



Action by Christians for the Abolition of Torture (Acat-Burundi)

BURUNDI : ANNUAL REPORT ON PRISONS

Edition 2022



PERSISTENT PRISON OVERCROWDING DUE TO THE SLOW PROCESSING OF COURT CASES

TABLE OF CONTENTS

I. Introduction	4
II. Prison conditions in Burundi	6
II.1 Infrastructure	12
II.2 Right or access to visits and communication	12
II.3. Right or access to food	14
II.4. Rights or access to health care	16
II.5. Other activities in prisons: sport, worship, agriculture or other	18
II.6 Situation of vulnerable persons deprived of their liberty: the elderly, pregnant women, nursing mothers and infants	18
III. Administration of prisons in Burundi	20
III.1 Security, surveillance, abuse and torture in prisons	21
III.2 Irregularities or malfunctions observed in the judicial files of persons deprived of their liberty	22
III.3 Cases of political prisoners or prisoners of conscience	24
III.4. Some illustrative and emblematic cases :	24
IV. Referral to international human rights protection mechanisms at the UN and African levels for judicial cases of prisoners whose rights have been violated	28
IV.1 Background to the referral of these mechanisms	29
IV.2 Status of cases before international human rights mechanisms	30
V. Conclusion	31
V.I. Recommendations	31

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** : Officier de Police Judiciaire
- **PARCEM** : **Parole** et Actions pour le Réveil des Consciences et l'Evolution des Mentalités
- **RED-TABARA**: Mouvement de la Résistance pour un Etat de Droit (RED)-Tabara.
- **SNR** : Service National de Renseignement

I. Introduction

During the year 2022, ACAT-Burundi noted that, as in previous periods, human rights violations continue.

The governance of human rights remains problematic despite the good intentions of the authorities, especially the President of the Republic, Evariste Ndayishimiye, because the structural changes expected in terms of public freedoms have not yet been introduced. The minor changes observed remain dictated by the government's desire to renew relations with technical and financial partners, including the European Union.

Violence and repression continue against opponents or those perceived as such by the ruling party CNDD.

Human rights organisations continue to report serious human rights violations including killings, abductions and enforced disappearances, arbitrary and illegal arrests and imprisonment, torture and inhuman or degrading treatment.

Some grassroots administrators, in complicity with police officers and Imbonerakure militia from the ruling CNDD FDD party, are involved in these violations with impunity, hence the continued tendency of the authorities to abdicate their responsibility to protect the population in favour of sectarian interests.

The Special Rapporteur on the situation of human rights in Burundi who was appointed to succeed the UN Commission of Inquiry on Burundi. In his first report, in September 2022 during the 51^{ème} session of the UN Human Rights Council, he said that: *the human rights situation in Burundi has not changed in a substantial and sustainable manner*. Among the risk factors highlighted by the Special Rapporteur, the most important remains "the continuous narrowing of democratic space since 2015".

According to the Special Rapporteur, the balance of political power on the national scene has not changed and now *"the presidential party concentrates power"* at all levels in "an unprecedented proportion". Under these conditions, the political opposition, the press and civil society no longer have the capacity to act as legitimate counter-powers and hold the Burundian Government to account.

The Special Rapporteur also notes no change in the *"almost total impunity"* enjoyed by local administrative officials and especially by members of the CNDD-FDD youth league, the *"Imbonerakure"*. The latter are still the main perpetrators of all these violations, as are agents of the Service national de renseignement (SNR) and the police and local administrative authorities.

Public freedoms are still blocked despite the reassuring political discourse of the authorities, because only militants of the government have the right to demonstrate, while the government tries to intimidate any discordant voice. Thus, various meetings of the CNL party have not been able to take place because the members of this party are constantly abused in their communities by the administrative authorities in complicity with the Imbonerakure militia.

While the Government talks about progress in terms of public freedoms, the leaders of independent civil society organisations as well as the private media destroyed by the Burundian Government

services in 2015 are still working in exile and are still under judicial warrants, unjustly issued by the power as a result of their activism work.

At the regional and international level, Burundi stubbornly refuses to collaborate with human rights protection mechanisms (UN&AU), including the Human Rights Council, which in October 2022 decided to extend the mandate of the Special Rapporteur on the situation of human rights in Burundi by one year.

