



Action des Chrétiens pour l'Abolition de la Torture (Acat-Burundi)

BURUNDI: ANNUAL REPORT ON PRISONS

Edition 2021



7 December 2021: a deadly fire ravages the Gitega prison, killing and injuring dozens. The First Vice-President of the Republic, P. Bazombanza (right), hastily asserts that anarchic electrical installations are the cause of the tragedy...

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ACRONYMS AND ABBREVIATIONS

- **BBC Fm**: British Broadcasting Corporation
- **CNL**: National Congress for Freedom
- **ACHPR**: African Commission on Human and Peoples' Rights
- **CAT**: Committee Against Torture
- **CNIDH** : National Independent Human Rights Commission
- **CNDD-FDD**: National Council for the Defence of Democracy - Forces for the Defence of Democracy
- **WGAD**: United Nations Working Group on Arbitrary Detention
- **MSD** : Movement for Solidarity and Democracy
- **WHO**: World Health Organization
- **OPJ**: Judicial Police Officer
- **PARCEM** : Word and Action for the Awakening of Consciousness and the Evolution of Mentalities
- **SNR**: National Intelligence Service

I. Introduction

During the year 2021, ACAT-BURUNDI noted that human rights violations continued with impunity as a result of the socio-political and economic consequences of the political crisis that began in 2015 in Burundi. The change of leadership during the 2020 elections has not brought significant changes in the life of the country.

During the period covered by this annual report, some progress was observed, such as the release from prison of human rights defenders Nestor Nibitanga and Germain Rukuki. Nestor was released on 27 April 2021 following a presidential pardon, while Germain was released on 30 June 2021 following his appeal.

Then, the measure banning the activities of the PARCEM association, taken in June 2019, was lifted on 2 April 2021, while the Bonesha FM and BBC Fm media were once again operating. For Bonesha radio, which was destroyed in May 2015, the rebroadcasting of programmes resumed on 26 February 2021, while for BBC Fm radio, banned in March 2019, programmes resumed on 16 June 2021.

ACAT-BURUNDI also appreciates the progress made by the Ministry of Justice in relation to the bad practice of keeping in detention prisoners who have been acquitted or who have served their sentences. Then, there was the release of prisoners, including some political prisoners, with the aim of relieving overcrowding in prisons and restoring the rights of unjustly imprisoned prisoners.

Nevertheless, ACAT-BURUNDI remains concerned about the many obstacles to the exercise of public freedoms. In its latest report of September 2021, the United Nations Commission of Inquiry on the situation of human rights "deplors the fact that since the arrival in power of President Ndayishimiye, the democratic space remains closed and the tolerance for critical opinions remains limited even if the dynamics of relations between Burundi and the international community have changed. Despite some isolated symbolic gestures in the field of human rights, no structural reforms have been undertaken to improve the situation in a sustainable way. The rule of law continues to be progressively eroded and the risk factors for the deterioration of the human rights situation, although they have changed, remain present overall.

Impunity still remains a threat to the security and freedom of the population. Indeed, the main alleged perpetrators of human rights violations, identified among the agents of the forces of law and order, the National Intelligence Service (SNR) and members of the Imbonerakure militia, as well as certain administrative officials, are never prosecuted.

In relation to this recurrent deterioration in human rights violations, ACAT-BURUNDI deplors the speeches of good intentions made by the authorities, in this case the Head of State, but which are rarely translated into action. Clearly, there is still a long way to go for the respect of human rights in general, in particular the administration of justice and the improvement of prison conditions.

For example, from January to December 2021, ACAT-BURUNDI recorded **371** cases of assassinations, **251** cases of arbitrary detention, **54** cases of enforced disappearance, **37** cases of torture and **7** cases of extrajudicial executions.

The dysfunctions in the field of justice persist despite a certain evolution compared to the period before the accession to power of President Ndayishimiye Evariste.

This is particularly noticeable in the persistence of corruption, the interference of various authorities and members of the CNDD-FDD in the affairs of the judiciary, the failure to respect legal procedures and deadlines, the non-execution of judicial decisions, particularly those concerning the release of prisoners, and the inertia in certain procedures.

Repeated expectations of the rights to security and freedom of the person are still being orchestrated against militants of the National Congress for Freedom (CNL) party as well as ex-members of the Burundian armed forces (Ex-FAB), mainly from the Tutsi minority. They are all wrongly accused of collaborating with the armed groups attacking Burundi.

Armed attacks by unidentified groups and others claimed by the Red Tabara¹ have led to a recent increase in enforced disappearances, torture and arbitrary arrests and imprisonment.

Within the prisons, acts of torture and ill-treatment are still inflicted on members of the CNL, the MSD, ex-military or police officers of the Burundian Armed Forces, people who demonstrated against the third mandate in 2015, and other prisoners of conscience, especially in Mpimba and Gitega prison. ACAT-BURUNDI notes that there are still judicial files of these categories of prisoners mentioned above which are not evolving in accordance with the law.

On the ground, ACAT-BURUNDI notes that the prison population statistics do not always evolve favourably and even show a considerably high occupancy rate, reaching **800%** of the capacity of prisons such as Muramvya prison.

The deadly fire in Gitega prison on 7 December 2021 caused significant material and human damage, which exacerbated the poor conditions of detention, which were already precarious due to the high level of prison overcrowding. Gitega prison is also facing other challenges in the Burundian prison environment, which further complicates the life of prisoners in this prison.

This report is a summary of the monthly reports produced from January to December 2021 and concerns the penitentiary establishments of GITEGA, MURAMVYA, BUJUMBURA, BUBANZA, NGOZI, RUTANA, RUYIGI, MUYINGA and RUMONGE.

It focuses mainly on prison conditions, taking into account the rights guaranteed to persons deprived of their liberty and prison overcrowding; the administration of these prisons as well as irregularities or malfunctions in the judicial files of persons deprived of their liberty will be addressed.

This report also addresses the referral of victims of human rights violations, mainly in prisons in the area covered by ACAT-BURUNDI, to the UN and African human rights mechanisms.

Finally, this report looks at the management of the COVID 19 pandemic in general in the Burundian prison environment.

¹RED-Tabara or Red Tabara, meaning Resistance for the Rule of Law in Burundi, is a Burundian armed faction that has been particularly active since the beginning of the 2015 political crisis. It opposes the current regime.

Recommendations are made to the various key actors in the administration of prisons and access to justice in Burundi.

II. Prison conditions in Burundi

The monitoring of prisoners' rights violations carried out by ACAT-BURUNDI has shown that all Burundian prisons are still experiencing a serious problem of overcrowding. The number of prisoners exceeds, in most cases, the capacity of the prisons.

These are the same prisons that are full of political detainees where there are a higher number of prisoners such as Muramvya, Mpimba, Gitega and Ngozi prisons.

It should be recalled that Burundian positive law, in this case the Burundian Code of Criminal Procedure and the Penal Code, offers alternatives for reducing prison overcrowding. Indeed, Article 154 of the Code of Criminal Procedure in force in Burundi recognises the principle set out in the Universal Declaration of Human and Peoples' Rights according to which "freedom is the rule and detention the exception...".

The same provision sets out a limited list of conditions for keeping a person in detention. These are :

1. Preserve evidence and material proof or prevent pressure on witnesses or victims or fraudulent concertation between accused persons, co-perpetrators or accomplices;
2. Preserve public order from the current disorder caused by the offence ;
3. Ending or preventing the recurrence of the offence ;
4. Ensuring that the accused is kept at the disposal of the justice system.

ACAT-BURUNDI recognises that if the conditions set out in this provision were scrupulously respected, there would be fewer people in prison. However, magistrates abuse the power conferred on them by the law by keeping in pre-trial detention defendants who could be prosecuted while at liberty. The political and security crisis that the country has been experiencing since 2015 has led to a serious overcrowding of prisons. The government still uses detention as a means of repressing real or supposed opponents of the regime in place.

The slow processing of court cases and the lack of enforcement of court decisions, especially for political detainees, has contributed significantly to prison overcrowding.

Article 44 of the Burundian Penal Code currently in force provides for another form of punishment other than imprisonment. This is community service, which consists in the conviction of the offender for a crime or contravention to perform unpaid work for the benefit of a legal person under public law or an association authorised to carry out community service, as explained in article 53 of the above-mentioned law. The implementation of this legally authorised route would facilitate the decongestion of prisons.

The figures recorded during the year 2021 by ACAT-BURUNDI show that in Burundi's prisons, the number of prisoners exceeds the capacity of the prisons by more than three times.

In December 2021, the prison population in Burundi was **13002**, including **6,958** remand prisoners + 6 minors and **5,892** convicted prisoners + 146 minors.

For information purposes, the following tables illustrate the numbers of the prison population for the months of October, November and December 2021.

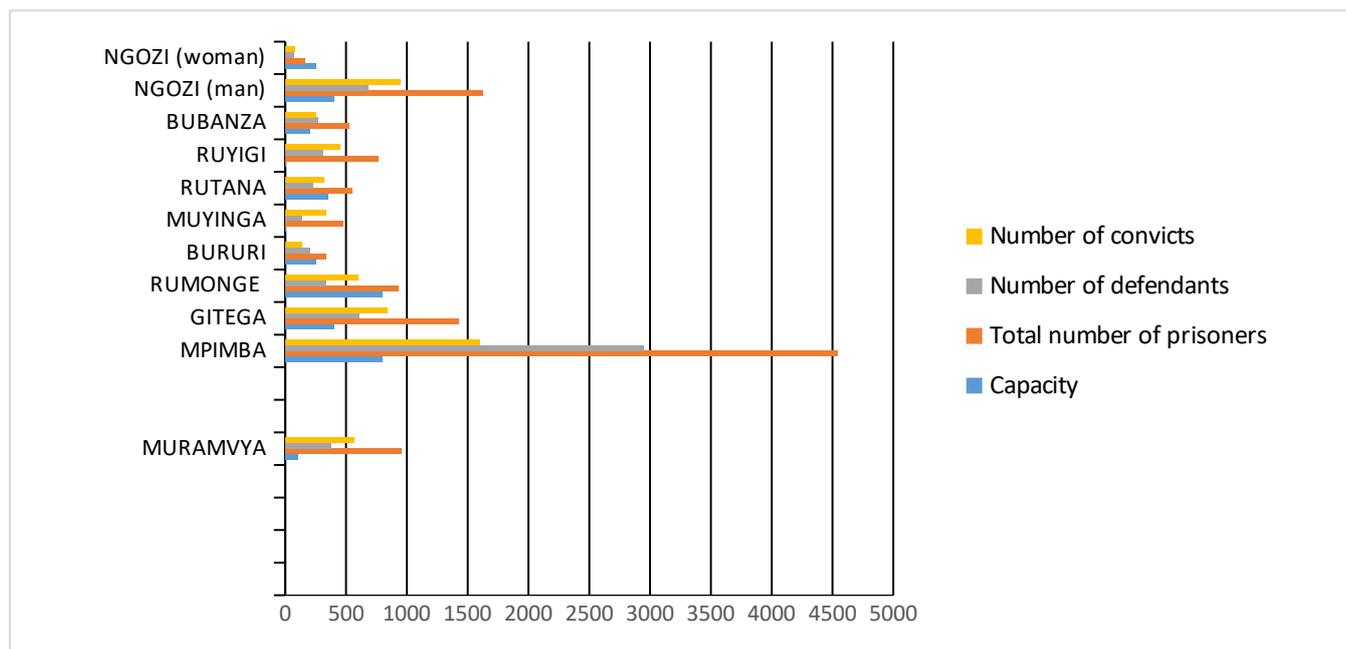
In addition, there is an impact of prison overcrowding on the household and national economy. Indeed, the high number of prisoners has a negative impact on the country's economy, as it has to spend a lot of money to ensure the survival of prisoners, especially as subsidies are still insufficient, which explains the deplorable conditions in which prisoners live.

