbonerakure* in Mpimba was Julien Manirakiza alias Dume. After Dume was released, Prosper Minani, a former policeman, took over his role. Multiple witnesses described Minani as personally involved in carrying out or ordering ill-treatment and threatening prisoners.

Witnesses mentioned other *Imbonerakure* by name, including several who are part of the powerful prison security committee. Some, such as Minani, are the bosses and instruct other *Imbonerakure* to beat prisoners, while others carry out orders. Several prisoners cited Abdul Mugisha, Henry Niyongabo and Christophe Ndayizeye, among others, as powerful members of the *Imbonerakure* hierarchy. Some, such as former leader Dume and Thierry, described as Dume’s right-hand man, have since been released.¹³¹

A former prisoner released in 2019 explained how the *Imbonerakure* operated: “They had a structure and a hierarchy, from top to bottom. There was the boss, the deputy, and so on. The boss... was Prosper. He is still the boss now... The no.2, his deputy, was Christophe. The no.3 was Abdul; he was in charge of operations and gave orders to other *Imbonerakure* to beat people. There was also Henry. All these were considered the leaders. They ruled the prison.”¹³²

Some of these leaders, particularly Minani and before him Dume, enter and leave the prison every day with the agreement of the prison authorities. Prisoners described Minani as effectively free. Another source in the prison confirmed: “He is the boss. He does what he wants.”¹³³ Minani often leaves the prison each morning and doesn’t return until the evening.

¹³⁰ Interview with former prisoner, 20 August 2019.

¹³¹ Interviews with prisoner, 3 October 2019, and former prisoner, 4 October 2019. Many *Imbonerakure* are only known by their first names or nicknames. At the time of writing, all these *Imbonerakure* are still in Mpimba, except for Dume and Thierry. In late 2019, Dume was believed to be working as a motorcycle taxi driver in Kirundo province and allegedly acting as an SNR informant.

¹³² Interview with former prisoner, 16 September 2019.

¹³³ Interview with source in Mpimba, 29 October 2019.

“He is there every day at 7 a.m. when they open the gates,” said one former prisoner.¹³⁴ “He turns up at the prison gate as if he works for the State,” said another.¹³⁵

Another prisoner who instils fear is Michel Nurweze alias Rwembe (razor blade in Kirundi). A former deputy police commissioner in Gitega province who was cited in several cases of torture and killings in previous years, Nurweze was arrested in January 2016 after shooting and injuring another policeman and was sentenced to 15 years in prison for attempted murder.¹³⁶

Nurweze enjoys a privileged position in Mpimba. A former prisoner had observed him: “He coordinated the beatings and gave orders... He was always in contact with the SNR on the phone and they used to visit him too. It was as if he was the head of the SNR in Mpimba... Rwembe and Prosper were often together but there could be competition and rivalry between them... But when they had to do something against opponents, they would get together and collaborate... They gave daily reports to the director.”¹³⁷

Another former prisoner recounted: “Rwembe was powerful. He and Prosper gave orders to the *Imbonerakure* both inside and outside the prison. Rwembe had several phones and used to talk on the phone to SNR agents outside. He did what he wanted.”¹³⁸ Another prisoner described Nurweze as “the self-appointed chief representative of former FDD combatants... He is part of the group defending the State’s interests in the prison. He organises meetings to ill-treat political prisoners... It’s the consensus of a pro-government group... The rest of us are just victims.”¹³⁹

A visitor who went to see another prisoner in Mpimba said Nurweze sometimes escorted a well-known prisoner, Nathal Ndayongeje – the former spokesperson of the of the opposition party *Mouvement pour la solidarité et la démocratie* (MSD, Movement for Solidarity and Democracy) – during visits in 2019 and watched over him throughout the visits.¹⁴⁰

Several prisoners and other sources alleged that Minani and other *Imbonerakure* leaders played a role in blocking the release of certain political prisoners by pointing out these individuals to members of the commission responsible for releasing prisoners when they

¹³⁴ Interview with former prisoner, 22 September 2019.

¹³⁵ Interview with former prisoner, 19 September 2019.

¹³⁶ See, for example, Radio Isanganiro, “Muyinga :15 ans de prison pour le fameux officier de police Rwembe”, <https://isanganiro.org/2016/01/19/muyinga-15-ans-de-prison-pour-le-fameux-officier-de-police-rwembe/>, 19 January 2016. In 2013, Nurweze was tried in connection with the murder of an MSD member and the attempted murder and torture of two other people.

¹³⁷ Interview with former prisoner, 19 September 2019.

¹³⁸ Interview with former prisoner, 22 September 2019.

¹³⁹ Interview with prisoner, 4 October 2019.

¹⁴⁰ Information from prison visitor, 9 October 2019.

visited Mpimba.¹⁴¹ For further details on obstacles to releases, see “‘Released’ but still in prison”, pages 68 to 71.

The role of prison authorities

Prisoners and former prisoners painted a picture of a well-organised and entrenched system that they traced back to the former prison director, police officer Déo Bigirimana, who was in charge of Mpimba prison from August 2016 to mid-2018.¹⁴²

Prisoners said Bigirimana gave the *Imbonerakure* free rein to ill-treat and punish political prisoners. A former prisoner recalled that during his first meeting with the prisoners, Bigirimana had said: “Lions never live with sheep.”¹⁴³ Another former prisoner explained how the situation changed with Bigirimana’s arrival:

“At first... all the prisoners lived together, regardless of their political views... Even the political prisoners were treated OK... Then, from around late May 2017, the problems started for political prisoners. The prison director was Déo Bigirimana... (There was) a plan to destabilise prisoners from the opposition or those who were not CNDD-FDD. He started by saying he was going to get rid of all the phones in the prison... This is normal, as phones are not allowed in the prison, but in Mpimba, it was a pretext to divide prisoners into two groups.

The prisoners’ security team, which had always existed, became politicised. It became more about politics than security. They set up a team of *Imbonerakure* and gave them clear orders to stop anyone who had a phone except for CNDD-FDD supporters. They created two camps in prison: one pro-government and one anti-government.”¹⁴⁴

Déo Bigirimana has since been replaced. At the time of writing, he is provincial police commissioner in Bujumbura province. However, the system and many members of the team that were in place during his time in Mpimba remain operational.

Prisoners and former prisoners described the current prison director, Victor Segasago, as “less nasty” than Bigirimana. Another prison source confirmed that Segasago had made an effort to stop abuses by *Imbonerakure*.¹⁴⁵ However, his room to manoeuvre appears to be limited, and he is often unable to stop the violence and intimidation by the more powerful

¹⁴¹ Interview with former prisoner, 19 September 2019; interview with lawyer, 17 September 2019.

¹⁴² “Ordonnance ministérielle no. 550/1561 du 9 août 2016 portant nomination d’un directeur de la prison centrale de Mpimba”, http://burundi.dataforall.org/wp-content/uploads/2019/11/BOB_No8bis-2016-1.pdf.

¹⁴³ Interview with former prisoner, 20 August 2019.

¹⁴⁴ Interview with former prisoner, 16 September 2019.

¹⁴⁵ Interview with source in Mpimba, 29 October 2019.

Imbonerakure leaders. “The *Imbonerakure* work with the SNR, so he can’t control them,” one former prisoner said.¹⁴⁶

Other prison staff have even less power to intervene. When one prisoner complained about ill-treatment by *Imbonerakure* to the prison social workers, they told him they couldn’t change anything.¹⁴⁷ Prisoners had repeatedly informed the prison management about specific incidents of ill-treatment of political prisoners by *Imbonerakure* and by Nurweze, but said no action was taken.¹⁴⁸ “The security agents (*Imbonerakure*) silence us and beat us as they wish,” one prisoner complained. “No one intervenes. The prison guards don’t say anything. Even they are afraid of them as these prisoners work with the SNR.”¹⁴⁹

Beatings and ill-treatment

Prisoners and former prisoners described how they and other inmates were ill-treated by *Imbonerakure* in Mpimba with no intervention by prison staff. If the *Imbonerakure* suspect a prisoner of engaging in activities that are forbidden or if a prisoner challenges them, they take them to the Market where they beat them, insult them and humiliate them.

For example, in October 2019 a prisoner was so badly beaten that he required treatment in the prison infirmary. The prisoner was among a large group of people arrested in the DRC, accused of endangering internal state security and participation in armed groups.¹⁵⁰ According to other inmates, *Imbonerakure* beat him with a metal bar after accusing him of insulting the head of state and being in contact with people outside; they also stole his money. They had previously accused him of walking into a column of *Imbonerakure* who were patrolling inside the prison at night – an accusation levelled against at least one other prisoner in the past.¹⁵¹ Another prisoner was also beaten by *Imbonerakure* in the Market in late October 2019, apparently because he had refused to let them search him.¹⁵²

A former prisoner released from Mpimba in 2019 had spent three days in the Market, in an exposed area inside the prison, in 2017: “They draw a circle on the ground and they put you in the circle, standing in the sun. You have to stay there all day and all night... They threw

¹⁴⁶ Interview with former prisoner, 22 September 2019.

¹⁴⁷ Interview with former prisoner, 16 September 2019.

¹⁴⁸ Interview with prisoner, 29 August 2019.

¹⁴⁹ Interview with prisoner, 4 October 2019.

¹⁵⁰ Copy of extract of notification of judgment, *Tribunal de grande instance de Mukaza* (Mukaza high court), 26 February 2019; interview with former prisoner, 22 September 2019.