With regard to Burundi's prisons, ACAT-Burundi welcomes the release of prisoners in the context of the implementation of the presidential pardon measure. Indeed, a certain category of prisoners, especially those accused of minor offences, have been released. Nevertheless, ACAT-Burundi deplores the fact that prison overcrowding remains high (more than 12,000 prisoners) and that some prisoners concerned by this presidential pardon measure, especially political prisoners, have not been released and remain in prison without any titles or rights.

Inhuman and degrading treatment is still inflicted on some political prisoners by their peers who act as representatives of the prisoners grouped in security committees. These prisoners, generally close to the ruling party, mistreat prisoners from known opposition backgrounds, often with the complicity of prison officials.

Prisoners who are members of the CNL, the MSD, ex-military or police officers of the Burundian Armed Forces, and other prisoners of conscience, can be observed in prisons such as Mpimba, Gitega, Muramvya and Rumonge.

Moreover, the judicial files, especially those of the above-mentioned categories of opponents, are not progressing normally due to interference by the Executive and certain influential members of the ruling party and the corruption that characterises the Burundian judicial system.

Other challenges such as incompetence, lack of adequate resources and the absence of structural reforms such as the digitalisation and reorganisation of courts and tribunals lead to dysfunctions in the Burundian judicial system.

On the ground, ACAT-Burundi still notes that the statistics on the prison population are not always favourable and even show a considerably high occupancy rate, reaching **755% of the capacity** of prisons such as Muramvya prison.

This report is a summary of the monthly reports produced from January to December 2022 and covers the penitentiaries 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.

II. Prison conditions in Burundi

The monitoring of prisoners' rights violations carried out by ACAT-Burundi in 2022 has shown that all Burundian prisons are still experiencing a serious problem of overcrowding, as in previous periods. The number of prisoners exceeds, in most cases, the capacity of the prisons.

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

The slowness in the processing of judicial cases due to the lack of resources, incompetence, corruption and judicial dysfunctions that affect the judicial system remain the major causes of prison overcrowding. The continued detention without titles or rights of political prisoners and detainees accused of minor offences also contributes to prison overcrowding.

Non-compliance with the measure of provisional release by judicial decision (chambre de conseil), which the Public Prosecutor's Office arbitrarily refuses to implement, in accordance with the judge's decision, or prisoners who are not released even though they have served their sentence, swell the statistics on the prison population.

The figures recorded during the year 2022 by ACAT-BURUNDI show that in Burundi's prisons, the number of prisoners exceeds the capacity of the prisons by more than three times.

The prison population as at 31 December 2022 was **12,048** prisoners, of whom **6,613** are remand prisoners while convicted prisoners are counted at **5,635**. Among this prison population, there are **106** infants **and** **160** minors while the capacity of all prisons is **4,294** prisoners; a considerably high occupancy rate, reaching **280% of the** capacity.

As an indication, the following tables illustrate the numbers of the prison population for the months of October, November and December 2022 as well as the comparative tables for the last 3 quarters of the years 2020, 2021 and 2022 which illustrate that there is no considerable reduction in the numbers of the population.

Table I: Prison situation in October 2022

House of detention	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Percentage overruns
MURAMVYA	100	794 with 07 infants	415	379	794%
MPIMBA	800	4460 with 32 infants	3495	965	557.5%
GITEGA	400	1281 with 19 infants	574	707	320.25%
RUMONGE	800	1065 with 04 infants	384	681	131.125%
BURURI	250	384 with 03 infants	266	118	153.6%
MUYINGA	300	491 with 02 infants	130	361	163.66%
BUBANZA	200	503 with 05 infants	189	314	251.5%
RUYIGI	300	882 with 09 infants	361	521	294%
RUTANA	350	571 with 02 infants	257	314	163,142%
NGOZI	650	1888 with 30 infants	766	1122	290.461%

The prison population on 31 October 2022 was 12371 inmates

Table II: Prison situation in November 2022

House of detention	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Percentage overshoot
BUBANZA	200	522 with 06 infants	206	316	261%
BURURI	250	388 with 02 infants	264	124	155.2%
GITEGA	400	1310 with 19 infants	600	710	327.5%
MPIMBA	800	4362 with 25 infants	3390	972	545.25%
MURAMVYA	100	804 with 08 infants	351	453	804%
MUYINGA	300	525 with 03 infants	160	365	175%
NGOZI	650	1958 with 33 infants	758	1200	301.230%
RUTANA	350	588 with 01 infant	255	333	168%
RUYIGI	300	822 with 07 infants	326	496	274%
RUMONGE	800	1061 with 04 infants	383	678	132.625%