It should also be noted that imprisonment deprives the detainee of access to daily activities and consequently affects the household economy while the country's economy suffers in one way or another.

i. **Month of October 2021**

Prison	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Occupancy rate
MURAMVYA	100	953 including 8 infants	374	569	953%
MPIMBA	800	4542 including 31 infants	2943	1599	567,75%
GITEGA	400	1430 including 18 infants	608	842	357,5 %
RUMONGE	800	931 including 6 infants	335	596	116.38%
BURURI	250	334	201	133	133,6%
MUYINGA	300 including 2 infants	472	138	334	157.33%
RUTANA	350	547	225	322	156,29%
RUYIGI	300 including 10 infants	766	312	454	255.33%
BUBANZA	200	527	269	255	263 ,5 %
NGOZI (male)	400	1628	679	949	407%
NGOZI (woman)	250	165	68	75	66%

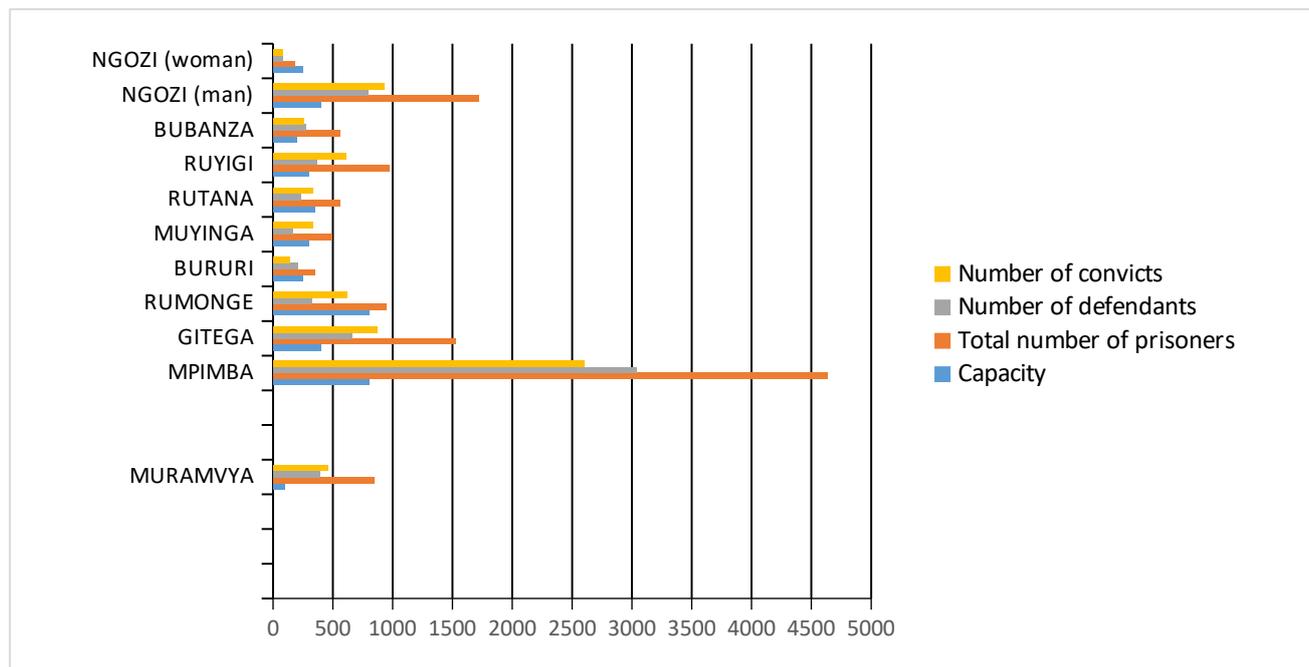
Figure 1 Prison situation in October 2021



NB The prison population was 12,295 prisoners and 63 infants
 ii. **Month of November 2021**

Prison	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Occupancy rate
MURAMVYA	100	848	390	458	848%
MPIMBA	800	4631	3034	2597	578,88%
GITEGA	400	1525	658	867	381,25 %
RUMONGE	800	947	328	619	118.38%
BURURI	250	346	210	136	138,4%
MUYINGA	300	496	165	331	165.33%
RUTANA	350	562	228	334	160,57%
RUYIGI	300	971	363	608	323.67 %
BUBANZA	200	556	277	255	278 %
NGOZI (men)	400	1717	791	926	429.25%
NGOZI (woman)	250	178	80	78	71.20%

Graph II Prison situation in November 2021

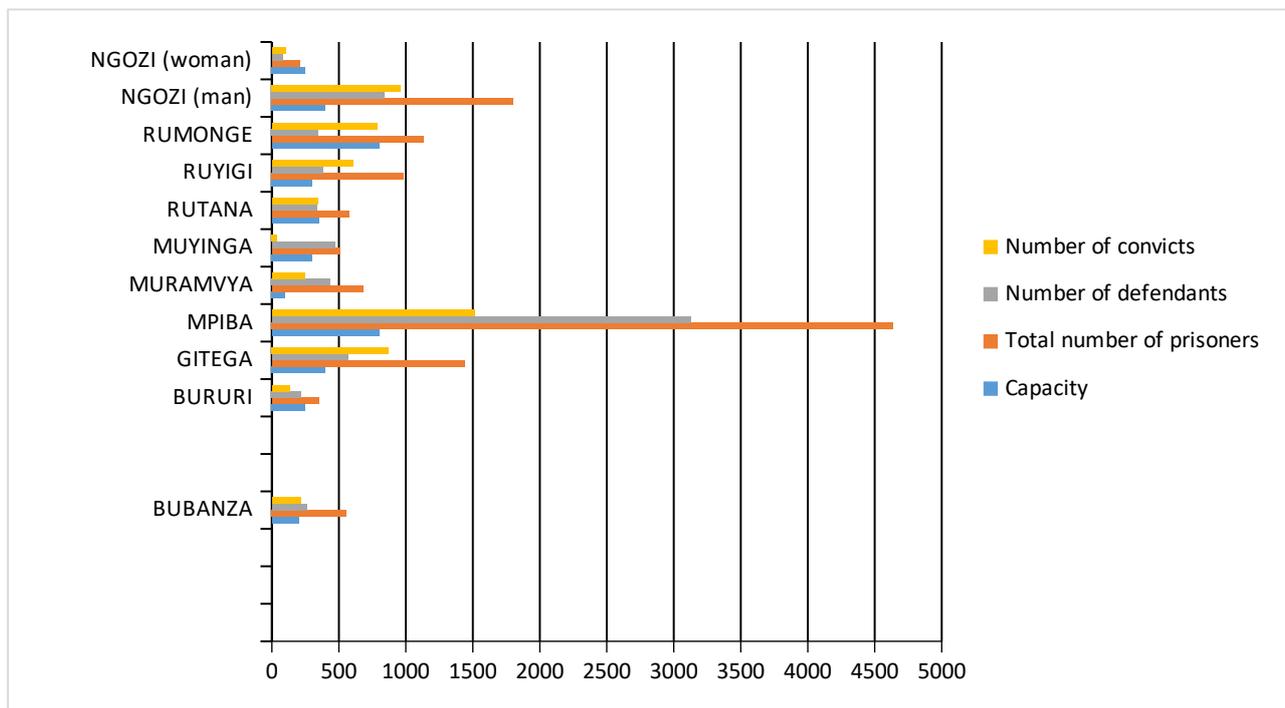


NB: The prison population was 12,777.

iii. month of December 2021

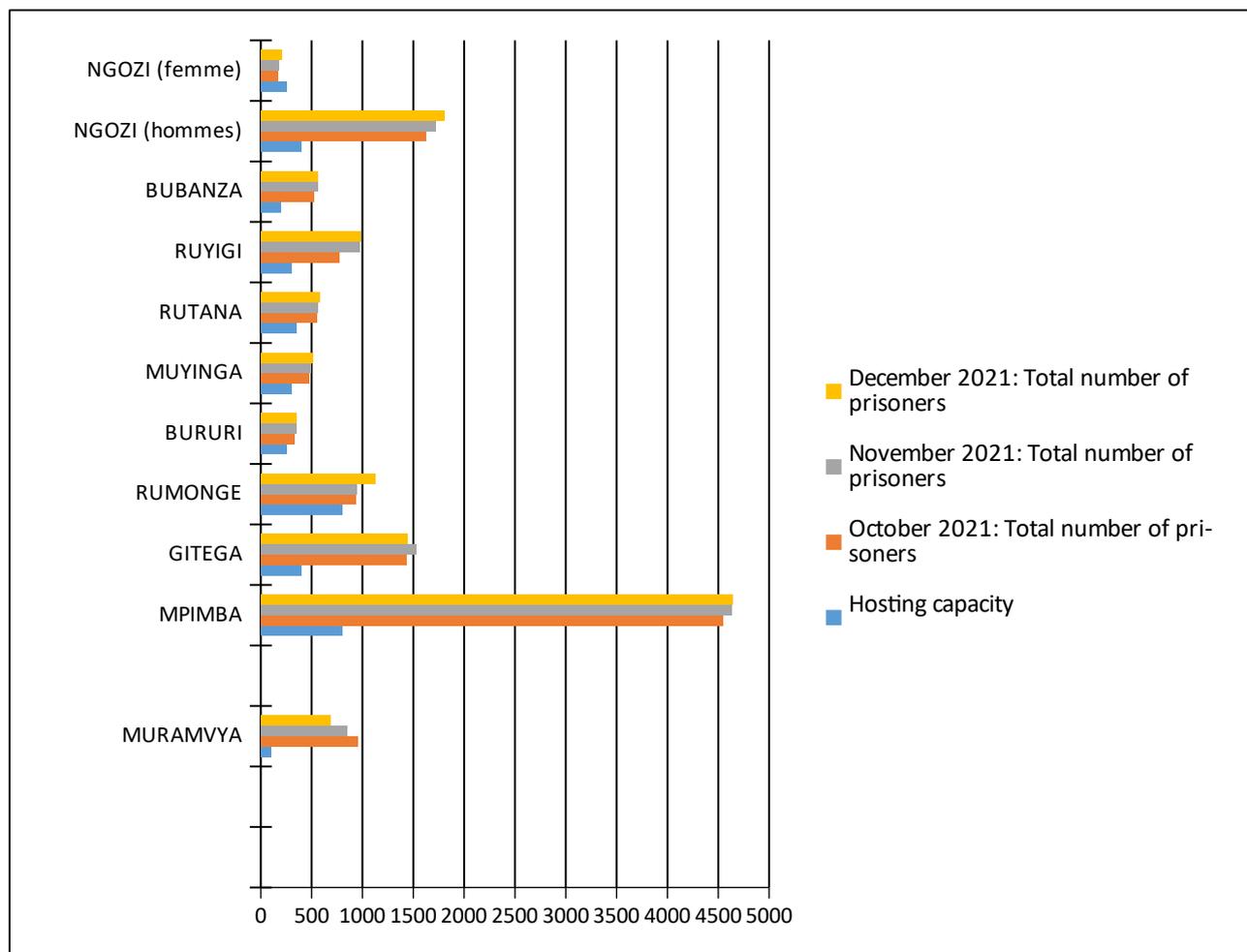
Prison	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Occupancy rate
BUBANZA	200	556	259	217	278%
BURURI	250	352	218	134	140.8%
GITEGA	400	1439	566	873	359.75 %
MPIBA	800	4637	3126	1511	579.63%
MURAMVYA	100	681	436	245	681%
MUYINGA	300	508	469	39	169.33%
RUTANA	350	576	335	341	164,57%
RUYIGI	300	985	380	605	328.33%
RUMONGE	800	1130	345	785	141,7%
NGOZI (Male)	400	1802	842	960	450.50%
NGOZI (woman)	250	209	82	102	83.6%

Graph III Prison situation in December 2021



Prison population was 13,002 on 31 December 2021

Figure IV: Stagnant trend in prison movement in the last quarter of the year 2021



II.1 Infrastructure

The infrastructure of prisons in Burundi is dilapidated, unhealthy and not adequately repaired.