¹⁵¹ Information from sources in Mpimba, 16 and 28 November 2019.

¹⁵² Information from sources in Mpimba, 26 October 2019. For other cases, see Action des chrétiens pour l’abolition de la torture au Burundi (ACAT-Burundi), *Rapport de monitoring de violations des droits des prisonniers*, September and October 2019, available at <http://www.acatburundi.org/>

water on me and hit me. They said: ‘Things have changed. Whoever thinks Nkurunziza will give up power can’t take a single step forward.’”¹⁵³

Another prisoner said he had been beaten several times. He recalled one incident in 2016 when Minani ordered *Imbonerakure* prisoners to beat him and forced him to stay all night in the Market: “They handed me over to a team that was tasked with torturing people, including Thierry who was physically very strong. He made me sit down in the place where prisoners urinate and started beating me and throwing water on me all night.”¹⁵⁴

A former prisoner who spent more than two years in Mpimba was beaten on two occasions, in 2016 and 2017:

“The first time, they suspected me of having a smartphone, which is the biggest crime for them... They didn’t find my phone, but still they beat me all night with long sticks, about the length of my arm... They hit me all over, except on my head. They used to throw water on us with buckets, then leave us lying there in the water. I stayed there for one night. Others stayed for several nights.

The second time, I wasn’t allowed to talk to, or be seen with, more than one person at a time. This was a rule invented by the *Imbonerakure*, not by the prison. Once I met a few prisoners for a chat. They saw me and took me to their place and beat me... I don’t know the names of those who beat me, but the order was given by Prosper. We were afraid of the *Imbonerakure*.”¹⁵⁵

“Isolation cells”

The *Imbonerakure* run several cells inside the prison where they detain prisoners. Although they are referred to as “isolation cells”, the prisoners are not held in strict solitary confinement. Because of prison overcrowding, several prisoners can be held in each cell at any one time. However, the *Imbonerakure* severely restrict their movements and interactions with other prisoners.

The main isolation cell in Mpimba is known as Tingi-Tingi. Prisoners are held there for several days, weeks, or even months. A prisoner who was held there for many months between 2017 and 2019 said that at the beginning, the conditions in the cell were very harsh:

“We couldn’t go out. There was no daylight. We had to cook inside. We were forced to stay there all the time. The door of the cell was guarded by *Imbonerakure*. They

¹⁵³ Information from former prisoner, 20 August 2019.

¹⁵⁴ Interview with prisoner, 3 October 2019.

¹⁵⁵ Interview with former prisoner, 16 August 2019.

did shifts. We could only go out to use the toilet which was just outside. We couldn't talk to other prisoners and we couldn't see visitors...

Soon Tingi-Tingi became full... They opened a second cell called *la Maison rouge* (the Red House), because it was very hot and at the end of the corridor. People had to cook inside there too. When we came out of the cells, the daylight hurt our eyes. We saw red.

The *Imbonerakure*... beat me several times and denied me food... They put me under a tap with water for about 30 minutes and beat me throughout the night. They did this to me more than 10 times. I still suffer from the after-effects and have serious health problems.

We weren't allowed to exercise or stretch our legs outside the cell. If we tried, the *Imbonerakure* would stop us. We had to sit or lie down.”¹⁵⁶

Conditions in the cells have improved slightly since 2018. Prisoners are still held there, but can see visitors, albeit with restrictions imposed by the *Imbonerakure*. In mid-2019, a prisoner was held in the isolation cell for two weeks, reportedly on Minani's orders. *Imbonerakure* prisoners tried to deny him access to food. When another prisoner brought him food, that prisoner was also put in the cell.¹⁵⁷

In one of the most serious cases, former MSD spokesperson Nathal Ndayongeje has been held in the isolation cell for more than two years.¹⁵⁸ Arrested on 8 March 2014, he was first held in Mpimba prison, then transferred to Rumonge prison in September 2016, then sent back to Mpimba on 4 August 2017. He has been held in the isolation cell ever since. Initially, he was not allowed out of the cell for several days. Eventually the *Imbonerakure* allowed him to come out but not move around the prison or talk to other prisoners.

“Nathal doesn't have the same rights as other prisoners. He is treated differently,” said a former prisoner. “Sometimes he couldn't go out for two or three weeks. When he could go out, he wasn't allowed to talk to anyone. It is still like this now... He is watched all the time, even when he goes into the shower. If a prisoner tries to talk to him, he can be beaten... When he comes out of the cell, he takes his chair and sits apart from everyone else.”¹⁵⁹

¹⁵⁶ Interview with former prisoner, 16 September 2019.

¹⁵⁷ Interview with former prisoner, 22 September 2019.

¹⁵⁸ Nathal Ndayongeje was among scores of MSD members arrested during clashes with the police in March 2014. For details of these events, see Human Rights Watch, “Burundi: Halt Crackdown on Opponents, Critics”, <https://www.hrw.org/news/2014/07/16/burundi-halt-crackdown-opponents-critics>, 16 July 2014.

¹⁵⁹ Interview with former prisoner, 12 October 2019.

“If you’re seen trying to talk to Nathal, you go straight to the Market,” said another former prisoner. “Nathal is always accompanied by *Imbonerakure*, even during visits. He doesn’t receive many visits.”¹⁶⁰

Double standards and extortion

Prisoners point to the blatant double standards operating in Mpimba. Several *Imbonerakure* in charge of prison security, as well as other powerful prisoners in positions of responsibility, have been convicted of serious crimes. Yet the authorities have allowed or even encouraged them to control other prisoners, commit abuses, and enjoy privileged conditions.

One very visible example of these double standards is the use of phones in the prison. Mobile phones are prohibited by prison authorities and *Imbonerakure* frequently punish prisoners who are caught with or are suspected of having them. However, the leaders who enforce this rule openly use phones themselves, resulting in some absurd situations. “Some people were allowed to keep their phones,” recalled a former prisoner. “An *Imbonerakure* would say: ‘Hand over your phone!’ while holding a phone himself.”¹⁶¹ Lower level *Imbonerakure* let other prisoners use their phones in exchange for money.¹⁶²

Extortion by *Imbonerakure* prisoners is widespread and detention in the isolation cells is a useful threat.

The amounts increase in proportion with an *Imbonerakure*’s rank in the prison hierarchy. A former prisoner explained:

“They extort money from ‘dangerous’ or non-CNDD-FDD prisoners. They say: ‘Give us money or you’ll go to *la Maison rouge* or Tingi-Tingi’. People gave them money just to live in peace. Abdul and Henry, who were more junior (than other leaders) used to ask for around 20,000 or 30,000 Burundian francs (approximately US\$11 or US\$16) depending on the prisoners. The others (Minani and his deputy) asked for more. Tingi-Tingi and *la Maison rouge* became sources of wealth for the *Imbonerakure*. People had to borrow money to pay them.”¹⁶³

Another prisoner said: “Sometimes to get out of the isolation cell, you had to give 50,000 Burundian francs (approximately US\$27) to Prosper. And sometimes you could give this

¹⁶⁰ Interview with former prisoner, 20 August 2019.

¹⁶¹ Interview with former prisoner, 16 September 2019.

¹⁶² Interview with former prisoner, 20 August 2019.

¹⁶³ Interview with former prisoner, 16 September 2019.

bribe and he wouldn't even release the detainee. This money could come from contributions from our family visits; we would just organise ourselves (to find the money)."¹⁶⁴

Murembwe prison

In Murembwe prison, in Rumonge province, a group of *Imbonerakure* prisoners in charge of security holds sway. In December 2019, the total population of Rumonge prison, which has a capacity of 800, was around 1,100. According to prison sources, the majority of prisoners in the "security department" are *Imbonerakure* and their leaders enjoy a good relationship with the prison director. They are allowed to use their phones, supposedly for security reasons, and to go in and out of the prison.¹⁶⁵

As in Mpimba, *Imbonerakure* have beaten other prisoners and locked them up in an isolation cell. For example, in August 2019, several *Imbonerakure* severely beat a prisoner – who was believed to have joined the RED-Tabara armed opposition group – on the orders of the head of the security team, Jean-Bosco Habarugira.¹⁶⁶ Prisoners said the *Imbonerakure* singled him out because they accused him of inciting other prisoners to stand up to them.¹⁶⁷

Others held in the isolation cell in October or November 2019 included at least one prisoner who had protested against President Nkurunziza's third term in 2015 and two others whom the *Imbonerakure* accused of giving information to Burundian radio stations broadcasting from Rwanda. The *Imbonerakure* in the security team also seized money and telephones belonging to these prisoners and demanded substantial sums before they would release them from the cell.¹⁶⁸

Habarugira is no longer head of the security team in Murembwe, but prisoners said he remains "faithful to the CNDD-FDD system" and has been appointed head of the cooking team, another strategic post. The new head of the security team, Jean-Bosco Ngendakumana, has also reportedly been involved in abuses against other prisoners.¹⁶⁹

¹⁶⁴ Interview with prisoner, 4 October 2019.

¹⁶⁵ Information from sources in Murembwe prison, 18 October 2019.

¹⁶⁶ Some sources gave his second name as Habimana.

¹⁶⁷ Information from sources in Murembwe prison, 18 October, 20 October and 24 November 2019. For details of other incidents, see ACAT-Burundi, *Rapport de monitoring de violations des droits des prisonniers*, July, August, October and November 2019, available at <http://www.acatburundi.org/>.