The prison population on 31 November 2022 was 12,472

Table III: Prison situation in December 2022

House of detention	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Percentage overshoot
RUYIGI	300	811 with 08 infants	337	474	270.333%
NGOZI	650	1827 with 11 infants	665	1162	281.076%
MUYINGA	300	523 with 03 infants	156	367	174.333%
MURAMVYA	100	755 with 08 infants	311	454	755%
BUBANZA	200	524 with 06 infants	227	297	262%
BURURI	250	360 with 02 infants	239	121	144%

		infants			
GITEGA	400	1290 with 19 infants	611	679	322.5%
MPIMBA	800	4369 with 20 infants	3451	918	546.125%
RUMONGE	800	1060 with 04 infants	332	728	132.5%
RUTANA	330		267	323	

The prison population on 31 December 2022 was 12,048.

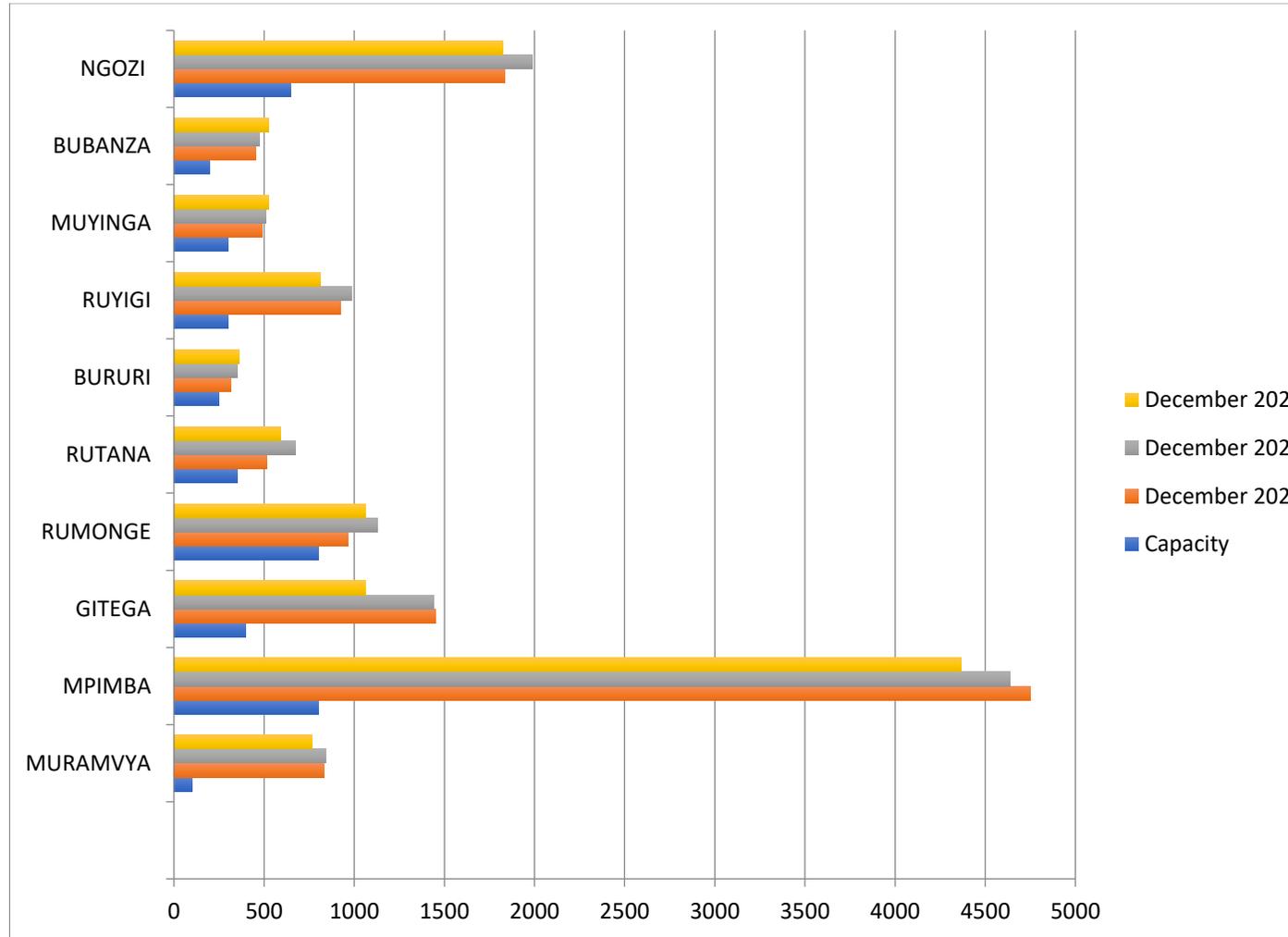
The following table illustrates the overcrowding of prisons by comparing statistics for December 2020, 2021 and 2022 due to the limited scope of prisoner release measures and the slow processing of courtes cases.