During the year 2021, there were no major renovations to prison infrastructure, transformations were made to the infrastructure of the prisons in Ruyigi, Rutana and Rumonge.

In Ruyigi prison, changes were made to the electrical installations, doors were installed to toilets and bathrooms that previously had none, paint was put on the walls and repairs were made to the water pipes. Inside the cells, the wooden beds were replaced with metal ones. Two wooden rooms have been set up for Covid-19 patients next to the administrative office, where three mattresses have been put.

Within Rutana prison, a cell for isolation in case of Covid-19 infection has also been set up.

The International Committee of the Red Cross (ICRC) has built premises for public hearings on behalf of Rumonge prison, which will make it easier for prisoners in this prison to be tried without having to travel long distances for hearings.

The cell that had been set up for the patients of Covid 19 was transformed into a hairdressing salon in Mpimba prison.

The fire at Gitega prison on 7 December 2021 demolished a large part of the prison buildings, causing enormous human and material damage. The fire further complicated the lives of the inmates who were facing other challenges, especially prison overcrowding. The survivors were housed in 33 arbours, each of which can accommodate 16 inmates, whereas an arbor is normally designed to house four people.

During the rainy period, rainwater floods the arbours and the sleeping materials get wet from time to time. The prisoners are out in the open without any protection against the cold (with an average minimum temperature of 14°C during the night), which constitutes an obvious risk of causing various diseases. Some prisoners prefer to sleep in the reconstructed sheds instead of spending the night in the flooded tents.

The prisoners deplore the fact that reconstruction work is proceeding at a snail's pace, which makes them feel desperate.

Prisons are generally confronted with insufficient infrastructure to cope with the large number of prisoners occupying them.

Prison buildings with a large prison population such as Mpimba prison, Muramvya are still in a dilapidated state and are poorly maintained.

There are still prisoners sleeping in corridors on the floor, the roofs are old, full of holes and let rainwater in.

There is often a lack of water in the prisons of Mpimba, Rumonge and Rutana, which can lead to illness.

In the prisons of Muramvya, Gitega and Bubanza, the infrastructure is generally in good condition. These prisons are well lit and have sufficient water supplies, except where there are widespread power cuts in the regions where the prisons are located. The premises of these prisons face the problem of overcrowding and cannot contain all the prisoners in them.

As we have always pointed out, overcrowding in prisons is the source of insalubrity and consequently of disease. Contagious diseases spread very quickly, especially as the dispensaries in the prisons have very limited means to deal with these diseases.

II.2 Fire in Gitega prison

On the morning of 7 December 2021, ACAT - BURUNDI learned with dismay that the Gitega prison was catching fire and that the damage was enormous in terms of human life and material.

An official death toll of 38, including 12 asphyxiated and 26 dead from deep burns out of a total of 1,500 prisoners, was drawn up a few hours later by the Vice-President of the Republic, Mr Prosper BAZOMBANZA, who led a delegation of state and judicial authorities to the scene of the tragedy.

The same government delegation, through the Vice President of the Republic, hastily claimed that anarchic electrical installations were the cause of the fire without any thorough investigation that could lead to reliable results.

ACAT - BURUNDI deplores the negligence of the prison authorities in preventing such disasters insofar as the information received indicates that the main door of the prison was locked by two padlocks, one of which was guarded by the prison management and the other by the prison police, while the civilian staff of the prison did not keep night watch.

Concordant sources in the prison further affirm that the fire started at around 4:00 am in room 4 of the block commonly known as "KIBANDA" and that an explosion was heard and from there the fire ravaged the entire prison.

This lead should lead to an independent investigation into the origin of the fire by the relevant authorities, if there is at least the will of the Government

ACAT - BURUNDI condemns the behaviour of the police guarding the prison for not having opened the main door of the prison very quickly to allow the prisoners to escape. It was necessary to wait for a prison administrator to authorise the prisoners to take shelter from the fire.

ACAT - BURUNDI regrets that the prison authorities have refused access to the scene to humanitarian organisations such as the Red Cross and MSF to help the victims, especially since the figures communicated by the Government of Burundi are far lower than the actual number of prisoners who perished in the fire, according to the testimonies it has already collected.

ACAT - BURUNDI was deeply shocked by the way in which the bodies of the victims were buried clandestinely and with a total lack of respect for the rights and dignity that have always characterised Burundi during burial. Indeed, the families of the victims were not allowed to bury their loved ones or even to access the site of the tragedy to pay their last respects to their loved ones, who were buried hastily and without prior identification on the night of 7 December 2021.

Consequently, ACAT - BURUNDI deplores the contempt shown to victims by the management of Gitega prison when it refuses to allow their families to visit their relatives, especially political prisoners, arguing that this is in order to avoid the spread of covid 19, while prison staff go in and out of the prison without observing any barrier measures.

ACAT - BURUNDI drew the attention of the competent authorities to the risk of deterioration of the health of the survivors of the Gitega prison, which no longer had electricity due to the high number of prisoners, which greatly exceeded its capacity.

ACAT - BURUNDI recalled that "*Every individual has the right to life, liberty and security of person*"² and that "*This right must be protected by law. No one can be arbitrarily deprived of life*"³ hence the urgency of an independent judicial enquiry into the origin of the fire and its consequences on the human level.

ACAT - BURUNDI also recalled that cases of death in prison are among the situations that give rise to the intervention of international mechanisms such as the Special Rapporteur on extrajudicial, summary or arbitrary executions, who intervenes in cases of negligence, use of force and dangerous conditions in places of detention⁴

² Universal Declaration of Human Rights

³ International Covenant on Civil and Political Rights

⁴ <https://www.ohchr.org/Documents/Publications/FactSheet11Rev.1fr.pdf>

The presence of state and judicial authorities at the highest level, led by the Vice-President of the Republic, Mr Prosper BAZOMBANZA, had raised hopes of national solidarity in the management of this tragedy, but this hope only lasted as long as the dew. In fact, the media appearance of the government delegation led by the Vice-President of the Republic raised concerns among the public opinion insofar as this authority hastily asserted the cause of the fire without any in-depth investigations that could lead to reliable results. The number of dead prisoners raises several questions, as the prisoners themselves and others who were present state that the figures communicated by the Government of Burundi are far lower than the real number of prisoners who died in the fire.

II.3 Right or access to visits and communication

The UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules): Rule 58.1: "Prisoners shall be allowed, under appropriate supervision, to communicate with their family and friends at regular intervals:

- a) By written correspondence and, where appropriate, by electronic, digital or other means of telecommunication; and
- b) By receiving visits".

Law No. 1 24 of 14 December 2017 revising the prison regime in Article 38: "subject to conditions that may be set by the prison administration or the internal regulations, prisoners have the right to receive visits, in particular those of their family members.

Receiving visits for a person deprived of liberty is of paramount importance for the well-being of prisoners. Family members provide necessary moral and material support for the person deprived of their liberty and later for their social reintegration after detention.

This suspension of visits has harmful consequences for the majority of detainees who are totally disconnected from their families, especially since the principle that the detainee must be placed in a place of detention closest to his or her place of origin or to the territorially competent jurisdiction is not observed, in violation of articles 14, 10 and 111 paragraphs 1 respectively of the internal prison regulations.

In relation to this, ACAT-BURUNDI notes that some people deprived of their liberty in Burundi, especially political prisoners, are expressly detained far from their relatives for punitive or political reasons, we can cite the example of detainees incarcerated in Gitega prison in the case of the attempted putsch of 13 May 2015.

The right to communication of persons deprived of their liberty with the outside world is also a right recognised by the texts governing the protection of prisoners both at the internal and international levels, namely the minimum rules for the protection of prisoners adopted by the first United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Geneva in 1955 and approved by the Economic and Social Council in its resolutions 663 C of 31 July 1957 and 2076 of 13 May 1977, and Law No. 1/24 of 14 December 2017 revising the prison regime in Burundi.

ACAT-BURUNDI was interested in the respect of the right to communication with the outside world during the Covid-19 pandemic in some Burundian prisons. Our documentation revealed that the right to communication of prisoners recognised by the texts governing the protection of prisoners both at the internal and international levels was vigorously violated.

This restriction had consequences for the right to a fair trial as detainees were not given counsel to prepare their defences.

During the period from July to September 2021, in some prisons (MURAMVYA, NGOZI, MUYINGA), lawyers were not allowed to meet with their clients. They took advantage of the public hearings to communicate with the defendant, which prevented them from properly preparing the defence. In other prisons (BUJUMBURA, GITEGA), lawyers were allowed access to the prison but with a very limited time (15 minutes per interview).

Prisoners were not convinced of the need for the suspension of visits as they reported that some prisoners (free prisoners), police officers and prison staff were going in and out of the prison without any barrier action. They also reported that new prisoners were put in the same cells as the old ones without being quarantined or tested to ensure that they were not carrying the Covid-19 virus.

This suspension of visits was not without consequences for the prisoners, as they were totally disconnected from their families. It should be recalled that in recent times, the prisons have experienced a recurrent shortage of food stocks and this was added to the lack of communication with the family who could have helped them by bringing them food. Despite this legal requirement, since April 2020, the Directorate General of Penitentiary Affairs of Burundi has suspended visits to all prisons in Burundi, arguing that it is in order to avoid the spread of the Covid-19 pandemic in prisons.

Moreover, the implementation of this barrier measure left a lot to be desired and the prisoners were deeply concerned and even indignant about it. Indeed, some detainees (free prisoners), police officers and prison staff were leaving and entering the prison without observing any other barrier measure. Moreover, new prisoners were put in the same cells as the old ones without being quarantined or tested to ensure that they were not carriers of the covid 19 virus.

More deplorably, this selective measure reinforced favouritism and the monetisation of visits, as some prisoners received visits from relatives while others were denied them. In addition, the right to legal assistance was violated as prisoners complained that they no longer had access to their lawyers (in violation of Article 99 of the internal prison regulations and Article 37 of the prison regime) for the preparation of pleadings, while public hearings continued as usual.