¹⁶⁸ Information from sources in Murembwe prison, 24 November 2019.

¹⁶⁹ See ACAT-Burundi, *Rapport de monitoring de violations des droits des prisonniers*, October 2019 and November 2019, available at <http://www.acatburundi.org/>; Humura Burundi online radio broadcast, translated from Kirundi, 5 November 2019; and Inzamba online radio broadcast, translated from Kirundi, 11 November 2019.

10. THE LOSS OF INDEPENDENCE OF THE JUSTICE SYSTEM

As the CNDD-FDD has tightened its control on the country, the justice system has found itself enslaved to the ruling party and to the interests of individuals in positions of power.

Pressure on the justice system to do the bidding of the CNDD-FDD has intensified to such an extent that by early 2020, what was left of the independence of the justice system has almost completely disappeared, particularly for politically sensitive cases. Interference and persistent pressure by members of the government, the ruling party and the intelligence services has infected the justice system. Threats and administrative “punishments” such as demotions or transfers to distant parts of the country have ensured that even the bravest prosecutors or judges no longer dare defy orders. A lawyer summed up the situation: “What counts is not the judge but the (government) authorities.”¹⁷⁰

The Burundian justice system has suffered from a lack of independence, corruption and insufficient resources for many years. However, until 2015, it was still possible for independently minded justice officials to make decisions based on the objective merits of a case and to perform their duties with a minimum of professionalism.

“In theory, there is separation of powers, but not in practice,” said an official working in a prosecutor’s office, commenting on the state of the justice system in 2019. “Magistrates... are all controlled by the government... Independence exists on paper only.”¹⁷¹

Sources working in the justice system reported that state agents or ruling party officials frequently ordered justice officials to arrest people unlawfully, often without an arrest warrant and without any evidence that the person has committed a recognisable offence; instructed prosecutors to charge certain individuals or release others; and directly pressured judges to ensure the desired outcome in trials.¹⁷²

This kind of obstruction is particularly pronounced in trials where the defendants are members of opposition parties or viewed as critical of the CNDD-FDD. Sources working in the justice system said that ruling party leaders allocate sensitive cases to magistrates and

¹⁷⁰ Interview with lawyer, 12 September 2019.

¹⁷¹ Interview with justice official, 30 September 2019. The separation of powers and the independence of the justice system are enshrined in the 2018 Burundian Constitution (articles 18 and 214).

¹⁷² Interviews with justice officials, lawyers and other sources, July to November 2019. This chapter highlights only a small selection of practices and cases. There are numerous other examples of interference by government and ruling party officials. In particular, *Imbonerakure*, who are not law enforcement officials and have no powers of arrest, frequently arrest people, especially opposition party members, often on the orders of local government authorities. They then hand them over to the police, who rarely question the grounds for their arrest, and these detainees face the justice system as if they had been arrested lawfully.

court presidents they trust, rather than risk handing them over to officials who are less compliant or less supportive of the CNDD-FDD.¹⁷³

Conversely, when *Imbonerakure* are arrested or denounced for having committed offences, pressure is commonly brought upon judicial authorities to release these individuals or drop the charges against them. There are exceptions, however. Some *Imbonerakure* have been convicted and sentenced for serious offences. A recent notable example is that of four alleged *Imbonerakure* sentenced to life imprisonment on 8 October 2019 for murdering CNL member Grégoire Nsavyumwami in Rugari, in Muyinga province (for details, see “Ambush in Muyinga”, pages 28 to 32).

Judges and prosecutors: trapped and powerless

The interference of government officials has widespread consequences for those working in the justice system. Judges have confided to friends that they fear for their security; others worry about losing their jobs or being demoted. A lawyer explained the dilemma judges face:

“If someone is accused of endangering internal state security or participating in armed groups... and if the judges decide to release that person for lack of evidence or acquit them, they will be accused of making the government’s security strategy fail. Judges want to avoid this, so they have to keep people in prison. I know cases where this has happened... If the case of someone who was detained at the SNR is brought before the prosecutor’s office, the officials have instructions that whatever evidence exists or doesn’t exist, and whatever the detainee says when they’re questioned, the public prosecutor can’t release them.”¹⁷⁴

In late 2018, a senior justice official confided to a friend that in his province, there were three high-level influential people he could not control – all of them former CNDD-FDD combatants who had fought in the civil war. He said if any of these individuals wanted to arrest someone, they would call the prosecutor’s office which was obliged to execute their orders.¹⁷⁵

This erosion of independence has made officials working in the justice system more vulnerable to corruption. In a context in which most Burundians are struggling to make ends meet, judges, prosecutors and other officials are even more tempted to accept or request bribes and may end up depending on them. A justice official stressed the extent to which the lack of economic independence affected the performance of judges and said they end up making decisions based not on their conscience or the law, but on money. He said this

¹⁷³ Interviews with lawyers, 17 September 2019 and 8 July 2019.

¹⁷⁴ Interview with lawyer, 17 September 2019.

¹⁷⁵ Interview with friend of justice official, 9 November 2019.

tendency had become more pronounced since the prices of some basic commodities had increased, but judges' allowances had not gone up correspondingly.¹⁷⁶

Public statements by the Minister of Justice, Aimée Laurentine Kanyana, vowing to crack down on corruption appear to have had little effect. For example, on 4 September 2019, the Minister told the National Assembly that action was being taken against corrupt judges and said that judges who made errors should be punished or fired.¹⁷⁷ Given the deeply entrenched nature of the corruption and lack of political will to address it, the minister's warnings may sound hollow.



The high court in Bubanza. ©2020 Private

One tactic used by the government to weaken magistrates, especially those who are more independently minded, is to redeploy them to areas far from their families, where they struggle to afford a second home or pay for housing. Once they have been weakened financially, they are expected to be more compliant with government orders. Others have been moved or demoted from key positions where they could rule on cases of a political nature to more administrative positions. One magistrate had been redeployed at least three times, because, he believed, he and like-minded colleagues were seen as “not flexible”. He

¹⁷⁶ Interview with justice official, 30 September 2019.

¹⁷⁷ See Radio télévision nationale du Burundi, “La Ministre de la justice répond aux questions des députés,” <http://www.rtnb.bi/fr/art.php?idapi=3/3/153>, 5 September 2019. The Minister has issued similar warnings against corrupt judges in previous years. See, for example, Iwacu, “La ministre de la Justice déclare la guerre aux magistrats corrompus”, <https://www.iwacu-burundi.org/la-ministre-de-la-justice-declare-la-guerre-aux-magistrats-corrompus/>, 14 March 2016.

complained of constant pressure from ruling party, administrative officials and staff from the ministry of justice, and felt that certain jurisdictions were being “swept clean” to make way for more compliant judges from the ruling party, particularly in the pre-election period.¹⁷⁸

Sources working in the justice system point to the lack of transparency in recruitment procedures as another factor undermining the independence of the judiciary. A lawyer believed the appointment procedure of judges was the origin of the problem. “There are no objective criteria for appointments or promotions,” he said. “It all depends on individuals’ relations with the CNDD-FDD.”¹⁷⁹

Magistrates’ independence has been further weakened since their professional union, which was formerly active, has effectively ceased to exist. “The magistrates’ trade union has been sabotaged,” said a former magistrate. “The government created divisions in 2015-2016. Some people were forced to leave and others were promoted. Currently it exists only in theory. The government effectively destroyed it.”¹⁸⁰ Another said: “Now magistrates just follow like sheep”.¹⁸¹

Under pressure by the ruling party, especially on politically sensitive cases, prosecutors end up making decisions that they know don’t comply with the law. One prosecutor privately explained how he ordered someone’s arrest in 2019, even though there was no legal basis for it. He said he was tired of receiving phone calls from “generals” (military or police officers) and administrative officials trying to force him to arrest the person, and had decided to imprison the person partly because he feared the detainee could have been harmed by these “strongmen”.¹⁸²

Lawyers, for their part, find it extremely difficult to defend their clients when judges ignore blatant violations of the law and procedural irregularities. One lawyer said:

“People are scared so they will do anything. We lawyers don’t know what to do anymore... There is no independence at all among the judges... What counts is not the judge, but the (political) authorities. Judges have become just symbolic figures. Decisions are made through them, but they don’t decide on the merits of cases. The authorities... tell them what to do. The judges can’t refuse.”¹⁸³

¹⁷⁸ Discussion with magistrate, 16 November 2019.

¹⁷⁹ Interview with lawyer, 17 September 2019.

¹⁸⁰ Interview with former magistrate, 30 September 2019.

¹⁸¹ Interview with former magistrate, 6 July 2019.

¹⁸² Interview with prosecutor, 10 September 2019.

¹⁸³ Interview with lawyer, 12 September 2019.

“Released” but still in prison

Political interference is particularly striking in the treatment of prisoners who have served their sentence, been acquitted, or are eligible for release, for example after serving a minimum portion of their sentence. Numerous prisoners have long exceeded their release date, in some cases by several years. In some cases of prisoners arrested for political reasons or accused of security-related offences, this failure to respect their release date does not appear to be due to administrative inefficiency or fresh evidence; it is the result of deliberate decisions by government or ruling party officials to block their release. The cases included in this chapter represent just a small sample of a total that, according to some estimates, could number several hundred.