Table IV : Comparative presentation of the prison population in December 2020, 2021 and 2022

House of detention	Capacity	Number of prisoners in December 2020			Number of prisoners in December 2021			Number of prisoners in December 2022		
		<i>Respondents</i>	<i>Convicts</i>	<i>Total</i>	<i>Respondents</i>	<i>Convicts</i>	<i>Total</i>	<i>Respondents</i>	<i>Convicts</i>	<i>Total</i>
MURAMVYA	100	406	424	830	436	245	842	311	454	765
MPIMBA	800	2594	2159	4753	3126	1511	4637	3451	918	4369
GITEGA	400	437	1014	1451	566	873	1439	332	728	1060
RUMONGE	800	179	787	966	345	785	1130	332	728	1060
RUTANA	350	131	384	515	335	341	676	267	323	590
BURURI	250	159	158	317	218	134	352	239	121	360
RUYIGI	300	313	610	923	380	605	985	337	474	811
MUYINGA	300	97	394	491	469	39	508	156	367	523
BUBANZA	200	210	243	453	259	217	476	227	297	524
NGOZI Men	650	524	1313	1837	924	1062	1986	665	1162	1827

NB : the number of infants has not been taken into account

Graph showing prison overcrowding in December 2020, 2021 and 2022



II.1. Infrastructure

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

ACAT-Burundi had alerted on the precarious situation of prisoners in Gitega prison on 3 February 2022¹ ; as a reminder, the buildings of the Gitega prison had been demolished by fire on 7 December 2021.

These buildings were largely rebuilt during 2022 and prisoners have returned to safety, although challenges related to overcrowding remain in this prison in Gitega.

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 state of disrepair and are poorly maintained, with inadequate and poorly maintained toilets.

There are still prisoners sleeping in corridors on the floor with no sleeping equipment, the roofs are old, with holes and rainwater penetration.

There is often a lack of water in all prisons, especially in Mpimba and Muramvya prisons, which can lead to illness.

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

II.2 Right or access to visits and communication

According to 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 its Article 38 specifies that "*subject to conditions that may be set by the prison administration or the internal regulations, detainees 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.

In relation to this, ACAT-Burundi notes that some people deprived of their freedom in Burundi, especially political prisoners, are expressly detained far from their relatives for punitive or political

¹ <https://www.acatburundi.org/declaration-de-lacat-burundi-suite-aux-conditions-carcerales-dans-la-prison-de-gitega/>

reasons. We can cite the example of the journalist of Radio Igicaniro Floriane IRANGABIYE and Doctor Christophe SAHABO, former director of the Swiss Clinic Kira Hospital.

At the beginning of 2022, ACAT-Burundi noted that the families of prisoners convicted of participating in the failed putsch of 13 May 2015 were subjected to discriminatory treatment when visiting their relatives. Indeed, these families were not allowed to know the situation of their relatives in detention as they could not see them, even from a distance, at a time when other prisoners were allowed to show themselves to their families.

This hindrance to the respect of visiting rights has harmful consequences for the majority of detainees, who are totally disconnected from their families, even though they are protected by the principle that the detainee must be placed in a place of detention closest to his or her origin or to the territorially competent jurisdiction. This rule is not observed, in violation of Articles 14, 10 and 111 (1) respectively of the Internal Prison Regulations.

On 5 April 2022, visits to prisons, which had been banned by order of the Directorate General of Prison Affairs some two years ago to prevent the spread of covid-19, resumed. In fact, the implementation of this measure has had its shortcomings, and ACAT-Burundi had pleaded for the lifting of this measure, which was deemed ineffective. However, this right to visits is still restricted for a certain category of political prisoners, such as the fighters of the Red-Tabara armed movement, who have been incarcerated since September 2021 and throughout 2022 in Mpimba prison in a correctional chamber without any visiting rights.