It should be recalled that in recent times the prisons have experienced a recurrent shortage of food supplies and this has been compounded by the lack of communication with the family who could help them by bringing them food.

Even those who brought food and other supplies to their relatives had no assurance that the parcels would reach the recipients as they could no longer communicate. The parcels

were delivered through the intermediary of free detainees and not everyone trusted them as they were chosen from among the ruling CNDD-FDD party loyalists.

ACAT - BURUNDI therefore notes that the suspension of visits, applied selectively, in order to protect prisoners against the Covid-19 pandemic was totally unsuccessful, especially as the prison population far exceeded the normal capacity. Under these conditions, Article 32 of the prison regime on hygiene was impracticable, let alone distancing.

II.4 Right or access to food

During the year 2021, ACAT-BURUNDI noted that the phenomenon of excessive food shortages in the various prisons across the country continued as in the previous year.

This shortage of foodstuffs made conditions of detention more difficult, as it was added to the measure taken by the General Directorate of Penitentiary Affairs, which prohibited visits to prisons in order to prevent the spread of Covid 19 in prison environments. This decision would have been good under normal circumstances, but its implementation and monitoring were not well organised because in most of these prisons there were movements of some prisoners (i.e. the entry of new prisoners and the movement of free prisoners) and prison staff who did not carry out regular screening.

As a reminder, the right to food for detainees is a right recognised by regional and international human rights protection texts, namely the Universal Declaration of Human and Peoples' Rights (article 25), the International Covenant on Economic, Social and Cultural Rights (article 11), the Standard Minimum Rules for the Treatment of Prisoners (article 20) as well as the African Charter on Human and Peoples' Rights, which recognises the right to food as being part of the Charter since 2001

The above-mentioned texts mention that the implementation of this right must take into account both quality and quantity.

As far as the state of affairs in Burundi's prisons is concerned, these texts are violated in the sense that the quality of food leaves something to be desired, given that the food distributed to prisoners from 1 January to 31 December each year consists of beans and flour only. Cassava flour, which is the main food in the prisons, has been in desperate short supply throughout the year, and prisoners have gone for weeks (3 weeks or more) without being fed the daily ration prescribed to them, i.e. 350g of beans and 350g of flour per day, which has so far been insufficient.

It is worth mentioning that in addition to this lack of quantity, the food for the prisoners is poor in terms of quality. Even salt is not distributed. Prisoners have to get it by their own means.

During the month of December 2021, a misappropriation of food supplies reserved for prisoners was reported in Rumonge prison and it was the prison director in the person of Patrice NKURUKIYE in complicity with the head of security, nicknamed General KAJENEZA Mustapha, as well as the senior general captain, a certain MANIRAMBONA

Pierre, who were accused of this misappropriation. In order to conceal the embezzlement case, these political prisoners were falsely accused of organising demonstrations and disturbing internal security within the prison. Most of these prisoners were put in correctional rooms, their phones were searched and confiscated until further notice. A certain Claude AKUNDABAHIZI was put in an isolation cell and his phone confiscated. The other example is that of Dr BIZUMUKAMA Louis who was intimidated by the same security officers on 16 November 2021.

There was also a serious lack of food in all the prisons in Burundi, namely: Mpimba, Rumonge, Bururi, Ruyigi, Rutana, Musinga, Bubanza, Ngozi (women's and men's prison), Gitega and Muramvya. This shortcoming was noted at a time when the prisons had an extremely high number of inmates far exceeding their capacity.

The prison administration could have authorised visits, taking into account compliance with the barrier measures against covid 19 so that prisoners whose families have means of provisioning can help their families. This could have provided respite for prisoners, especially during periods of food shortages in prisons.

Faced with this problem of stock shortages, the prison authorities have not provided any explanations for this deplorable situation, while the political authorities keep claiming that Burundi has no budgetary problems. It remains to be seen whether this stock shortage was due to poor management or negligence.

II.5 Rights or access to health care

ACAT-BURUNDI continues to identify cases of seriously ill prisoners in various prisons in Burundi who do not receive appropriate health care to the point of losing their lives, which is a serious violation of human rights principles according to the standards and laws in force in this area.

Prisoners who need to receive care that is not provided in prison have great difficulty in obtaining permission to leave from the prison authorities.

It should be noted that most of the detainees who do not have access to health care are prisoners accused of political offences, which is another form of repression exercised by the authorities against them.

In addition to this problem, which is linked to the difficulty of accessing health care in appropriate facilities, prisons are experiencing difficulties in implementing hygiene measures as recommended by the WHO and the Ministry of Health in order to deal with the Covid-19 pandemic. The lack of soap, drinking water, the absence of awareness on the behaviour to adopt as well as the overcrowding of prisons make this task perilous.

There is a severe lack of medicines in prisons to treat prisoners in imminent need.

The Directorate General of Penitentiary Affairs took a measure to suspend visits in order to prevent the spread of the virus, but the inmates considered this measure ineffective because every day, more than a hundred new inmates entered the different penitentiary establishments and these were put directly in the cells where other inmates were housed

without being tested or quarantined. Prison staff have access to the cells where the prisoners are housed, not to mention the free prisoners who spend most of the day outside the prison and return to their cells in the evening.

Corruption also made this measure unenforceable because the person who gave money to the security agents was allowed to visit his relative.

The Rumonge Prison (MUREMBWE) which had seen progress in the transfer of detainees to competent health care facilities has seen a setback since August 2021 following the escape of a Kenyan businessman who was detained in the said prison, transfers were subsequently stopped.

Political detainees (accused of participation in the attempted putsch of 13 May 2015) incarcerated in Gitega prison when they receive permission to go outside the prison to receive treatment, are escorted by SNR agents and the police station in Gitega under the pretext that they might escape. Normally the escort of detainees is provided by the prison police, which is under the control of the prison authority. The fact that political detainees are escorted by police officers from the police station constitutes a special management which causes a climate of fear towards them.

The Ministry of Justice is not taking any steps to improve access to health care for people deprived of their liberty or to rehabilitate officials in the Department of Corrections who do not respect the rights of sick prisoners.

As regards the law, it should be recalled that access to health care is guaranteed by article 55 of the Burundian constitution, and articles 33 and 34 of the law on the prison system in Burundi are also clear on the subject.

Moreover, the law on the prison regime in Burundi provides that the prison administration shall provide health care for prisoners in each prison establishment. Under this law, a doctor appointed by the Ministry of Public Health regularly monitors the operation of the health service and the application of health regulations in prisons.

At the regional level, the African Charter on Human and Peoples' Rights guarantees the right to health of prisoners when it states in Article 16 that "Everyone has the right to enjoy the highest attainable standard of physical and mental health". At the international level, it is worth mentioning the Universal Declaration of Human Rights, which, in Article 25, determines the standard of living that can guarantee good health when it states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family.

Furthermore, the UN Standard Minimum Rules for the Treatment of Prisoners in Article 25 require the doctor to report to the director whenever he or she believes that the physical or mental health of a prisoner has been or will be affected by the prolongation or any form of detention. He is also responsible for monitoring the physical and mental health of prisoners.

The International Covenant on Socio-Cultural Economic Rights, on the other hand, advocates non-discrimination in the right to health. The Committee on Economic, Social and Cultural Rights specifically recommends the obligation to respect the right to health by, inter alia, refraining from denying or diminishing equal access. Ultimately, these laws and guidelines indicate that persons deprived of their liberty should enjoy a better state of health on an equal footing with persons at liberty.

Since most prisons in Burundi only have infirmaries that are not sufficiently equipped and there are not many doctors, it is recommended to make transfers to nearby hospitals for prisoners in need.

ACAT-BURUNDI was able to investigate this situation in the prisons of Rutana, Gitega and Muramvya, where detainees were denied access to health care in an appropriate health facility (outside the prison) while the care they needed was not provided by the dispensaries in these prisons.

The victims identified during the month of January 2021 were DOMBORI Pascal, KARERWA Pontien, BUCUMI Alexis, NKURUNZIZA Richard, DUSHIMIRIMANA Salvator, NIYINDABA Sabin, HABARUGIRA Innocent, NTAACONZOBA Fulgence, NIZIGIYIMANA Elias, NZOJIYOBIRI Vital and NIYONKUURU Laurent.

During the months of July and August 2021, some inmates had difficulties in accessing health care in Mpimba prison namely: MANIRAKIZA Didace, NGENDAKUMANA Gilbert, NDAYIZEYE Christine, NSENGIYUMVA J. Bosco, NZEYIMANA Eric, NSENGABAHIZI Deo, NDAYISABA Herman, BAMVUKIYE J. Pierre, UWAMAHORO Claude, GAHUSHI Francois, BUKURU J. Claude, NIYONGABO Fabrice, Tanny MBIDA, BANCIRYANINO Fabien, NDAYISHIMIYE Ferdinand, NIYOMWUNGERE Eric, CIZA Francois, NDUWIMANA Ezechiel, MPAWENAYO Eric, HACIMANA Diomede, MBAZUMUTIMA Richard, MWAMARAKIZA Ismail, SEKAMANA Theogene, NDIKUMANA Martin, BUHIRE Aime Richard, etc .

Other cases have been identified within Mpimba prison, which leads in the violation of the right to access to health care during the period from September to December 2021, these cases are the following

1. KABURA Serges, suffered from advanced cataract. For some time, the medical officer had authorised him to be treated elsewhere, but until then nothing had been done to ensure that he received treatment outside the prison.
2. NIYONKURU Steve had undergone a tummy operation before his incarceration. He had complications with his navel and was due to undergo a second operation, but was refused permission.
3. MACUMI Emmanuel also suffered from a hernia and needed surgery quickly because he was already in a critical condition. He repeatedly asked for permission to go outside the prison for treatment but without success.
4. MBAZUMUTIMA Richard was suffering from an abscess in his testicles. The doctor requested that he be operated on elsewhere, but until then the prison governor had not yet authorised his transfer.
5. HAVYARIMANA Célestin was suffering from high blood pressure. Medical tests revealed that his condition was very serious and the medication at the health centre failed to stabilise him and he was not transferred to receive the required treatment outside the prison.

6. In Mpimba prison, on 5 November 2021, Gabriel NKESHIMANA died of open fractures after haemorrhaging. He had had an accident before his detention. Since his incarceration, he had repeatedly requested permission to go to a hospital that could provide him with appropriate care outside the prison, but the prison administration refused him access to this care. Later, the administration accepted his transfer but it was too late, his condition was already serious, he died.

II.6 Other activities in prisons: sport, worship, agriculture or other

Every prison should plan recreational activities to enhance the well-being of prisoners. Prisons shall provide appropriate facilities and premises to assist prisoners in carrying out these activities. The prison administration should be available for the organisation and implementation of these activities.

In Mpimba prison, people deprived of their liberty still practise trades such as basket making, carpentry, planting vegetables in the fields around the prison. Those who wish to practice one of the trades are registered without discrimination.

Nevertheless, some restrictions have been placed on the practice of sports by political prisoners, such as the former deputy Fabien BANCIRYANINO, who was refused sport and worship by the security committee for some time, accusing him of denouncing irregularities in the prison and of having made a complaint to the National Independent Human Rights Commission (CNIDH).