In September 2018, a member of parliament, Fabien Banciryanino, raised concern about the situation of these prisoners with the Minister of Justice in the National Assembly and produced a list of cases.¹⁸⁴ The Minister promised to look into them, but said that the question of releasing prisoners who have served a quarter of their sentence, as provided in the law, had to be managed carefully because some released prisoners go on to re-offend.¹⁸⁵

Prisoners at Gitega prison told a visitor that in mid-2019, the Minister of Justice, Aimée Laurentine Kanyana, and the First Vice-President, Gaston Sindimwo, had visited the prison. Some political prisoners had raised their cases with them and said they should have been released some time ago. The Vice-President asked the Minister of Justice what was happening with these cases. The prisoners told the visitor that the minister replied: “Those are in the category of special cases. I’ll tell you later.”¹⁸⁶

A magistrate confided to a friend that in early 2019, orders had filtered down to him and his colleagues not to release anyone accused of endangering state security, even if it was the wrong person or there was a mistake, and even if there was no evidence against the person arrested.¹⁸⁷

Sometimes prisoners were told explicitly that they would not be released because of their alleged political activities. A prisoner who was nearing the end of his sentence went to see the director in Mpimba prison a few days before his release date in 2018:

“I asked him to prepare my dossier, as I was about to be released. The (prison) director, Déo Bigirimana, just said: ‘We’ll see’. On the day of my release, I went to

¹⁸⁴ See Radio Isanganiro on Twitter, <https://twitter.com/RadioIsanganiro/status/1040618542176063490>, 14 September 2018.

¹⁸⁵ Radio télévision nationale du Burundi, “La Ministre de la justice répond aux questions des députés,” <http://www.rtnb.bi/fr/art.php?idapi=3/3/153>, 5 September 2019.

¹⁸⁶ Interview with visitor to Gitega prison, 17 September 2019.

¹⁸⁷ Interview with friend of magistrate, 8 July 2019.

see the prison authorities again. They said they were waiting for orders from their superiors. I kept going back, and they kept giving me the same answer: 'We're waiting.' Finally, they said: 'You, the anti-third term people, you have to wait.' It became a rule for this category of prisoners...

The commission for releasing prisoners through presidential pardon came to Mpimba. On the first day of these releases, after the Minister (of Justice) left, the prison director grabbed the anti-third term prisoners who were supposed to be released and took them back into the prison. He refused to release them. The commission members heard about it. They were angry and stopped the release process. They came back three days later, and the same thing happened again."¹⁸⁸

One of the better-known cases is that of Nathal Ndayongeje, former spokesperson of the MSD opposition party. Arrested on 8 March 2014 and sentenced to six and a half years in prison, he and other MSD members were due to be released through presidential pardon in March 2018.¹⁸⁹ Yet Ndayongeje remains in prison almost two years later.

On 16 March 2018, when the commission tasked with releasing prisoners came to Mpimba prison, Ndayongeje was called out into the prison yard with other prisoners who were on the list. He went through the first gate, then was told to step aside and was taken into an office near the prison entrance. The other prisoners, some of whom were also political prisoners, were released, but he was ordered back inside.¹⁹⁰ A former prisoner with first-hand knowledge of these events explained what happened:

"Nathal was supposed to be released... It was all agreed, and the commission for implementing the presidential pardons said he should be released... He was even given his *billet d'élargissement* (release note). He had it in his hand. As he was about to be released, Prosper (Minani)¹⁹¹ and an SNR agent... approached him... The president of the commission told Nathal they had made a mistake on his *billet d'élargissement* and they had to correct it. The prison director told Nathal to go inside while they corrected it. That was it. He never got out."¹⁹²

Most of the other MSD prisoners arrested at the same time as him were released, but several, in addition to Ndayongeje, remain in prison at the time of writing.

¹⁸⁸ Interview with former prisoner, 16 August 2019.

¹⁸⁹ Every year, prisoners are released through presidential pardon, following a presidential decree. A commission set up to oversee these releases has since been replaced by a department responsible for prison affairs in the Ministry of Justice.

¹⁹⁰ Interview with former prisoner, 12 October 2019; interview with lawyer, 17 September 2019.

¹⁹¹ Prosper Minani is the head of the *Imbonerakure* prisoners in Mpimba prison. For details, see Chapter 9, pages 54 to 63.

¹⁹² Interview with former prisoner, 19 September 2019.

A prisoner who participated in demonstrations against Nkurunziza's third term in 2015 and was arrested in September 2016 was sentenced to one year in prison in July 2017 said:

“After 30 days, I asked my lawyer to check if the public prosecutor had appealed against the judgment. He hadn't. The lawyer checked again after two months and again after three months, and there was still no appeal. The lawyer asked for my release, but the prosecutor... said we should wait for the presidential pardon in December. This was in late October 2017... my release was already overdue... Then in late February 2018, long after the legal limit (for filing an appeal), the public prosecutor filed an appeal, so I stayed in prison.”¹⁹³

He was not released until June 2019.

An MSD member arrested in 2015 was sentenced to three years in prison in 2018. He had only four months left to serve but was not released until a year later. His dossier had been added to the cases of 15 other defendants which were unrelated to his; they just happened to have been detained at the SNR at the same time. Most of the charges related to their alleged activities during the demonstrations against President Nkurunziza's third term. Some though not all of the others were MSD members.¹⁹⁴ The former prisoner explained:

“Even the prosecutor said the case file had not been prepared properly and the cases should be separated, but the judge refused. The prosecutor from the court of appeal... came to see us in prison. He told us he was worried about our case file but didn't know what he could do. He told us our case file had a lot of mistakes and our imprisonment was illegal, but he advised us to appear in court anyway because if they separated our cases, it would take even longer.”¹⁹⁵

With the help of friends and family, the prisoner gave a large sum of money to an intelligence agent who promised to release him, via a well-known senior SNR official. After repeated delays, the senior SNR official promised to contact someone in the prosecutor's office, then stopped answering calls about the case. Another friend then told the prisoner that an influential member of the CNDD-FDD could arrange his release if he paid him, but the prisoner couldn't afford to pay any more. He was eventually released in 2019.

In Bururi, five people – Fidèle Nimbeshajengaha, Salèse Ndayishimiye, Eliezer Ndayambaje, Astère Hamenyimana and Josaphat Nyandwi – were among a group of 17 accused of participation in armed opposition groups and convicted by the court of first instance on 12 December 2016. On 20 September 2017, the appeal court of Bururi acquitted

¹⁹³ Interview with former prisoner, 16 September 2019.

¹⁹⁴ Copy of court judgment, *Tribunal de grande instance de Mukaza* (Mukaza high court), 31 January 2018.

¹⁹⁵ Interview with former prisoner, 8 August 2019.

the five, but more than two years later, they remain in prison in Rumonge. A sixth defendant who was acquitted was released through presidential pardon in December 2018.¹⁹⁶

Involvement of the intelligence services

Intelligence agents often interfere directly in cases, with little or no opportunity for the parties to challenge their behaviour, even on non-political cases. “Actions by the SNR are effectively outside the law and people can’t complain,” said a lawyer, citing a civil case in which one party was close to an SNR agent. “The authorities know everyone is scared of the SNR and calculate that if the SNR is involved, people will be too scared to intervene.”¹⁹⁷

Interference is particularly pronounced in political cases. Indeed, the final decision as to whether a political prisoner should be released often rests with the SNR, regardless of court judgments or the decisions of prosecutors, thereby rendering the justice process meaningless.

A police source said that *officiers de police judiciaire* (OPJ, judicial police officers) in the SNR go through the case files of each political prisoner before allowing their release, even those of prisoners who have been acquitted or served their sentence. While it’s unclear how widespread this practice is, two magistrates confirmed they had ordered the release of certain prisoners only for the OPJ from the intelligence services to issue an order to the prison director or prosecutor to keep them in prison.¹⁹⁸

A source working in the justice system in Bujumbura said “consultation” with the SNR on releases of prisoners was systematic:

“Even if there is a favourable judgment and even if the prisoners are eligible for release, the SNR can refuse to let them out... This is the case for people accused of endangering internal state security, participating in armed groups, illegal possession of firearms, and other sensitive cases... The SNR doesn’t block all cases. Some people are released.

Before issuing a release note, the prosecutor has to consult the SNR and get their agreement. If not, they (the prosecutor) can be redeployed or fired. The person handling this in the SNR is the commissioner responsible for investigations, the head of the OPJ at the SNR. The prosecutors report to him. He then studies the cases one by one before agreeing whether the prisoners can be released, even if the court has already rejected the evidence or said there is no evidence.

¹⁹⁶ Interviews with prisoners and lawyer, 2 and 4 October 2019. Copy of judgment of Court of Appeal of Bururi, 20 September 2017.

¹⁹⁷ Interview with lawyer, 14 September 2019.

¹⁹⁸ Interviews with police and justice sources, August 2019.

When they prevent someone's release, they don't usually open a new dossier. The person just stays in prison... These prisoners don't have much recourse... The problem is that the SNR reports to the president."¹⁹⁹

The SNR also sometimes intervenes in earlier stages of the process, thereby ensuring that people remain in prison while proceedings are repeatedly delayed. For example, two MSD members arrested in 2015 were eventually tried in late 2018 and sentenced to 15 years in prison, despite major irregularities which, according to a lawyer, should have led to the annulment of the whole procedure. The defendants filed an appeal. Prosecuting officials reviewing the case admitted there were irregularities but said privately that they had received orders from the SNR not to release the defendants.²⁰⁰

A lawyer deplored the way that judges had been stripped of all their power, especially in cases where the SNR was involved: "If someone (a prisoner) has gone through the SNR, no judge can decide to release them, even provisionally, even on bail. Judges tell us: 'Don't even ask us to do this, or we'll go to prison too and take the place of your clients.'"²⁰¹



The court of appeal in Gitega. ©2020 Private

¹⁹⁹ Interview with justice official, 30 September 2019.