II.3. Right or access to food

During the year 2022, there was a serious lack of food for prisoners in all prisons and this situation is becoming more and more recurrent. Cassava flour, which is the main food in prisons, has been in short supply for more than two years, and prisoners go for days, even weeks, without being fed the daily ration prescribed for them, which has so far been insufficient.

It should be remembered that, in addition to this lack of quantity, the food for prisoners is poor in terms of quality. Prisoners have to get it on their own.

During August 2022, inmates in Rutana prison complained about poor nutrition due to the diversion of bean cooking water by capitas (representatives) in complicity with the prison administration to sell it to pig farmers. These inmates said that they were given tasteless and dry cooked beans.

To this end, a survey was conducted to shed light on this deficiency. The daily ration for a prisoner is 350g of flour and 350g of beans. To this should be added 50g of palm oil and 6g of cooking salt and coal. Palm oil was removed from the food list several months ago.

The survey results showed that in some prisons, prisoners go for weeks without receiving this daily ration.

The table below summarises the situation for August and September 2022:

PRISONS	Number of days with no beans	Number of days of meals without cassava flour paste
BUJUMBURA	12	27
BUBANZA	2	32
GITEGA	6	07
MURAMVYA	0	27
MUYINGA	7	09
NGOZI	10	25
RUMONGE		34
RUTANA	0	0
RUYIGI		39

During the whole month of October 2022, in Ruyigi prison, prisoners were served cassava flour paste for only 10 days, and for the month of November 2022, prisoners were served for only 8 days. In Ngozi prison prisoners were served paste for only 10 days during the whole month of November 2022.

On the other days, they were given only beans, which have been insufficient up to now. According to information available to ACAT-BURUNDI, the prisons of RUMONGE, MUYINGA, GITEGA, MURAMVYA, RUYIGI, RUTANA, BUBANZA and BURURI are experiencing the same problem and the food shortage continues. It should be remembered that in normal times, the daily ration given to each prisoner is 350g of beans and 350g of flour per day.

These shortcomings are due to problems in awarding public contracts, which affect the payment of suppliers.

Indeed, a public procurement unit of the Directorate General of Prison Affairs examines the suppliers' bids and awards the contract. The award report is sent to the Ministry of Finance, which will make the payment after the food has been supplied.

It is noted that when the supplier who is awarded the contract is not known or does not have a collaboration with the authority that has to pay, payment becomes complicated. Sometimes this assessment is motivated by bribes. Suppliers who fail to pay then refrain from delivering and consequently the goods gradually dry up.

It should be noted that objective criteria, especially the financial capacity of the supplier and the quality of the goods, are often not considered when awarding public contracts.

In recent times, fuel shortages have also been a problem in supplying prisons. Faced with this situation, suppliers ask for amendments to their contracts to increase the price of foodstuffs, which handicaps supplies.

Inside most prisons, there is also diversion of food stocks by prisoner representatives in complicity with prison officials to sell foodstuffs at outside, which considerably diminishes the provisions mainly reserved for prisoners without means to supply themselves.

The cost of feeding prisoners is initially provided for in the general state budget. What seems illogical is that when prisoners are not properly served with food, there is usually no compensation once the stock is replenished.

Moreover, the political authorities keep claiming that Burundi does not have budgetary problems. This leads one to believe that this stock shortage is due to bad faith or negligence, or quite simply, in this case, it is a way of despoiling the funds intended for feeding prisoners.

This repeated situation of food shortages has serious health and moral consequences for those deprived of their liberty who now live in destitution. As a result, the extreme hunger in which prisoners live exposes them to vulnerability and disease.

The case of a detainee named HAVYARIMANA Déo, who died on 15 August 2022 in Bubanza prison, illustrates the serious consequences of this food shortage.

Some prisoners even go as far as selling clothes or soap to buy something to eat. As a result, diseases due to lack of hygiene are rife in prisons.

The Government of Burundi must stop being passive in the face of this problem, confront it and find a lasting solution that reassures the detainees.

Decongestion of prisons is one of the favourable solutions from which to continue the process until there are reasonable numbers of prisoners whose basic needs can be met by the prison service.

The effective implementation of the various measures already taken in this regard would be very useful. The release of arbitrarily detained persons who have served their sentences, who have been acquitted or who have benefited from a presidential pardon would further facilitate the decongestion of prisons and consequently the financial burden on the State would be considerably reduced.

As a reminder, the right to food for detainees is 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) and the African Charter on Human and Peoples' Rights.