A category of detainees prosecuted for political offences consisting of more than twenty prisoners was not allowed to move around in Mpimba prison; even the right to worship was forbidden to them during the month of June 2021.

In the same Mpimba prison, in December 2021, after several days without news of the nineteen fighters of the RED Tabara armed movement, ACAT-BURUNDI learned that they were being held in a correctional cell called 'Tingitingi'. The director of this prison ordered them to sleep in bathrooms, they were forbidden to have any contact with other prisoners and could not therefore carry out any activity.

In the prison of Gitega, there was a vote of a representative of the Football Federation on 19 September 2021. The newly elected representative was not approved by the capitas general on the pretext that he was a demonstrator against the third term of office of the late President Pierre Nkurunziza in 2015, as if a former demonstrator did not have the same rights as other prisoners. According to information gathered in Gitega prison, the capitas general were guided by ethnic hatred motives because the day after the election, a certain Alain IRANKUNDA and Fiston NIZIGAMA, all belonging to the Tutsi ethnic group, were put in the correctional room on the pretext that they were planning to demonstrate against the decision of the capitas, whereas this was a way of putting them aside because they said no to this interference of these so-called representatives of the prisoners in the internal affairs of the prison administration..

In Bubanza, Rutana, Muyinga and Ruyigi prison, there is no space for sports. Respect for worship is respected for all religions.

In Muramvya prison, sport is practised by all prisoners who wish to do so, and the right to worship is respected.

In Ngozi prison, sport and the right to worship are respected for all prisoners.

In Gitega prison, when there are organised trades, they are carried out only by convicted prisoners. There is no exclusion for the practice of sports for prisoners in Gitega.

II.7 Situation of vulnerable persons deprived of their liberty: the elderly, pregnant women, nursing mothers and infants

Within the prison population, there are vulnerable prisoners whose conditions of detention require special treatment as provided for in the Prison Regime Act.

ACAT-BURUNDI focused on breastfeeding women, infants, the elderly and the disabled. The shortage of prison food in the course of 2021 also affected these categories of vulnerable groups, as the supplements that were granted were no longer available in some prisons.

In Mpimba prison, only breastfeeding women received double the ration intended for other persons deprived of their liberty. These women received sugar and flour for porridge, but the granting of these subsidies was not regular. For other categories of vulnerable people, including the elderly, the handicapped and the sick, they received support in the event of assistance from benefactors.

It is also worth mentioning that the Director of Mpimba prison refused to allow a prisoner to breastfeed her child. The prisoner in question is KANEZA Christa, who is detained at Mpimba Prison and who normally receives her child, who is less than one year old, for breastfeeding twice a day. But from 4 March 2021 until her release on 1 December 2021. The prison director refused her access to her child. This constitutes an infringement of the rights of the child, as any measure that can be taken must take into account the best interests of the child.

In Bubanza prison, there are no benefits for breastfeeding women other than some occasional support from benefactors. The same is true for the other categories who do not benefit from any assistance unless there is external help.

In Muramvya prison, only breastfeeding women receive a double ration for themselves and their infants. Other categories of vulnerable groups are not taken into account.

In Gitega prison, nursing mothers and their children receive the same quality and quantity of care as other prisoners. For access to health care, these women and their children are referred to the outside when necessary. The other categories of vulnerable groups do not receive any special treatment unless there is support from benefactors. The deadly fire of 7 December 2021 in the Gitega prison has aggravated the situation of these vulnerable groups.

For Ruyigi prison, the Diocese of Ruyigi is contributing to improve the nutrition of vulnerable groups: nursing mothers, the sick, children and the elderly.

As for Rutana prison, there is no special treatment for favourable categories of prisoners, they are treated in the same conditions as their peers.

Through these few examples, we notice that the penitentiary establishments in Burundi do

not have rules to take into account the needs of each prisoner, in particular vulnerable prisoners, and these establishments have few means to protect this category of prisoners.

III. Administration of prisons in Burundi

The administration of prisons is the responsibility of the Directorate General of Prison Affairs in Burundi. According to the internal prison regulations of 30 June 2004, the prison director is the person in charge of the prison. He is in charge of the implementation of all judicial decisions, the reception of prisoners' grievances, security and hygiene.

Other services are available in the prisons, namely the legal service to follow up on all the legal issues of the prisoners and to keep them informed of their penal situation, and a social service which contributes to the moral recovery of the prisoners through various activities preparing them for their social reintegration after leaving the prisons according to the same internal regulations of the prisons of 30 June 2004

They are responsible for the feeding of prisoners, their conduct, access to health care, the organisation of outings, visits and the organisation of all activities that take place within the prisons.

Persons deprived of their liberty must be treated equally with due regard to respect for vulnerable groups as required by the law governing prisons.

Within their remit, prison directors are required to refer cases to the competent courts to rule on the preventive detention of prisoners admitted to their establishments in the event of failure by the Office of the Public Prosecutor, in accordance with article 343 of the Code of Criminal Procedure.

Despite this clarity in the regulatory provisions, investigations carried out by ACAT-BURUNDI in 2021 in various prisons show that there are still detainees in an irregular situation due to the indifference and inertia of prison officials. More worryingly, there are even cases where prison officials knowingly refuse to release detainees even though they have release tickets in their possession. This can often be the result of bad faith or political motivations.

There are also prisoners who are not satisfied with the services offered by prison officials, especially the category of political prisoners, because their grievances towards the legal or social services are not taken into account. This is particularly noticeable in terms of access to health care and protection within the prisons. Indeed, these prisoners are often mistreated by their peers acting on behalf of the security committees within the prisons. In addition, there are insufficient financial resources and prison staff to serve the prisoners. As a result, some prisoners suffer from illnesses due to malnutrition.

III.1 Security and surveillance in prisons

Security and surveillance in prisons is provided by a uniformed and trained police force in accordance with the law governing prisons. These police officers are under the supervision of the prison director and are responsible for the surveillance of prisoners both inside and outside the prison.

For imperative reasons of security, the Ministry of Justice may request from the Ministry of National Defence or the Ministry of Interior and Public Security elements to support the prison police according to the same law for prison administration.

ACAT-BURUNDI deploras the fact that in some prisons, prisoners who are members or sympathisers of the ruling CNDD FDD party and who operate under the orders of the prison authorities are always singled out by their peers for the ill-treatment inflicted on their fellow inmates. The perpetrators of these abuses, especially in Mpimba prison, are designated by the prison management to be part of the security committee.

In addition to acts of physical abuse, these detainees, grouped in what they call a 'security committee', organise searches in the cells occupied by political detainees to look for telephones and take advantage of these moments to commit theft, all of which is done with the prison administration.

The following are some illustrative cases of violations of the principle of supervision in the above-mentioned prisons:

1. On 13 January 2021, at Mpimba prison, security chiefs led by one MUGISHA Abdul, Alexis, Moussa and NYANDWI Ali tortured and snatched the phones of their peers accusing them of being opponents of the GITEGA government. In reality, they did this to extract money from them because they had to pay money to get their phones back.
2. On 22 January 2021, during a football match, a certain NIMUBONA Frédéric was slapped in the middle of the match by a security chief called Alexis. At the end of the match, NIMUBONA Frédéric was taken manu militari to a correctional room where he spent a whole night. He was a victim of showing his sympathy towards the opposing team of his torturer.
3. On 21 March 2021, a certain Aimé NIMUBONA detained at Mpimba Prison was arrested by the prison police who accused him of attempting to escape. After learning this information, the Director of Mpimba Prison OPC1 Ildefonse BIVAHAGUMYE ordered the inmates grouped in what they called security committee to correct him. He was seriously beaten until he lost his balance. The next day he could not stand up.
4. On 29 March 2021, the Honourable Fabien BANCIRYANINO, detained in Bujumbura Central Prison (Mpimba), was placed in a correctional room by the head of the security committee, named Christophe, on the orders of the prison director, where he spent three days. The motive for this mistreatment was to punish him following a letter he had written to the prison director, OPC1 Ildefonse BIVAHAGUMYE, with copies to the National Independent Human Rights Commission (CNIDH) and the Directorate General of Penitentiary Affairs, in which he had denounced the violations of prisoners' rights and the banditry orchestrated by the members of the security committee and the prisoners' representatives (capitas).

5. Steve, Emmanuel, Aimé and Maneno were singled out as the masterminds of the dastardly deeds in May 2021 in Mpimba prison. The latter and their accomplices arrested their peers and inflicted sanctions such as solitary confinement in unhealthy and inadequate places (dungeons or correctional room) without there being any reason to justify these measures.

A category of detainees prosecuted for political offences consisting of more than 20 prisoners was not allowed to move around the prison; even the right to worship was forbidden.

6. On 10 May 2021, a certain Désiré from the central prison of Mpimba who was living in solitary confinement in a place commonly known as Tingi Tingi was seriously beaten up by a certain Maneno, a security official in the neighbourhood and a member of the imbonerakure youth league operating in the Mpimba prison. He was accused of having spoken out loud during discussions with his friends that members of the security committee were committing blunders against their fellow inmates. He was classified as an enemy of the government according to the security officials.
7. On 14 May 2021, at Mpimba prison, a certain SEZIRAHIGA was unjustly accused by the security agents of holding funds from abroad and that these funds were destined for the rebels who were detained in the prison. The security officers came to search SEZIRAHIGA's room but found nothing. The prison director ordered that SEZIRAHIGA be put in solitary confinement until he could show where the money was. SEZIRAHIGA spent six (6) days in isolation in a correctional room.
8. On 26 May 2021, at Mpimba Prison, Alexandre was severely beaten and put in a correctional room by the ward's general captain, Steve. Alexandre was accused of having removed the light bulb from his former room. The head of security, a certain Aimé, accompanied by the deputy head captain, a certain Emmanuel, ordered the security officers to seriously beat Alexandre. He was beaten until he lost consciousness. The next day, he was taken to hospital because he was seriously injured.
9. In the prison of Gitega, there was a vote of a representative of the Football Federation on 19 September 2021. The newly elected representative was not approved by the capitas general on the pretext that he was a demonstrator against the third term of office of the late President Pierre Nkurunziza in 2015, as if a former demonstrator did not have the same rights as other prisoners. According to information gathered in Gitega prison, the capitas general were guided by ethnic hatred motives because the day after the election, a certain Alain IRANKUNDA and Fiston NIZIGAMA, all belonging to the Tutsi ethnic group, were put in the correctional room on the pretext that they were planning to demonstrate against the decision of the capitas, whereas this was a way of putting them aside because they had said no to this interference of these so-called representatives of the prisoners in the internal affairs of the prison administration.
10. Ill-treatment of political prisoners, mainly those who demonstrated against the 3rd mandate of the late President Pierre NKURUNZIZA in 2015, has been observed since 23 November 2021 in Rumonge prison.

It should be noted that a misappropriation of the food reserved for prisoners was reported in this same prison and it was the director of the prison in the person of Patrice NKURUKIYE in complicity with the head of security, nicknamed General KAJENEZA Mustapha, as well as the senior general captain, a certain MANIRAMBONA Pierre, who were accused of this misappropriation. In order to conceal the embezzlement case, these political prisoners were falsely accused of organising demonstrations and disturbing internal security within the prison. Most of these prisoners were put in correctional rooms, their phones were searched and confiscated until further notice. A certain Claude AKUNDABAHIZI who was put in isolation and his phone confiscated. The other example is that of Dr BIZUMUKAMA Louis who was intimidated by the same security officers on 16 November 2021.