²⁰⁰ Interview with lawyer, 17 September 2019.

²⁰¹ Interview with lawyer, 14 September 2019.

Senior intelligence agents have also interfered in cases of allegations of common crimes. For example, following a dispute in Kayanza province between a couple who were going through a divorce, the wife accused her husband of wanting to murder her. On 31 July 2019, the high court of Kayanza acquitted the husband of attempted murder but convicted him of raping his wife's 12-year-old daughter, and he was arrested on 27 August.

On 9 September, the then provincial police commissioner of Kayanza, Méroé Ntunzwenimana, met the husband who was detained at the provincial police station. The police commissioner, who is from the same area of Cibitoke province as the wife, told the husband that he could stay in prison or die in prison if that's what his wife's well-placed friends wanted. The wife has family links with the former national head of the SNR, Etienne Ntakarutimana, and they both come from the same area in Bukinanyana *commune*, Cibitoke province. The police commissioner admitted that the prosecutor only agreed to issue an arrest warrant for the husband "after the rain fell on him" (under pressure from above). He told him that a person who thinks he's strong can become weak when faced with people stronger than him.²⁰²

On 26 September 2019, the court of appeal annulled the whole procedure against the husband because of irregularities and ordered his release.²⁰³ However, four days later, on 30 September, a senior SNR official rearrested him. The husband was transferred to Ngozi, where an arrest warrant was produced on the basis of the same rape accusation. The SNR official who re-arrested him indicated that if he was willing to give up his and his wife's family home, he could be released.²⁰⁴

On 9 January 2020, the prosecutor asked the Ngozi *tribunal de grande instance* (high court) to examine the merits of the rape allegation. On 13 January, the high court sent the case back to the appeals court with a ruling that it would withdraw from handling the case and a recommendation that it be sent to another jurisdiction at the same level. The case is still pending at the time of writing.

Interference by local government officials

Some provincial and local government officials have also interfered in arrests, detentions and prosecutions.

²⁰² Information from source present in Kayanza police station, 9 November 2019.

²⁰³ Copy of judgment of Court of Appeal of Ngozi, 26 September 2019.

²⁰⁴ Interviews with people close to the case, September and October 2019. Interviewees interpreted this comment as an attempt by the SNR official to secure a favourable outcome for the wife.

Bururi

The governor of the southern province of Bururi, Frédéric Niyonzima, personally arrested 12 people, including two magistrates, a lawyer, six teachers, a farmer, and two other people who were meeting in a bar in Buta *colline* on 11 August 2019. The governor was accompanied by police, but they didn't have an arrest warrant; the arrest warrant was only issued when the 12 were transferred to prison. Some of the 12 were members of the UPD-Zigamibanga political party, and the whole group was accused of holding an illegal meeting. The governor then took them away in his vehicle. He seemed to be targeting one of the magistrates, Tharcisse Nduwimana, in particular. When he arrested him, he exclaimed: "At last you've fallen into my hands! How lucky I am to find you!"²⁰⁵

Friends of the two magistrates said they were both perceived as fairly independent and critical of human rights violations. Nduwimana had had disagreements with the governor in the past after ordering the arrest of *Imbonerakure*; the other magistrate, Jean-Claude Ndayisenga, was not known to have come into conflict with the governor.²⁰⁶

The 12 were charged with attempting to overthrow the government and disturbing and endangering public security. Some of the defendants admitted they were in a UPD meeting but denied wanting to overthrow the government and pleaded not guilty. On 19 August, in a swift and well-attended trial, the court of appeal found them all guilty and convicted them to prison terms of 30 years for the three defendants considered as the instigators (Tharcisse Nduwimana, lawyer Zerbabel Kantungeko and teacher François Habonimana) and 20 years for the other nine.²⁰⁷ The defendants have filed an appeal.

Although many judges, including some of those at the Bururi Court of Appeal, are CNDD-FDD members, the Minister of Justice reminded magistrates, in a meeting in Musigati *commune* in Bubanza province on 30 August 2019, that their work was incompatible with politics. In a reference to the two magistrates arrested in Bururi, she said: "We have noticed that some magistrates have started to become affiliated with political parties. What is especially unfortunate is that they are becoming affiliated with political parties that are not registered. We consider them as rebels. They have been caught in Bururi and convicted."²⁰⁸

Before being appointed governor in June 2018, Frédéric Niyonzima was an adviser to the administrator of Bururi *commune* and an active *Imbonerakure*. Sources in the justice system said he had tried to interfere in court cases and check which judges were handling certain

²⁰⁵ Information from sources in Bururi, 23 September 2019.

²⁰⁶ Interviews with friends of Tharcisse Nduwimana and Jean-Claude Ndayisenga, 14 September and 10 October 2019.

²⁰⁷ Interview with justice official, 23 September 2019, and copy of judgment of the Gitega Court of Appeal, 19 August 2019, Case no. RP0022.

²⁰⁸ Radio Isanganiro, 1 September 2019, 6 p.m. broadcast.

cases. He complained when he found magistrates who were not CNDD-FDD members. Since he became governor, he has again tried to interfere with judicial processes and has personally arrested several people, in addition to the 12 above.²⁰⁹ For example, in 2019, he and one of his advisers arrested a man who had not committed any offence, without an arrest warrant, and took him to the police detention centre in Bururi. The governor accused him of being in the opposition and said: “You, Tutsi dogs, there are things that have changed, and you don’t even know it. One day, you will realise... you burned the country and now you come and harvest our fruits.”²¹⁰

Gitega

Local sources in Nyarusange *commune*, Gitega province, reported that provincial government officials pressured justice officials to order the continued detention of seven CNL members arrested on 10 July 2019.²¹¹ Initially accused of holding an unauthorised meeting, the seven were charged with endangering internal state security. According to a source working in the justice system, a senior provincial government official repeatedly coerced the court to order their preventive detention. However, the court did not obey these orders and instead ruled that the seven should be released. The prosecutor filed an appeal and kept them in detention, despite the court’s decision. On 19 September 2019, the court of appeal ruled that the seven should be kept in detention.²¹²

11. AN ECONOMY IN FREEFALL

Even when Burundians avoid politics, they face the more banal, impact of the crisis on daily life. Hospitals, for example, often don’t have essential medicine on hand. A woman from Bujumbura accompanied a pregnant friend to the military hospital for a Caesarean operation in March 2019. When the patient started bleeding during the operation, the doctor had no medicine to stop it. The doctor dispatched the patient’s friend with a prescription to nearby pharmacies, but she couldn’t find the prescribed medicine. One pharmacist suggested an alternative. She returned to the hospital and proposed the substitute medicine to the doctor. He accepted it, wrote a new prescription, and the woman had to return to the pharmacy to purchase it, then return to the hospital. The woman and the baby survived the operation.²¹³

In late 2019, a woman with a fractured leg was given paracetamol for the pain at Roi Khaled Hospital, a public university hospital in Bujumbura. The hospital required the woman to regularly purchase a document detailing her medical treatment history for 50,000 Burundian francs (approximately US\$27). If she didn’t purchase the document before a

²⁰⁹ Interview with justice official, 23 September 2019.

²¹⁰ Interview with source from Bururi, 20 August 2019.

²¹¹ Interviews with justice officials, prisoners and prison staff, 9, 16 and 30 September 2019.

²¹² Ibid.

²¹³ Interview with Bujumbura resident, 10 October 2019.

consultation, the hospital staff refused to treat her. The medical staff also told her family members that if she wanted pain medication, they would have to go to a pharmacy to buy it. If the patient wanted surgery, doctors said that the woman's family would have to rent and provide the metal implants for the surgery because the hospital had none.²¹⁴

It's not just the cost of hospital care. The economic crisis has plunged families into deep poverty. A 38-year-old mother of four from Bujumbura owned a restaurant in the city. Authorities destroyed it in 2015, claiming protesters against President Nkurunziza's third term ate there. "Trade has become almost impossible after all those things that happened in 2015... There are so-called security measures that were taken against other people for political reasons but affect us little people," she said. "We're not politicians."²¹⁵

The loss of income has ruined the woman financially. Her husband also lost his job. Two of her children were forced to drop out of school because she couldn't afford school fees. The family moved to a less expensive house, which costs 80,000 Burundian francs a month (around US\$44). Along with rent, school fees, transport, water and electricity cost her about 230,000 Burundian francs a month (around US\$127). She now struggles to make ends meet selling vegetables and coal in a shop. She might make 4,000 Burundian francs (around US\$2) on a good day, which is far from enough to cover her costs. "The last time I was sick, I didn't have the means to care for myself. I ate some onions and lemons and the rest, I left it up to God."²¹⁶

Even wealthier Burundians have felt the impact of the economic crisis. As the number of foreign visitors has dwindled, many hotels and restaurants stand empty. For security reasons, many Burundians choose not to go out late at night, so some restaurants and bars close early. On 21 November 2019, the mayor of Bujumbura announced that bars should open only from 5 p.m. to 9 p.m. on weekdays and 1 p.m. to 9 p.m. on public holidays.²¹⁷ The mayor said the new rules were introduced to increase productivity among the workforce,²¹⁸ but it is widely believed that they were a response to security fears following the attack in Cibitoke province on 16-17 November. Similar rules were introduced in other provinces, such as Gitega, Bubanza, Muyinga and Kayanza, in the following days.