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

Faced with this problem of stock shortages, the prison authorities do not provide explanations for this deplorable situation.

II.4. Rights or access to health care

The right to health is a right recognised to all Burundian citizens, including those deprived of their liberty, as provided for in national and international texts on the protection of human rights and those relating to the rights of persons deprived of their liberty.

The law on the prison regime in Burundi provides that the prison administration shall provide for the health care of 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.

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 considers 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.

Some prison authorities trample on these texts by denying this right to certain prisoners, especially those prosecuted for crimes of a political nature.

During the year 2022, ACAT-Burundi was able to inquire about the situation of detainees who were denied access to the most appropriate hospitals for treatment and this type of iniquitous measures causes a deterioration of the health of detainees, even those who have access do not receive appropriate care. The mental health or psychological situation of persons deprived of their liberty is often neglected in Burundian prisons.

Prisoners who need to receive care that is not provided within the prison often face great difficulties in obtaining permission to leave from the prison authorities.

For illustrative purposes:

1. In Rutana Prison, Colonel NIYONKURU Laurent cited in the assassination case of late President NDADAYE Melchior was denied access to health care outside the prison on 2/2/2022. Colonel NIYONKURU Laurent had a vision problem and could not leave the prison without the approval of the Provincial Commissioner. According to sources in Rutana prison, no one else had the right to release him except the provincial commissioner of that province.
2. The man known as Amani died in Gitega prison as a result of his illness. He was previously hospitalised at the prison's health centre. As his condition continued to worsen, the director of this prison authorised his transfer to Gitega hospital on Friday 18/02/2022, but it was too late. Before his death, a message was circulated that Amani was preparing his escape from the hospital. On Sunday, 20/02/2022 this detainee was forced to return to prison, still in critical condition. On Tuesday, 22/02/2022, Amani died in Gitega prison. These fellow inmates demanded an independent investigation so that the director of the prison and the doctor who authorized the return of this prisoner be held accountable.
3. In Gitega Prison, since 02/03/2022, the state of health of Colonel KAZUNGU Michel, detained in the case of the May 13, 2015 putschists was bad. He had been diagnosed with cirrhosis of the liver a few months ago. His health condition required a follow-up in an appropriate medical centre but this transfer was not granted.
4. Since 27/01/2022, inmates of Ruyigi prison were not allowed to seek medical treatment outside the prison, even those who had appointments with the attending physician for at least 4 weeks. Sources from Ruyigi said that there was a case of a prisoner who escaped on 13/01/2022 when he went for treatment outside the prison. Since then, a conflict has arisen between the police and the prison administration because of the escape of the said prisoner.
5. General NDAYISABA Célestin², a retired military officer, has repeatedly asked during the month of May 2022 to be allowed to go outside the prison of Muramvya, precisely to Bujumbura, where he could find appropriate care. His request has always been unsuccessful despite the prescription of the doctor supporting his request.
6. ACAT-Burundi deploras 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 norms and laws in force in this area. The illustrative case is that of the detainee NDAGIJIMANA André who died on 8 July 2022 following the refusal of access to an adequate health care structure.
7. During the last quarter of the year 2022, there was an unavailability of medicines in some prison clinics and an absence of vehicles for the transport of patients (MPIMBA).

2 General Ndayisaba Célestin is being prosecuted in the case of the assassination of President Melchior Ndadaye.

8. During the same last quarter of 2022, a health professional adopted an unusual behaviour in RUYIGI prison. The person in question was NSHIMIRIMANA Déo, who was in charge of the infirmary in RUYIGI prison and did not receive his patients properly. Information from Ruyigi prison told us that sometimes he even refused to receive them without any reason given. This official negligently prescribed a similar medicine to all of them, even though they were not suffering in the same way.

II.5. Other activities in prisons: sport, worship, agriculture or other

Every prison should plan recreational activities to enhance the well-being of prisoners. Prisons must provide themselves with appropriate facilities and premises to assist prisoners in carrying out these activities. These facilities are not available in the majority of prisons in Burundi.

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, certain restrictions were placed on the practice of sports by political prisoners, such as the fighters of the RED-TABARA armed movement, who were denied sports and Sunday worship by the security committee. These detainees were kept in a correctional cell for more than six months while there were no investigations to be made as their cases were already pending before the court that will pass a sentence on the merits. They were subjected to this treatment as punishment for belonging to a rebel movement.

In Bubanza, Rutana, Muyinga and Ruyigi prison, there is still 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.