11. On Wednesday 17 November 2021, a certain Alexis NTIKAZOHERA detained in Gitega prison, was accused of homosexuality and was seriously beaten by security officers and then put in a correctional room by the same security officers. A certain NDIRITIRO, the head of security was at the head of those who inflicted acts of torture on these political prisoners. It is this same general who inflicted acts of torture on a certain Wenceslas, another general who was transferred from Mpimba prison. Other security chiefs most cited in this case were Japhet Atibou, Claude HATEGEKIMANA and NDIRITIRO.

III.2 Abuse and torture in prisons

ACAT-BURUNDI has noted a decrease in cases of ill-treatment, inhuman or degrading treatment and torture of prisoners during the year 2021, even if the phenomenon has not been completely contained.

Prison officials in complicity with the security committees violated the rights of prisoners, especially the category of political prisoners.

The ill-treatment consisted mainly of isolation in correctional cells, caning and night-time searches of cells occupied by prisoners prosecuted for political offences.

This situation is particularly evident in the Mpimba Central Prison, where the phenomenon persists compared to other prisons. Cases of torture and ill-treatment have been documented by ACAT-BURUNDI. A category of detainees isolated from other prisoners and kept in a place commonly known as "TINGITINGI".

Indeed, there was a general lack of equal treatment between prisoners prosecuted for common crimes and those accused of political offences, who are nevertheless subject to the same law governing prisons. The category of prisoners who were often put in solitary confinement and kept in unsanitary conditions by their peers who were held loyal to the ruling party is an example.

As an illustration, during the month of June 2021, ACAT-BURUNDI became aware of some names of detainees who were in this situation, namely: **NDAYIKENGURUTSE Fulgence, NDACAYISABA Emmanuel, MANIRAKIZA Désiré, NSABIMANA Christian, RUGAMBA Adribert, GIKOBEKO Désiré, KWIZERA Aimable, NGENDAKUMANA Pascal, BARAMBAKIZA Pontien, SINZINKAYO Gordien, NTAHOMVUKIYE Ferdinand, NIYOMWUNGERE Fabrice, BUTOYI Jérôme, IRAMBONA Léandre, NTEZIMANA Salvator,**

NTIRANYIBAGIRA Jonas, NSHIMIRIMANA Emmanuel, NDUWIMANA Josué and GIRUKWISHAKA Ezéchiel. These detainees and those whose names were not mentioned were kept in a place called TINGITINGI and all communication with the other detainees was forbidden. The right to worship, which is normally granted to detainees, was forbidden to them because they could not access the place of worship. This isolation was inflicted on them in violation of the internal regulations of the prisons because the prison management had not notified them of the breaches for which they were responsible and allowed them to present their means of defence before being punished. This was pure and simple an act that proves the arbitrary nature of the sanctions imposed on them

All these acts of abuse are carried out under the complicit eye of the prison administration.

In the same prison of Mpimba, the director of the prison, OPC1 BIVAHAGUMYE Ildéphonse ordered the security committee to correct the detainee Aimé NIMUBONA, he was tortured following his escape attempt on 21 March 2021.

Emery NIYOMBABAZI and NIHOZEKO Cassien were tortured in the SNR compound. They had been exfiltrated from Mpimba prison since September 2021 by SNR agents, they had been detained by the Muha prosecutor's office on 1^{er} on 17 August 2021 and the second on 5 March 2021.

In Rutana prison, NTIRWANKUNZE Thomas, who escaped on 11 December 2021 and was recaptured on 29 December 2021, was subjected to a torture session by the prison director in complicity with the head of the security corps nicknamed 2PAC, which deteriorated his health.

In Muramvya prison, during November 2021, detainees accused of belonging to rebel groups were ordered by the prison director to sleep in the cold showers, their legs were swollen

This recurrent form of human rights violations is often observed among detainees considered to be opponents of the CNDD-FDD government. Most of them come from the opposition parties, the former National Defence Forces and the National Police.

The prisons with an extremely high number of victims are: Bujumbura, Muramvya, Gitega, Bururi, Ruyigi, Bubanza.

IV. Irregularities or malfunctions observed in the judicial files of persons deprived of their liberty

On 5 March 2021, ACAT-BURUNDI was pleased to learn that the President of the Republic of Burundi had issued a decree granting pardons to 5255 prisoners. The latter should benefit from the execution of the decree, which was normally scheduled to take place on the day it was signed, in accordance with article 10 of the decree.

The Decree of 5 March 2021 finally proved that the process initiated in mid-December 2020 with a census of prisoners had come to an end, that the criteria were already known as well as the number of beneficiary prisoners, as evidenced by the figures of prisoners that appeared in the aforementioned Decree in its Article 9.

ACAT-BURUNDI was deeply concerned by the fact that the prisoners who benefited from the pardon languished in prison without any title or right and consequently suffered arbitrary detention prohibited by the fundamental law and the international legal texts to which Burundi has subscribed. ACAT-BURUNDI began documenting the implementation of the presidential pardon 60 days after the measure was issued.

In addition to these prisoners who may have benefited from the presidential pardon, ACAT-BURUNDI recalls that in various prisons, especially MPIMBA and MURAMVYA Prisons, there are still detainees who have served their sentences and others who have been acquitted by the courts and tribunals but who remain arbitrarily detained.

During the month of April 2021, the Government of Burundi implemented the presidential pardon measure aimed at releasing a number of prisoners. It was noted that the number of beneficiaries as contained in the decree was not reached. The total number of prisoners released was **2678 as of 29 April 2021**, whereas the decree stipulated that the number of beneficiaries was **5,255**.

Prisons	Beneficiary detainees provided for in the decree	Number released of prisoners	Prisoners at the end of their sentences or acquitted
1. BUBANZA	104	53	0
2. BUJUMBURA (MPIMBA)	1649	930	0
3. BURURI	114	50	0
4. GITEGA	599	327	3
5. MURAMVYA	352	223	23
6. MUYINGA	269	122	0
7. NGOZI	740	433	0
8. RUTANA	250	119	0
9. RUMONGE	576	171	11
10. RUYIGI	449	250	0

ACAT-BURUNDI has also noted a lack of harmony in the implementation of the pardon measure. In some prisons (MPIMBA and MURAMVYA), detainees sentenced to 10 years or less, regardless of the offence, were released, while in other prisons, detainees in this category, especially those accused of political offences, were not released, and detainees who had already served their sentences or who had been acquitted were not released, except in the prisons of Muramvya and Gitega, where this criterion was taken into account when drawing up the lists.

ACAT-BURUNDI also denounced the intimidation of detainees who were going to benefit from the pardon measure by the authorities who held moralisation sessions. They took advantage of this moment to intimidate the political detainees benefiting from the pardon by telling them that they would be closely followed by the authorities right up to the hills and neighbourhoods.

The investigation conducted by ACAT-BURUNDI during the months of July and August 2021 revealed that the phenomenon of arbitrary detention was still being observed in various prisons. Acquitted prisoners, those who had served their sentences or those who had been pardoned were kept in prison without any title or right.

Then, the presidential pardon measures that have been taken since Burundi has been going through various political crises have always tended to favour exclusively prisoners convicted of common law offences and to relieve the overcrowding of prisons.

While this is a salutary action for the beneficiaries, it is discriminatory against political prisoners who should not be detained for their opinions in a country governed by a constitution that recognises the values and principles of human rights and democracy.

It should be noted that the category of prisoners made up of those who had already served their sentences or who had been pardoned were still deprived of their liberty because they had not paid the fine pronounced by the judge as a subsidiary penal sanction provided for by the Burundian Penal Code (Article 49 and following).

As it is a financial penalty, its execution becomes problematic when it is pronounced against indigent prisoners.

It makes no sense to keep a person in prison who has served his or her sentence for failure to pay a fine when he or she is not working to pay it. The government loses out because the detainee is still financially responsible for them.

For your information, here is a table of the list of acquitted prisoners who were not yet released 5 months after the decree of the pardon measure of 5 March 2021.

N°	Name and surname	No. of criminal cases	Competent courts	Prison
1	NTUNZWENIMANA Salvator	RMP 152953	Mukaza Floor	Mpimba
2	NDAYISENGA Gilbert	RMP	Mukaza Floor	Mpimba
3	SINDAYIGAYA Asman	RMP 3221	Mukaza Flooring	Mpimba
4	BANKUMUKUNZI Mohamed	RMP 8474	Parquet Ntahangwa	Mpimba
5	NDUWAYEZU Régis	RMP 155642	Parquet Cibitoke	Mpimba
6	BUTOYI Samuel	RMP 15743	Parquet Ntahangwa	Mpimba
7	CIZA Jean Marie	RMP 153928	Parquet Ntahangwa	Mpimba
8	NDUWIMANA Vianney	RMP 153928	Parquet	Mpimba

			Ntahangwa	
9	NDAGIJIMANA Vénuste	RMP 153928	Parquet Ntahangwa	Mpimba
10	NTAHONDEREYE Daniel	RMP 15630	Court of Appeal of Bujumbura town hall	Mpimba
11	KADO Manasseh	RMP 16788	Kabezi Parquet	Mpimba
12	NAHIMANA Salvator	RMP 16788	Parquet Kabezi	Mpimba
13	NTIHARIRIZWA Laurent	RMP 154209	Mukaza Floor	Mpimba
14	NTIRAMPEBA Ernest	-	-	-

Decisions that often face resistance from the prison authority and the prosecution in their execution are: provisional release, acquittal as well as the detention of prisoners who have served their sentences.

The data available to ACAT-BURUNDI proves that abusive detention is evident in various prisons despite the clarity of Burundian positive law, namely the Constitution of the Republic of Burundi of 7 June 2018 and law number 1/09 of 11 May 2018, amending the Code of Criminal Procedure.

Article 39 of the Constitution of the Republic of Burundi of 07 June 2018 provides as follows: "No one may be deprived of his or her liberty, except in accordance with the law". The prescriptions of the following articles of the Code of Criminal Procedure go further when they state in the following lines: "freedom being the rule and detention the exception (**Article 154**).

Article 262: "An accused person who, at the time of the judgment, is in preventive detention and is acquitted or sentenced to a simple fine, shall be released immediately, notwithstanding appeal, unless he is detained for another reason.

Article 342: "At the end of his main sentence, the convicted person must be released...".

Article 179: "...the release from pre-trial detention shall be issued by the judge within two days of the decision granting it and the Public Prosecutor's Office shall execute it within a period not exceeding seven days".

The above provisions are sufficient proof of the clarity of Burundian positive law with regard to the fate of detainees who have been acquitted by judgment, served their sentences or those who have been granted provisional release by orders issued by the Courts and Tribunals. Only their application poses a problem when it comes to the release of detainees prosecuted for political crimes.