In order to support themselves and their families, some people have become economically dependent on the ruling party, which places individuals in jobs at the local and national level. Some of these people disagree with the policies of the CNDD-FDD, but the

²¹⁴ Interview with relative of patient in Bujumbura, 16 October 2019.

²¹⁵ Interview with trader, 19 October 2019.

²¹⁶ Ibid.

²¹⁷ Décision no.531/018/016 du 21/11/2019 portant réglementation des heures d'ouverture des débits de boissons en Mairie de Bujumbura.

²¹⁸ Iwacu, "Rétropédalage du maire de Bujumbura", <https://www.iwacu-burundi.org/retropedalage-du-maire-de-bujumbura/>, 26 November 2019.

knowledge that they can lose their jobs if they fall out of favour with local party officials deters them from speaking out.

Desperate for dollars

Burundians who are fortunate enough to have euros or dollars face a daunting task of finding money changers who buy and sell at favourable rates. After the *Banque de la République du Burundi* (BRB, the equivalent of Burundi's central bank) imposed new regulations on money changers on 17 September 2019, requiring them to comply with official exchange rates, some money changers went underground, attempting to avoid arrest. They preferred to work in the shadows rather than comply with the BRB's requirements, which include all foreign exchange offices using a software programme sold by the BRB that costs 2 million Burundian francs (approximately US\$1,110).

Seeing that the new regulations were not being observed, the BRB held a meeting with shareholders and managers of foreign exchange offices on 14 November 2019 to reiterate the regulations and to warn that those who violated them would be prosecuted.²¹⁹

Because of a lack of foreign currency and the exchange rates imposed by the BRB, the circulation of foreign currency in the country has dramatically slowed, which has had a serious impact on some businesses' ability to import goods and conduct trade.

Brarudi, the national brewery and soft drinks company based in Bujumbura, has reportedly reduced production of some beverages because a lack of hard currency, which has hampered its ability to import bottles, white sugar, yeast, malt and hops.²²⁰

Burundians are holding onto their foreign currency, waiting for a better exchange rate, exacerbating the shortage of foreign currency circulating in the country.

"The currency that we sell comes from tourists, from those who come back from missions or receive money from foreign countries," Alexandre Nsabimana, the representative of the association of foreign exchange offices in Burundi, told journalists. "With the new rates, they are now reticent, and we are treated as crooks. The quantity of foreign currency has gone down 90 percent."²²¹

²¹⁹ Banque de la République du Burundi, "Les principales conclusions issues de la réunion entre la Banque de la République du Burundi et les actionnaires et gestionnaires des bureaux de change", 15 November 2019.

²²⁰ Radio Publique Africaine, "Le manque de devises affecte les productions de différentes usines locales : Cas de la Brarudi et de Buseco", <https://www.rpa.bi/index.php/2011-08-15-07-10-58/economie/item/6972-le-manque-de-devises-affecte-les-productions-de-differentes-usines-locales-cas-de-la-brarudi-et-de-buseco>, 18 October 2019.

²²¹ Iwacu, "La quantité de devises a diminué de 90% dans les bureaux de change", <https://www.iwacu-burundi.org/la-quantite-de-devises-a-diminue-de-90-dans-les-bureaux-de-change/>, 10 October 2019.

Exchanging money on the black market – a common practice to which government and financial authorities had usually turned a blind eye – has now become risky. The BRB said it will pay 10 percent of the amount of money seized from illegal money changers to people who denounce those who exchange foreign currency without its authorisation.²²² The bank also said it will give 500,000 Burundian francs (approximately US\$277) to people who denounce money changers who violate the government's new regulations.²²³ These rules drive black market money changers further underground and encourage Burundians to denounce their fellow citizens, exacerbating fear and suspicion. Three money changers were reported to have been killed in Bujumbura in less than two months in late 2019 and early 2020; the exact circumstances and motives were unknown.²²⁴

In August 2019, the black-market exchange rate for 1 US dollar was approximately 3,170 Burundian francs, which was dictated by market forces. By early January 2020, the official exchange rate imposed by the government was around 1,800 Burundian francs, a reduction of 43 percent.

Forced contributions to the ruling party

A lack of access to foreign currency isn't the only problem. Local officials force businesses and their employees to pay excessive and improvised taxes and contributions to the ruling party. Scores of businesses have had to close or relocate. Much of the extortion is overt and driven by senior ruling party members. "Members of the (ruling) party are really in tears because they are asked for so much money," said a resident of northern Burundi.²²⁵

Burundians had reasons to be hopeful on 30 June 2019, when President Nkurunziza announced that "voluntary contributions" to the 2020 elections – which were anything but voluntary – by civil servants and others would be suspended because the ruling party had collected the bulk of the money required to finance the elections. This was confirmed in a joint ruling by the Minister of Finance and the Minister of Interior on 12 August.²²⁶

But in practice, forced contributions continued, not only to the elections but to a range of other causes benefiting the CNDD-FDD.

²²² "Circulaire no.1/RC/19 relative à la marge à appliquer par les bureaux de change dans leurs opérations et à la protection de la profession de change", 19 September 2019.

²²³ Ibid.

²²⁴ SOS Médias, "Des inconnus ont tué une femme changeur de monnaie à Buyenzi", <https://www.sosmediasburundi.org/2020/01/19/des-inconnus-ont-tue-une-femme-changeur-de-monnaie-a-buyenzi/>, 19 January 2020.

²²⁵ Interview with resident of northern Burundi, 9 October 2019.

²²⁶ "Ordonnance ministérielle conjointe no. 530/540/1554 du 12/8/2019 portant arrêt de la collecte de contribution de la population aux élections de 2020."

A resident of Kirundo said she believed that many members of the ruling party “want to leave because of fear” and that they resent the CNDD-FDD’s frequent requests for money. “For me, I could give my entire salary if they would let me sleep and allow me to be safe,” she said.²²⁷

On 20 July 2019 – after the president’s announcement but before the ministerial ruling ending the collection of contributions to the elections – *Imbonerakure* in Makamba province, accompanied by *colline* chiefs, went from house to house and visited markets, forcing people to donate 2,000 Burundian francs (approximately US\$1) to the 2020 elections. Those who contributed were given a receipt with the emblem of the ruling party on it. In Kayogoro *commune*, the local CNL representative asked where the money would be going. *Imbonerakure* quickly arrested him and took him to the *commune* police station.²²⁸ He was released a few weeks later.

At the *commune* level, corruption that benefits the CNDD-FDD is often camouflaged by an opaque and unaccountable accounting system overseen by ruling party officials. According to local government officials in Rumonge and Muyinga provinces, the practice of transferring funds from *commune* budgets to the ruling party account is widespread.

On 20 July 2019, the ruling party in Makamba organised “Witness Day”, during which CNDD-FDD members collected funds to finance their party’s activities. Residents of Makamba were asked to contribute 1,000 Burundian francs (approximately US\$0.50) regardless of their political party affiliation. The secretary of one *commune* arrived in the office of the local administration with hundreds of blank CNDD-FDD receipts. He announced said that even peasants had contributed to the ruling party and that the *commune* should therefore also contribute to the CNDD-FDD so it could finance election-related activities. Local officials reallocated the equivalent of more than US\$300 from the *commune*’s budget to the ruling party; the money had been designated to help the destitute and vulnerable population. The receipts would serve as supporting documents for the transfer.²²⁹

A local official in Rumonge province said one *commune* administrator requested the equivalent of almost US\$300 to contribute to the ruling party during “Witness Day”. To disguise the withdrawal from the *commune*’s budget, the official requested the funds be marked as travel expenses, despite not travelling that day.²³⁰

²²⁷ Interview with resident of Kirundo, 9 October 2019.

²²⁸ Interview with CNL member, 20 July 2019.

²²⁹ Interview with source in Makamba, 8 September 2019.

²³⁰ Interview with source in Rumonge, 24 September 2019.

Pay up or else

Ruling party officials continue to force many Burundians, including some of the poorest, to contribute to projects backed by the ruling party. It's unclear what percentage of money collected goes towards the supposed project, the ruling party, or straight into the pockets of individual officials. Projects include the construction of government and ruling party offices, support for the mixed security committees, impromptu taxes, the CNDD-FDD's "Witness Day" and *Imbonerakure* Day. The extortion is often accompanied by intimidation and people do not dare confront those demanding the money for fear that they will be arrested.



Gad Niyukuri (centre), governor of Makamba province, has forced residents to make financial contributions to the ruling party. ©2020 Private

Multiple victims of extortion, including businessmen, teachers and civil servants, said that Gad Niyukuri, the governor of Makamba province, forced them to contribute money or building materials to ruling party offices or other causes.²³¹ The governor is the most powerful member of the ruling party in the province. His allegiance to the government, including during the failed coup d'état in 2015, has protected him and bolstered his standing in the party.