II.6 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 recurrence of the prison food shortage during 2022 also affected these categories of vulnerable groups, as the supplements that were granted were not always available in some prisons.

In Mpimba prison, access to double the ration for nursing mothers was not regular during 2022. These women received sugar and flour for porridge. For other categories of vulnerable people,

including the elderly, the handicapped and the sick, they received support in the event of assistance from benefactors.

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 other prisons, there are no benefits or special treatment for vulnerable people unless there is outside help including support from benefactors.

Prisons in Burundi still do not have rules to take into account the needs of each prisoner, particularly vulnerable prisoners. 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 Law No. 1 /24 of 14 December 2017 on the revision of the prison regime, the prison director is the first person in charge of the prison. He is responsible for 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 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 obliged to refer to the competent courts to rule on the preventive detention of prisoners admitted to their establishments in the event of the failure of the Office of the Public Prosecutor to act, in accordance with article 343 of the Code of Criminal Procedure.

Despite this clarity in the regulatory provisions, ACAT-Burundi still deplores the fact that in 2022, in various prisons, there are still detainees in an irregular situation due to the indifference and inertia of prison officials, and other detainees who suffer ill-treatment due to the indifference or complicity of the judicial administration. More worryingly, there are even cases where prison officials knowingly refuse to release prisoners despite having release tickets in their possession. This can often be the result of bad faith or political motivations.

There are still prisoners who are not satisfied with the services offered by prison officials, especially the category of political prisoners, because their complaints to the legal or social services are not taken into account.

This is particularly noticeable in terms of access to health care and protection within prisons, as ACAT-Burundi has constantly denounced. Indeed, these detainees 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 diseases due to malnutrition. ACAT-Burundi acknowledges that some of its grievances, especially those relating to the ill-treatment of persons deprived of their liberty, have been taken into account, even if other demands have not been met.

III.1 Security, surveillance, ill-treatment and torture in prisons

As for the year 2021, ACAT-Burundi noted that there was a decrease in cases of ill-treatment, inhuman or degrading treatment and torture of prisoners during the year 2022, even if the phenomenon has not been completely contained.

However, ACAT-Burundi deplors 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 ill-treatment of 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.

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 searches of cells occupied by prisoners prosecuted for political offences.

This situation is especially evident in the Mpimba Central Prison, where the phenomenon persists in comparison to other prisons. 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 fellow prisoners loyal to the ruling party is an illustration.

Security and surveillance in prisons is usually provided by a uniformed and trained police force under the law governing prisons. These police officers are under the supervision of the prison governor 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.

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

1. In Rumonge Prison, a certain BIZUMUKAMA Louis de Gonzague and NAHIMANA Gérard, all political prisoners, were tortured on 25/01/2022 and their phones were confiscated by the security officers. Their movements were monitored by the same security officials wherever they went. They were accused of divulging information that was happening in the said prison.
2. A detainee of NGOZI prison was tortured on 27/01/2022 by the security officers led by a certain NIYONKURU Viator, a deputy chief of the security officer. The said detainee was tortured without any motive put forward by the latter.

3. Since 27/01/2022, inmates at Muyinga prison have been denied access to information. Their radios have been confiscated and all plugs have been removed from their rooms. The inmates are accused of wasting electricity (use of power).
4. In May 2022, it was observed in Rumonge prison that prisoners who call themselves dormitory wardens and other members of the security committee have arrogated to themselves the right to search the cells occupied by prisoners prosecuted in political cases or those who are supposed to be. Close surveillance has been increased in their cells to control their movements, and they have been subjected to discrimination that constitutes perpetual harassment.
5. During the month of August 2022 in Gitega prison, there were cases of physical abuse, including beatings and injuries to some prisoners by their representatives (capitas) in order to extract money or intimidate them into obeying them without claiming their rights.
6. In October 2022, Mr. ATIBU Japhet, a representative of the inmates in Gitega Prison, abused some of the inmates accusing them of planning his murder. The victims were placed in the correctional room before being transferred to other prisons.
This representative has arrogated to himself the power to inflict corporal punishment on his peers, to incarcerate detainees in correctional rooms, to search and confiscate the telephones of his fellow inmates without any order from the prison administration. The most telling case is that of a certain Bienvenu who was beaten up by the members of the prisoners' representation committee under the orders of their leader ATIBU Japhet. The victim lost consciousness. This case was brought to the attention of the prison management but the latter remained indifferent.
7. Other cases of physical abuse were observed towards the end of 2022 in MUYINGA prison. The committee appointed to represent the inmates before the prison authorities in the said prison commonly known as capita committed several violations against its subjects. Isolation of prisoners and intentional assault and battery were reported in this prison. The perpetrators of these violations were under the orders of the Director. The latter actively participated in this atrocious barbarism by inflicting blows and wounds on prisoners placed in isolation in the correctional room. The emblematic case is that of NDACAYISABA Issa, who spent two months in solitary confinement under a regime of 12 strokes of the stick every morning.
8. It is also important to note that since September 2022, there have been cases of untimely searches in the cell occupied by journalist Floriane IRANGABIYE by the head of the intelligence service in MUYINGA. What is regrettable is that he broke into and searched a cell occupied by female detainees, which constitutes harassment of the detainee.