From all of the above, it follows that the application of the law remains random and subjective in terms of the release of detainees, which is a major handicap in the proper

functioning of justice. Through this refusal to apply judicial decisions, it is easy to see that not only does the judiciary lack independence from the Executive, but it is also subject to the influence of the system of governance put in place by the ruling party, the CNDD FDD. The directors of the prisons and the prosecutors' offices, who normally have to implement the decisions and judgments handed down by the courts, first consult the National Intelligence Service when it comes to releasing a political prisoner, and most of the time, judicial decisions are trampled underfoot in violation of the laws governing the prison system in Burundi.

As an indication, ACAT-BURUNDI has been informed about the irregular detention of 39 prisoners (see attached document) in the penitentiary establishments of Gitega, Bujumbura and Muramvya, this analysis was carried out in July 2021.

ACAT-BURUNDI also protested against the recidivist behaviour of the Burundi National Police when, through its spokesman Pierre Nkurikiye, it made public the instructions of the cases it was investigating and took the opportunity to talk about the substance of the case and treat the defendants in front of the media as if they had already been convicted, even though the investigation had not yet been completed. The defendants watched helplessly in front of the cameras without the right to unburden themselves in order to make the information balanced.

The cases that challenged ACAT-BURUNDI were those of people arrested in BURUMBI Commune in RUMONGE province as well as those charged with the assassination of a certain Thierry KUBWIMANA in GASEKEBUYE in the Musaga area in November 2020.

This way of acting by the Burundi National Police constitutes a violation of national and international legal texts, in this case the Universal Declaration of Human Rights (article 11) and the Constitution of the Republic of Burundi (article 40), which enshrine the presumption of innocence in the sense that it allows itself to qualify and use words that make one think of a criminal conviction that has become *res judicata*, while the case is in the pre-judicial phase.

It should be recalled that under the Code of Criminal Procedure, the role of the Judicial Police is to gather evidence, search for the perpetrators and transmit the file to the Public Prosecutor for investigation. This entire investigation phase is carried out in secret.

It is well known that the way in which such investigations are carried out violates in most cases the guarantee of a fair trial recognised by the Universal Declaration of Human Rights (article 11), the fundamental law (article 39) as well as the Code of Criminal Procedure (articles 10 and 138), as the accused are questioned without the assistance of a lawyer.

This approach, which consists in publicising ongoing investigations, is especially used in the case of crimes where the hand of an authority is suspected. For example, remember the way in which the case of the murder of the Italian sisters of KAMENGE was investigated and the comments made by the police spokesperson.

The aim of this mostly misleading publication is to divert investigations so that the magistrate investigates on the basis of police statements and to intimidate the families of the accused. This is a consequence of the lack of independence of the judiciary.

IV.1 Cases of political prisoners or prisoners of conscience

In its various publications, ACAT-BURUNDI constantly denounces the ill-treatment of detainees, especially those prosecuted for political offences. Among the violations that are constantly brought to the public's attention are the slowness of the processing of cases, especially of political or allegedly political detainees.

There is clearly a lack of diligence in the follow-up of the judicial files of defendants in detention for crimes of a political nature; this constitutes a violation of the Constitution of the Republic of Burundi of 7 June 2018. Indeed, Article 38 of the above-mentioned fundamental law reads as follows: **"Everyone has the right, in judicial or administrative proceedings, to a fair hearing and to be judged within a reasonable time."**

Despite this provision of the fundamental law, the files of detainees, especially those detained for political crimes, are still processed with inordinate slowness and bad faith. The results of the investigations conducted by ACAT-BURUNDI during the year 2021 have shown that the prisons are still full of detainees who have been acquitted without any title or right, those who have benefited from the presidential pardon and those who have served their sentences as mentioned above.

Indeed, the time limits for appeals are provided for in articles 268 to 279 of law number 1/09 of 11 May 2018 amending the Code of Criminal Procedure. Thus, under Article 276 of the aforementioned law, the appeal court has a period of fifteen days (15 days) to rule from the date of referral.

Unfortunately, the flagrante delicto procedure is only applied at first instance with the sole intention of depriving the accused of the guarantees necessary for a fair trial, in particular the right to a defence and above all the right to be assisted by a lawyer, even though this is recognised by the aforementioned law even in cases of flagrante delicto (article 269).

The other element that testifies to bad faith is that after the first degree trial, the co-accused are transferred to several prisons throughout the country, which causes a major handicap in the evolution of the case.

IV.2 Some illustrative and emblematic cases:

- Five MSD members were arrested on 8 March 2014 following clashes between party members and police at the party's headquarters in Bujumbura.

These members, who were prosecuted in the same criminal case, were dispersed to different prisons in the country. They are Rugonumugabo Daniel imprisoned in Gitega prison, Bigirimana Jean de Dieu in Ngozi prison, Hatungimana Clément and Muhizi Roger all detained in Mpimba prison.

On 23.01.2017, the Minister of Justice released all the detainees prosecuted in this case in execution of a pardon measure taken by the President of the Republic. In all, there were 64 of them. But 8 detainees were released on that date, another was released in June 2020. These 5 prisoners remained in detention until the end of

December 2020, which constitutes arbitrary detention insofar as their case was closed by the pardon measure since 2017.

- The other telling example is that of Germain RUKUKI, a former employee of ACAT-BURUNDI. He was released from prison on 30 June 2021, his 32-year sentence reduced to one year. The human rights defender had been detained since July 2017. His case was an emblematic case of repression of human rights defenders in Burundi. The case of RUKUKI has been plagued by procedural and formal flaws. The interference of the Burundian authorities was visible even in their speech.
- On 16 and 18 January 2021, two former retired soldiers, Déogratias NIYONDIKO and Protais NIYONDIKO, were murdered by the police after being arrested by police officers, they did not have the chance to defend themselves in court, it is a case of extrajudicial execution.
- Innocent GIRUKWIGOMBA, a former OPJ in the Musaga commune of the Bujumbura mayor's office, was brutally arrested in the city centre on 8 November 2021 by men in police uniforms in a Toyota TI car without being informed of the reasons for his arrest. He had been released under the presidential pardon of March 2021. He had been arrested in the context of the 2015 political crisis. He was released after 21 days of arbitrary detention in the SNR compound.

V. Referral to international human rights protection mechanisms in the UN and Africa for legal cases of prisoners whose rights have been violated

During the year 2021, ACAT-BURUNDI continued to support victims of human rights violations and prisoners whose rights have been violated in the framework of its collaboration with international human rights protection mechanisms. It has a legal department that is responsible for assessing the eligibility of cases that meet the requirements for referral to human rights protection mechanisms, collecting relevant information, preparing, submitting and monitoring the progress of victims' cases.

The referral allows these assisted prisoners to have recourse to the national courts in Burundi.

The mechanisms referred to are: The African Commission on Human and Peoples' Rights (ACHPR), the Committee against Torture (CAT) and the United Nations Working Group on Arbitrary Detention (WGAD).

Context of the referral of these mechanisms

Since the outbreak of the politico-security crisis that began in April 2015 following the forcing of the late President NKURUNZIZA to a third mandate in violation of the Arusha agreement and the 2005 constitution that resulted from it, followed by massive human rights violations, ACAT-BURUNDI has committed itself to contributing to the denunciation of these serious human rights violations and to working towards the respect of the rights of the victims or the families of the victims by exercising their right to lodge a complaint and to a fair trial.

Unfortunately, the Government of Burundi and its closed judicial system have turned a deaf ear to the numerous denunciations of human rights violations made by national and international civil society organisations and the UN bodies set up for this purpose.

The government's refusal to cooperate in investigating abuses committed by its agents has demonstrated its unwillingness to crack down on the perpetrators and to provide redress to the victims.

The Committee against Torture deplored on 21 December 2021 the lack of cooperation by Burundi regarding individual complaints⁵.

Aware of the concerns of victims and their families, including those deprived of their liberty, to recover their rights, ACAT-BURUNDI continues to refer cases to regional and international human rights protection mechanisms to which Burundi has subscribed and recognised their competence.

Status of cases before international human rights mechanisms

During the year 2021, 20 cases of persons deprived of their liberty were submitted to international human rights mechanisms.

It was noted that the cases submitted to the Working Group on Arbitrary Detention for allegations of arbitrary arrests are those that are processed in a short time compared to other mechanisms. The Working Group transmits to ACAT-BURUNDI opinions adopted by the latter and which have been sent to the Government of Burundi for follow-up in the framework of the request for the rehabilitation of the victim's rights.

Victims' cases submitted to the ACHPR and CAT take longer to be processed before ACAT-BURUNDI receives feedback on the admissibility of cases, and communications addressed to the Government of Burundi if any.

ACAT-BURUNDI notes that sometimes victims are weary of long procedures in the processing of cases or have many expectations, including access to justice and compensation.

Moreover, it is not easy to have all the necessary evidence for the submission of cases, which is a great challenge for persons deprived of their liberty.

5 [https://www.ohchr.org/fr/HRBodies/HRC/Pages/NewsDetail.aspx?LangID=F&NewsID=28005#:~:text=GEN%C3%88VE%20\(21%20d%C3%A9cembre%202021\)%20%2D,droits%20humains%20ont%20%C3%A9t%C3%A9%20constat%C3%A9es.](https://www.ohchr.org/fr/HRBodies/HRC/Pages/NewsDetail.aspx?LangID=F&NewsID=28005#:~:text=GEN%C3%88VE%20(21%20d%C3%A9cembre%202021)%20%2D,droits%20humains%20ont%20%C3%A9t%C3%A9%20constat%C3%A9es.)

VI. Managing the covid 19 pandemic in prisons

ACAT-BURUNDI continued to observe with interest the attitude of the prison authorities in Burundi in the management of the barrier measures against the Covid 19 pandemic during the year 2021.

There is always movement in and out of the various prisons for prison staff and some prisoners, which exposes the prisoners inside the prisons because apart from washing hands and taking temperatures, there are no other measures. This is not recommended in all prisons, there is often a lack of follow-up over time, sometimes we notice that the buckets are empty of water or that there is no soap. The observation is that during the year 2021, there were no reported cases of covid 19 infection by official sources in the various prisons in Burundi, despite the explosion of cases of covid 19 that were cited here and there. Certainly, However, we learned that towards the end of February 2021, four staff members of the Mpimba prison administration, including nursing staff, tested positive for Covid-19, despite the fact that there were no appropriate measures for the prevention and management of those infected.

Many countries have taken barrier measures including decongesting prisons to prevent the spread of the disease.

In Burundian prisons, only barrier measures such as hand hygiene and social distancing were advised to avoid the spread of this virus.

However, ACAT-BURUNDI welcomes the ICRC's initiative to set up a telephone booth in Mpimba prison to help prisoners communicate with their families.

Given the high number of prisoners and the limited capacity of the prisons, these measures could not be put into practice. There was always movement in and out of the various prisons for prison staff and some prisoners, which exposed the prisoners inside the prisons because apart from hand washing and temperature taking, there were no other measures.