In June 2019, the month before the African Cup of Nations football championship, Gad Niyukuri and other provincial officials told businesses, state-run offices and small shops throughout the province to purchase a "certificate of thanks" that showed they had "contributed" 5,000 Burundian francs (approximately US\$3) towards the Burundian national

²³¹ Interview with Makamba businessmen, August 2019.

soccer team, which had qualified for the tournament. The certificates were originally given for free to those who had voluntarily financially supported the team. Niyukuri, however, saw it as a moneymaking opportunity. He visited businesses and forced them to buy the certificate on the spot.²³²

One person said that the governor came to his office and told him to buy a certificate. “The governor said: If you don’t want to do it, I’m leaving, and you’ll see (what will happen).” It was a forced payment because he had to leave (the office) with the money. You didn’t have the right to say you didn’t have any money on you.” The person paid with his own money because he didn’t know how to justify the expense to his employer.²³³ Other people said they had no choice but to buy the certificate when Niyukuri asked them. It’s unclear if all or any of the proceeds collected went to the football team.



Gad Niyukuri, governor of Makamba province, forced some residents to buy a “certificate of thanks” (above) showing they had “contributed” 5,000 Burundian francs (approximately US\$3) towards the national football team, which had qualified for the African Cup of Nations championship. The certificate is signed by Révérien Ndikuriyo, president of the Football Federation of Burundi, who is also president of the Senate. ©2020 Private

Some small shop owners were made to pay double the usual amount of taxes in 2019. A shop owner who was forced to pay 20,000 Burundian francs (approximately US\$11) said that when he asked local officials why they were being taxed twice in the same year, they told him: “You can’t question the choices of the government.”²³⁴ According to another shop

²³² Interviews with Makamba shop owners, 14 August 2019.

²³³ Interview with Makamba shop owner, 14 August 2019.

²³⁴ Interview with shop owner in Makamba, 29 August 2019.

owner and shop employee, communal taxes had increased from 5,000 Burundian francs in 2017 to 20,000 in 2019 (from approximately US\$3 to US\$11).²³⁵

Governor Niyukuri has routinely forced civil servants to contribute to construction costs of a new office building for the provincial government and personally threatened businessmen. It's unclear how much of the money he collects goes towards building costs.

For example, on 4 September 2019, in a meeting in Makamba to prepare for the start of the school year, Niyukuri announced that across the province, directors of all *post-fondamentale* schools (covering the final years of secondary school) should contribute 10,000 or 15,000 Burundian francs (approximately US\$6 or \$8), depending on the type of school, and teachers 5,000 Burundian francs (approximately US\$3). Niyukuri said the money would be used to finance the construction of the new office building for the provincial government. There was no room for negotiation, and teachers said they were too afraid to protest.²³⁶

It's even worse for employees at Makamba's main hospital. Staff have had their monthly bonuses withheld from their salaries by Eric Ndayegamiye, the hospital's director of administration and finance. Ndayegamiye is the brother in law of Révérien Ndikuriyo, the president of the Senate who is originally from Makamba.

An employee at Makamba's hospital said that "contributions" had been automatically deducted from staff bonuses to help fund the construction of the provincial administration office, though they received no receipt and it was unclear where the money went. The deductions occurred irregularly – whenever the government deposited the bonuses into their accounts. Ndayegamiye deducted 5,000 Burundian francs from general hospital staff members' salaries, 10,000 Burundian francs from nurses' salaries and 15,000 Burundian francs from laboratory assistants' salaries (approximately US\$3, \$6 and \$8). Ndayegamiye told hospital employees who questioned why their bonuses were being withheld that they were inciting the personnel of the hospital to rise up against the authorities. Because of Ndayegamiye's relation to the Senate President, staff were afraid to challenge him. Since July 2019, hospital staff have received their bonuses but were forced to deposit the same amount that was previously deducted into the provincial government's bank account. Ndayegamiye threatened to fire those who did not comply.²³⁷

Since mid-2015, the ruling party has persistently asked teachers and other school staff – one of the largest groups of civil servants in the country – to contribute to CNDD-FDD causes, despite teachers only making on average the equivalent of about US\$80 a month. This practice continued throughout 2019. In one province, CNDD-FDD provincial officials would meet with the provincial director of education and determine how much each school

²³⁵ Interview with shop owner and shop employee in Makamba, 29 August 2019.

²³⁶ Interviews with school staff in Makamba, 10 August 2019.

²³⁷ Interview with hospital employee, 29 September 2019.

employee should contribute. The provincial director of education then informed the directors of education in the *communes* who in turn contacted the directors of schools under their supervision, the majority of whom are members of the ruling party. Each school director then notified the staff about the contributions through a meeting, a posted bulletin or WhatsApp messages. School directors created a list of personnel who had contributed, which was sent back up the chain of command. If not enough money was collected, the director of communal education sometimes asked school directors to collect more. It's unclear how widespread this practice is in other provinces.²³⁸

In October 2019, the ruling party asked teachers and other staff in a *commune* in a northern province for contributions to Sangwe, a government-supported development cooperative that has been accused of favouring ruling party members.²³⁹

²³⁸ Discussion with school staff, 29 November 2019.

²³⁹ See Iwacu Web TV, "Adhésion aux coopératives Sangwe : des députés s'inquiètent", <https://www.youtube.com/watch?v=7Pt83weyAak>, 28 October 2019. A resident of a southern province called a Sangwe representative on 9 October 2019 to ask if he could join the cooperative. The representative told him he could not join if he was not a CNDD-FDD member.

CONTEXT

The 2015 crisis

In its first term in power (2005-2010), the CNDD-FDD embarked on important steps towards democracy and ethnic and political power-sharing and tolerated a certain level of criticism. Hope for further democratic progress slowly began to fade in the following years. From 2010, there was a rise in killings of members of opposition parties and a steady increase in repression, targeting civil society activists and journalists, among others. However, it wasn't until 2015 that the CNDD-FDD finally showed its true colours when it faced, for the first time, a real popular challenge to its authority.

In response to President Nkurunziza's announcement in April 2015 that he would run again for president, thousands of people took to the streets to protest what they saw as a violation of the spirit of the Arusha Peace and Reconciliation Agreement, the 2000 accords that marked the end of Burundi's long civil war.²⁴⁰

The Burundian security forces cracked down hard, shooting live rounds at demonstrators, killing some and wounding others. While the protests started peacefully, some protestors went on to attack policemen and members of the ruling party. Some of the more hardline opponents joined armed opposition groups. The progress towards reconciliation and democracy that had been building in Burundi over the past years was shattered, and in its place grew resentment, mistrust and anger.

Tensions exploded within the ruling party too. Many of the more independent or reformist CNDD-FDD members fled, as did those who didn't agree with the crackdown or opposed Nkurunziza's third term, leaving hardliners in senior positions.

On 13 May 2015, a group of military officers attempted a *coup d'état*, which was quickly put down by government security forces. After the failed coup, the government unleashed brutal reprisal attacks against suspected opponents and critics, which reached their peak in late 2015 and 2016. Extrajudicial executions, torture by the intelligence services and police, sexual violence and disappearances became the hallmarks of the ruling party's strategy to deal with any perceived political threat. Hundreds of alleged opponents were arbitrarily arrested; many remain in prison today. Several armed opposition groups emerged, some

²⁴⁰ The war began with the assassination in October 1993 of President Melchior Ndadaye, who was from the Hutu majority ethnic group, by elements of the army controlled by the Tutsi minority ethnic group. The conflict, which lasted 16 years, was fought largely along ethnic lines and claimed tens of thousands of civilian lives. The government and the last armed opposition group, the PALIPEHUTU-FNL, signed a ceasefire in 2006, but the group didn't lay down its arms until 2009. In 2019, 26 years after the events, some of the individuals allegedly responsible for the assassination of President Ndadaye and the attempted coup d'état in 1993, including former president Pierre Buyoya, were put on trial.

operating from neighbouring countries, and launched sporadic attacks in Burundi. Dead bodies appeared on the streets, in lakes and rivers, their identity and the circumstances of their death often unknown.



Lake Tanganyika, on the outskirts of Bujumbura. ©2020 Private

Alongside these events, the government lashed out at the media and civil society, labelling them “insurgents”. Burundi’s independent media and human rights groups were practically destroyed. Many leading journalists and human rights defenders were driven into exile, along with hundreds of thousands of other Burundians, most of whom have now spent more than four years living as refugees.

The dramatic assassination of one of the most powerful figures in the ruling party, the former head of the intelligence services and unofficial patron of the *Imbonerakure*, Adolphe Nshimirimana, in August 2015 did little to change the situation.²⁴¹ The violence continued and even worsened, showing how entrenched the system was. The *Imbonerakure* may have lost their big boss, but they continued doing the dirty work of the ruling party.

International denunciation of the violence was swift. There were United Nations and African Union resolutions and diplomatic condemnations, as well as targeted sanctions by the US and the European Union (EU) and the suspension of direct aid by the EU to the Burundian government – measures that remain in place today. The United Nations Human Rights Council created a Commission of Inquiry on Burundi that has been working since 2017.

²⁴¹ There are numerous theories and rumours as to who was responsible for Nshimirimana’s assassination. To date, the truth has not been established. Several members of the army were arrested in connection with the assassination.

The Burundian government, claiming it was unfairly targeted, refused to admit the gravity of the situation and denied that state agents were involved in serious crimes. This stance alienated many of its most important international donors. The government adopted an increasingly defiant posture, largely refusing to engage in honest discussions about how to stem the human rights crisis. The façade of caring about initiatives that the CNDD-FDD once fought for in the past and that would please international donors in the present, such as political diversity, ethnic balance in national institutions, and judicial reform, crumbled.

The government's stance hardened into a refusal to cooperate with the UN Commission of Inquiry; to this day, it has not allowed the Commission access to the country. The government also decided to shut down the UN human rights office in Burundi, which finally closed in 2019. Burundi was the first country to withdraw from the ICC. Its withdrawal became effective on 27 October 2017, two days after the ICC prosecutor was authorised to open an investigation into crimes allegedly committed in Burundi between 26 April 2015 and 26 October 2017.²⁴²



Women demonstrate in Bujumbura on 9 September 2017 against the United Nations Commission of Inquiry on Burundi. The signs call on the government to sue the three commissioners for defamation and accuse the UN commission of trying to destabilise the country. ©2020 Private

Public demonstrations organised by the government or ruling party against the UN, the EU, international human rights organisations and other government critics became a regular weekend feature in the streets of Bujumbura. International media were added to the list of the government's *bêtes noires*. In May 2018, the government suspended broadcasts by the

²⁴² The ICC's decision to open an investigation was formally announced on 9 November 2019: <https://www.icc-cpi.int/Pages/item.aspx?name=pr1342>

British Broadcasting Corporation (BBC) and the Voice of America, and in March 2019, it withdrew the BBC's licence completely.

In June 2018, following a public referendum marked by serious human rights violations and ruling party intimidation and threats against those suspected of campaigning for a “no” vote, Burundi adopted a new Constitution, which could allow the president to extend his time in power if he chooses to run again, though there is some ambiguity around this.²⁴³ The new Constitution also paves the way for potentially removing ethnic quotas in the government and military and sets out new parliamentary voting rules, which would consolidate the ruling party's dominance in the legislature.²⁴⁴ Many Burundians view the new Constitution as a thinly veiled preparation for a CNDD-FDD victory in 2020.



President Pierre Nkurunziza (left) and CNDD-FDD deputy secretary general Joseph Ntakirutimana cheer during a rally supporting the constitutional referendum in Gitega province on 2 May 2018. ©2020 Private

²⁴³ Article 97 of the 2018 Constitution states that the president is elected by direct universal suffrage for a seven-year renewable term and that no president can serve more than two consecutive terms. However, it does not specify whether the clock will be set back to zero or whether terms already served by the incumbent president will be taken into account. For a further explanation, see Stef Vandeginste, University of Antwerp, Analysis and Policy Brief no.27, “La réforme constitutionnelle et la limitation du nombre de mandats présidentiels au Burundi : deux questions restées en suspens”, <https://www.uantwerpen.be/en/research-groups/iob/publications/analyses-and-policy-briefs/apb-2018/apb-27/>, August 2018.

²⁴⁴ For an explanation of these and other changes in the 2018 Constitution, see Stef Vandeginste, “Burundi's constitutional referendum: Consolidating the *fait accompli* in the run-up to the 2020 elections”, <http://constitutionnet.org/news/burundis-constitutional-referendum-consolidating-fait-accompl-run-2020-elections>, 23 January 2018, and Final Detailed Report of the Commission of Inquiry on Burundi, A/HRC/42/CRP.2, <https://www.ohchr.org/EN/HRBodies/HRC/CoIBurundi/Pages/CoIBurundiReportHRC42.aspx>, 13 September 2019.

Armed opposition groups: a looming threat or a paper tiger?

Burundian armed opposition groups have suffered from internal divisions, personal rivalries between leaders, lack of resources and lack of public support. Although still present in neighbouring countries, particularly the DRC, their presence inside Burundi was less noticeable throughout most of 2019 than in the earlier phases of the crisis.

RED-Tabara is believed to be the most active of the Burundian armed opposition groups at the present time. Originally composed in part of MSD members, it operates primarily from eastern DRC where it collaborates with Congolese armed groups. Other armed opposition groups include the *Forces populaires du Burundi* (FPB), formerly FOREBU, made up in part of former military officers, including some who took part in the 2015 coup attempt, and other smaller groups. For several years, members of the Burundian military have frequently crossed into eastern DRC to hunt down these groups, sometimes in collaboration with the Congolese military.

It is difficult to estimate the strength of these armed groups and the degree to which they pose a real threat to the Burundian government. Some sources, interviewed in the second half of 2019, said they believed these groups' military capacity was limited, and that any public support they may have enjoyed inside Burundi at the start of the crisis has ebbed away.²⁴⁵ Others claimed that over recent months, RED-Tabara has increased its military capacity and number of combatants. The October 2019 attack in Musigati, in Bubanza province, may signal a more aggressive strategy by RED-Tabara in the run-up to the 2020 elections.

Members of armed opposition groups have committed serious abuses since the start of the crisis, including targeted killings of civilians – *Imbonerakure* and other real or suspected CNDD-FDD members – and police. They have also attacked military camps and other installations. From mid-2015, after the failed *coup d'état*, many of their members chose the path of exile and began recruiting, training, and operating from Rwanda, DRC, and other neighbouring countries.

Since then, sporadic grenade attacks in Burundi, some of which have killed people indiscriminately, have sometimes been assumed to be the work of armed opposition groups, but in most cases, responsibility has never been established. An armed opposition group is believed to have been behind the last major attack against civilians in Burundi – the massacre of at least 24 people in the village of Ruhagarika in Buganda *commune*, Cibitoke province on 11 May 2018 – but in that case too, the identity of the perpetrators has not been independently confirmed. The findings of a commission of inquiry on the Ruhagarika

²⁴⁵ Interviews with politicians, civil society members, journalists and other sources between July and November 2019.

massacre, set up by the prosecutor general, have not been published. Several people were arrested for their alleged participation in the massacre.

The rise and fall of the political opposition

The CNL

The CNL is currently the largest opposition party in Burundi and enjoys significant grassroots support. Known for many years as the FNL, it was officially renamed in February 2019.

A predominantly Hutu group, the FNL was the armed wing of the opposition group *Parti pour la libération du peuple Hutu* (PALIPEHUTU, Party for the Liberation of the Hutu people), formed in 1980. The PALIPEHUTU-FNL fought the Tutsi-dominated government during the civil war that started in 1993. The CNDD-FDD, another Hutu armed group (currently the ruling party in Burundi), signed a ceasefire agreement in 2003 and joined the government, but the FNL resisted integration into the government and continued to target pro-government individuals.

The FNL also committed scores of abuses against CNDD-FDD and former FNL members it considered “competition” or “dissidents” and was responsible for killings of civilians who were not members of political parties. One of the most serious cases was the massacre of more than 150 Congolese refugees in Gatumba, a town near the Congolese border, in 2004, for which the FNL claimed responsibility.²⁴⁶ The FNL also abducted police, soldiers and other opponents, sometimes killing and decapitating dissidents and leaving their heads along the road as a form of intimidation.²⁴⁷

In January 2009, the PALIPEHUTU-FNL changed its name to FNL and joined the process of disarmament and integration into the Burundian police and army. By this time, the CNDD-FDD was in power, having secured a victory in the 2005 elections. The government registered the FNL as a political party in April 2009. Despite these moves, deep hostility between the CNDD-FDD and FNL continued. After the 2010 elections, which most opposition parties boycotted and the CNDD-FDD won again, dozens of FNL or former FNL members were killed by agents linked to the security forces or the ruling party.²⁴⁸ Many

²⁴⁶ Joint report of the United Nations Organization Mission in the Democratic Republic of the Congo, the United Nations Operation in Burundi and the Office of the United Nations High Commissioner for Human Rights into the Gatumba massacre, https://www.un.org/en/ga/search/view_doc.asp?symbol=S/2004/821, 5 October 2004.

²⁴⁷ Human Rights Watch, “Pursuit of Power: Political Violence and Repression in Burundi”, <https://www.hrw.org/report/2009/06/03/pursuit-power/political-violence-and-repression-burundi>, 3 June 2009.

²⁴⁸ Human Rights Watch, “‘You will not have peace while you are living’: The escalation of political violence in Burundi”, <https://www.hrw.org/report/2012/05/02/you-will-not-have-peace-while-you-are-living/escalation-political-violence-burundi>, May 2012.

Hutus have switched between the two parties over the years, a practice which continues today – though often secretly – in a context of increasing disillusion with the CNDD-FDD.

Other opposition parties: marginalised and weak

Apart from the CNL, in early 2020 political opposition parties remain weak and riven by internal divisions, and most of them have few active members. As a result of a successful government strategy to co-opt them over several years – a process known in Burundi as *nyakurisation*²⁴⁹ – most of the opposition parties that are officially registered in Burundi have effectively been marginalised, including well-established parties that once enjoyed strong public support. For example, the *Front pour la démocratie au Burundi* (FRODEBU, Front for Democracy in Burundi) has been split into two parties and the *Parti de l'unité pour le progrès national* (UPRONA, Party of Unity for National Progress) into three factions. The UPRONA faction that is legally registered and allowed to express itself publicly tends to support the CNDD-FDD. A number of smaller political parties have minimal public support or influence.

In 2019, a few opposition figures in exile began returning to Burundi with a view to participating in the 2020 elections. It is too early to assess whether this is a realistic prospect or under what conditions the government would allow them to participate in political activities in Burundi. Their decision has created resentment among other opponents in exile, some of whom categorically oppose participation in the 2020 elections and any hint of making deals with President Nkurunziza.

²⁴⁹ The expression is derived from a faction of the FRODEBU party that split, creating a new party called FRODEBU-Nyakuri. *Nyakuri* in Kirundi means “true” or “authentic”.