The table illustrates the measures and some observations taken in different detention houses until 31 December 2021:

Prison	Measures taken	Comments
MURAMVYA	-Suspension of visits -Regular hand washing with soap -Lawyers are not allowed to interview clients - Construction of an isolation cell.	Prisoners are not made aware of the implementation of these measures and often there is a lack of soap.
MPIMBA	-Suspension of visits, Reservation of a ten-bed cell to isolate prisoners with COVID 19, -Thermometers to measure the temperatures of new prisoners or anyone else who wants to enter the prison.	Only the suspension of visits is respected.
GITEGA	-Thermometer for measuring temperatures, -Suspension of visits, -Construction of a room to isolate patients, -Wash your hands before entering.	Visits are made to some prisoners close to the prison management.
RUMONGE	- Suspension of visits, -Provision of a public telephone for prisoners to compensate for visits, -Provision of a thermoflash, -Wash your hands before entering the prison, -Quarantine new detainees for 15 days.	-Not enough soap, No more taking temperatures when receiving new prisoners, -No more quarantine for newcomers.
BUBANZA	- Suspension of visits, -Fitting out of rooms for the cases of the sick, -Provision of a bucket of	-Only hand washing and suspension of visits are observed, -Newcomers are not

	water and soap at the entrance to the prison.	quarantined, no temperature measurement.
RUYIGI	<ul style="list-style-type: none"> -Suspension of visits, Information sessions for peer educators and room capita, Provision of a thermo-flash to the prison to measure the temperature of prisoners, especially new prisoners -One room inside and two rooms outside to isolate the patients, all equipped with beds and mattresses, Installation of hand-washing points at the entrance to the prison. 	<ul style="list-style-type: none"> No more temperature taking, -No more isolation of Suspects, -The suspension of visits is respected.
RUTANA	<ul style="list-style-type: none"> -Suspension of visits, -Information sessions for peer educators and room capita, Provision of a thermo-flash to the prison to measure the temperature of prisoners, especially new prisoners -One room inside and two rooms outside to isolate the patients, all equipped with beds and mattresses, Installation of hand-washing points at the entrance to the prison. 	<ul style="list-style-type: none"> No more sufficient water for hand washing, -The thermo flash is no longer used, -No visit.
Bururi	<ul style="list-style-type: none"> -Suspension of visits, -Provision of a bucket of water mixed with chlorine to the detainees, -Equipment for measuring temperature after hand washing, -A small cell set up to house suspected .Covid 19 prisoners. 	<ul style="list-style-type: none"> -With the exception of visits, all other measures are no longer respected.

The Government of Burundi has ordered additional measures to respond to the wave of new cases since the beginning of 2021. These measures included promoting the use of masks, hand washing, closing nightclubs and extending the mass screening campaign for an additional period.

The country, with the support of its technical and financial partners, had implemented interventions, including the establishment of a COVID-19 contingency and response plan, which is a crucial tool for guiding and monitoring-evaluating the response to the covid-19 pandemic.

However, the implementation of these measures was not effective and was not monitored by the authorities.

For prisons, prison managers should ensure that a protocol for the prevention of covid 19 is in place, and this plan should be adjusted as the covid 19 pandemic develops.

These authorities were responsible for ensuring that the measures taken were implemented and that the law and regulations governing prisons in Burundi were respected, with an emphasis on reducing prison overcrowding and ensuring the speedy processing of court cases.

VII. Conclusion

ACAT-BURUNDI notes that violations of prisoners' rights continue, even if physical ill-treatment has regressed considerably during the year 2021, a year in which we welcome the release of some prisoners who had files with irregularities that ACAT-BURUNDI had denounced on many occasions.

Arbitrary detention due to non-compliance with court decisions, overcrowding and negligence in implementing barrier measures to prevent the spread of Covid 19 were noted.

Detainees prosecuted for political crimes have been subjected to arbitrary detention. ACAT-BURUNDI deplors the exclusion and harassment of political prisoners, as we continue to denounce.

The lack of food has been very evident in Burundi's prisons during the year 2021.

The directors of the prisons were responsible for these numerous violations which were committed in broad daylight by the young imbonerakure who hid behind what they called a security committee in violation of the law and regulations governing prisons in Burundi.

In view of this situation, the Burundian authorities must be aware of the seriousness of the situation and make an effort to put an end to the recurrent human rights violations in the prison environment.

VIII. Recommendations.

In view of the situation in the prisons, ACAT-BURUNDI recommends

► To the Government of Burundi:

- 1) To ensure, through the Ministry of Justice, that the law is respected and that the decisions of the Courts and Tribunals are respected,
- 2) Release all unjustly imprisoned political prisoners and prisoners of conscience, including Maitre Tony Germain NKINA
- 3) Build the capacity of different justice actors to improve performance and access to justice for the justifiable,
- 4) Sustain concrete measures to reduce the number of acquitted prisoners, those who have served their sentences, and those living with chronic diseases,
- 5) Prevent food shortages in prison settings, as prisoners have no other means to support themselves,
- 6) Re-engage with human rights institutions, in this case the Special Rapporteur on the situation of human rights in Burundi, and allow the reopening of the activities of the Office of the High Commissioner for Human Rights.
- 7) Rehabilitate the Gitega prison as soon as possible;
- 8) Respect the rights of defendants during the pre-judicial phase by refraining from media appearances that prejudice the defendants or that are likely to impede the proper conduct of the proceedings.
- 9) Re-engage with the World Health Organization (WHO) and other countries in the international community so that the country can join the Covax programme for access to immunisation,
- 10) Take concrete measures to reduce the number of acquitted prisoners, those who have served their sentences, those living with chronic illnesses,

► To international organisations and the international community:

- 1) To continue to support initiatives to promote human rights in Burundi,
- 2) To keep a watchful eye on Burundi and remind the Government to respect international human rights agreements.
- 3) To support Burundi in the fight against the Covid-19 pandemic with human, material, financial and technical resources.

IX. ANNEXES

Indicative table of 39 cases of irregular detention in the penitentiaries of Gitega, Bujumbura and Muramvya, analysis carried out in July 2021

N°	Full names	offences	Prisons	Courts	Prison situation	Date of release	Comments
01	NKENGURU TSE Claude	Attack on state security	Gitega	MUHA Court of Appeal	acquittal	January 2020	Not yet released
02	BURUNDI Astere	Attack on state security and attempted murder	Gitega	Ntahangwa High Court	acquittal	04 July 2021	Not yet released
03	Joseph NDAYISENGA	Attack on state security and attempted murder	Gitega	Ntahangwa High Court	acquittal	04 July 2021	Not yet released
04	RUGONUMU GABO Daniel	Participation in the insurrectionary movement	Gitega	Court of Appeal in Bujumbura City Hall	Gracias	January 2017	Not yet released
05	BIZIMANA Pierre	Forgery and use of forgeries	Gitega	Tribunal de Grande Instance of Gitega	Served the sentence	May 2020	Not yet released
06	NIYUNGEKO Longin	Attack on state security	MPIMBA	MUKAZA Court of Appeal	Provisional release	31 March 2021	Not yet released
07	NGABIRANO Jérôme	Attack on state security	MPIMBA	MUKAZA Court of Appeal	Provisional release	31 March 2021	Not yet released
08	HAKIZIMAN A Pierre	Attack on state security	MPIMBA	MUKAZA Court of Appeal	Provisional release	31 March 2021	Not yet released
09	HABONAYO Edmond	Attack on state security	MPIMBA	Mukaza Court of Appeal	Provisional release	March 2021	Not yet released
10	NTUNZWENI	Attack on	MPIMBA	High	acquitted	February	Not yet

	MANA Salvator	state security	A	Court of MUKAZA		2021	released
11	NDAYISENG A Gilbert	Attack on state security	MPIMB A	High Court of MUKAZA	acquitted	March 2021	Not yet released
12	SINDAYIGA YA Asman	Attack on state security	MPIMB A	High Court of MUKAZA	acquitted	March 2021	Not yet released
13	BANKUMUK UNZI Mohamed	Attack on state security	MPIMB A	High Court of MUKAZA	acquitted	March 2021	Not yet released
14	NDUWAYEZ U Régis	Attack on state security	MPIMB A	Tribunal de Grande Instance of CIBITOK E	acquitted	March 2021	Not yet released
15	BUTOYI Samuel	Attack on state security	MPIMB A	Ntahangwa High Court	acquitted	February 2021	Not yet released
16	CIZA Jean Marie	Attack on state security	MPIMB A	Ntahangwa High Court	acquitted	February 2021	Not yet released
17	NDUWIMAN A Vianney	Attack on state security	MPIMB A	Ntahangwa High Court	acquitted	March 2021	Not yet released
18	NDAGIJIMA NA Vénuste	Attack on state security	MPIMB A	Ntahangwa High Court	acquitted	March 2021	Not yet released
19	NTAHONDE REYE Daniel	Attack on state security	MPIMB A	MUKAZA Court of Appeal	acquitted	March 2021	Not yet released
20	KADO Manasseh	Attack on state security	MPIMB A	Tribunal de Grande Instance of Bujumbura	acquitted	March 2021	Not yet released
21	NAHIMANA Salvator	Attack on state	MPIMB	Tribunal de	acquitted	February	Not yet

		security	A	Grande Instance of Bujumbura		2021	released
22	NTIHARIRIZA Laurent	Attack on state security	MPIMB A	High Court of Mukaza	acquitted	February 2021	Not yet released
23	NTIRAMPEBA Ernest	Attack on state security	MPIMB A	Ntahangwa High Court	acquitted	March 2021	Not yet released
24	KIRIMURIVY INSHI Moise	Attack on state security	MPIMB A	High Court Muha	acquitted	November 2020	Not yet released
25	IRAKOZE Didier	Attack on state security	MPIMB A	Muha District Court	acquitted	November 2020	Not yet released
26	SINDAYIKEN GERA Eric	Attack on state security	MPIMB A	Muha District Court	acquitted	November 2020	Not yet released
27	NDAYISHIMI YE Claude	Attack on state security	MPIMB A	High Court Muha	acquitted	November 2020	Not yet released
28	NDUWIMANA Eric	Attack on state security	MPIMB A	Tribunal de Grande Instance of Bujumbura	acquitted	September 2020	Not yet released
29	HAVYARIMANA Claude	Attack on state security	MPIMB A	Tribunal de Grande Instance of Bujumbura	acquitted	September 2020	Not yet released
30	NDUWIMANA Claude	Attack on state security	MPIMB A	Tribunal de Grande Instance of Bujumbura	acquitted	September 2020	Not yet released

31	BIZIMUREM YI Jean de Dieu	Attack on state security	MPIMB A	Ntahangw a High Court	acquitted	July 2020	Not yet released
32	NSHIMIRIMA NA Richard	Attack on state security	MPIMB A	Ntahangw a High Court	acquitted	July 2020	Not yet released
33	SEKAMANA Theogene	Attack on state security	MPIMB A	Ntahangw a High Court	acquitted	July 2020	Not yet released
34	BUTOYI Audace	Attack on state security	MPIMB A	MUKAZA Court of Appeal	acquitted	-	Not yet released
35	NDAYIZEYE Jacques	Attack on state security	MPIMB A	Ntahangw a High Court	acquitted	July 2020	Not yet released
36	NTIBASAME Principle	Attack on state security	MPIMB A	Supreme Court	Provisional release	March 2020	Not yet released
37	HAKIZIMAN A Alexis	Attack on state security	MPIMB A	Court of Appeal Ntahangw a	-	-	Not yet released
38	NIYONGABO Prime	Attack on state security	MURAM VYA	Muha District Court	acquitted	March 2021	Not yet released
39	MANIRAKIZ A Bosco	Participati on in armed gangs and attacks on state security	MURAM VYA	Muha District Court	Acquitted	Decembe r 2020	Not yet released