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

III.2. Irregularities or malfunctions observed in the judicial files of persons deprived of their liberty

The continued detention of prisoners without title or right is still a topical issue in the various prisons in Burundi.

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.

For example, in Mpimba prison, NIYONKURU Prime, RUGAMBA Adribert and YAMUREMYE Evariste have served their sentences since 1^{er} February 2022 but they were not yet free at the end of February 2022, as the prison officials said they would be released later, which constituted illegal imprisonment

The prisoners who applied to the Minister of Justice in the review procedure were concerned about the slow processing of their application. Heard by the Ministry's advisors at the end of 2020, there was no follow-up until 30 March 2022, they were indignant about the unreasonable delays.

ACAT-Burundi recognises that a certain number of prisoners who were victims of illegal imprisonment were released when the presidential pardon was implemented. Nevertheless, we observe that this practice is still going on in some prisons (BUJUMBURA, GITEGA, RUMONGE and NGOZI) where prisoners who have served their sentences, among those who benefited from the presidential pardon measure or those accused of minor offences, are still languishing in prison despite the clarity of Burundian positive law, more particularly the Constitution, the Code of Criminal Procedure and the law on the prison regime in Burundi.

As a reminder, in his speech to the nation in December 2021, the President of the Republic instructed prosecutors that all persons not prosecuted for murder or other offences against human life must appear free. He invited prosecutors to release them without delay.

Nevertheless, it was observed that the implementation of this measure was slow and incomplete, and ACAT-Burundi noted that not all the prisoners who were supposed to benefit from this measure had been released, that prison overcrowding remained, and that some prisoners had not been brought before judges.

During the months of July and August 2022, ACAT-Burundi inventoried 65 detainees from Ruyigi prison, 156 detainees from Ngozi prison and 49 detainees from Rumonge prison who were released.

ACAT-Burundi welcomes the release of these detainees, which responds to its concerns already expressed in its previous reports, but denounces its discriminatory nature, which effectively excludes a certain category of detainees, namely those accused of political offences.

There is therefore still a long way to go, as prisons are still very overcrowded if we refer to the current occupancy rate.

III.3 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 in processing cases, especially those involving 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. 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.

III.4. Some illustrative and emblematic cases:

At the end of the year 2022, ACAT-Burundi documented some judicial files with procedural irregularities. Indeed, the recurrent phenomenon of slowness in the processing of cases pending before the courts is still observed in various prisons across the country.

ACAT-Burundi notes that a good number of detainees prosecuted for political offences are deprived of their liberty without any title or right because they have been acquitted or have served their sentence.

To illustrate this situation, there is the emblematic case of BIZIMANA Pierre detained in Gitega prison. He was arrested on 14 May 2015. At that time, he was a transmission agent of a General sentenced to life imprisonment in the April 2015 coup d'état case. BIZIMANA Pierre was sentenced to two years imprisonment, which he served in April on 19.05.2017.

In July 2017, when he was completing the administrative formalities to be released, he was informed by the prison director that a judicial file had just been opened against him for forgery and use of forged public documents.

He was refused release from prison and was incarcerated before the case was even opened and therefore without a warrant. The case was closed in 2016 with a sentence of three years of penal

servitude. The sentence was served on 19.05.2020. He is still locked up in Gitega prison without any title or right.

The responsibility for this arbitrary detention lies primarily with the director of Gitega prison who continues to keep in prison a prisoner who has already served his sentence. This is a flagrant violation of Article 342 of the Code of Criminal Procedure mentioned above. This authority is exposed to sanctions if at least the law prevails, as it would be condemned both disciplinarily and criminally for having kept a person in prison without title or right.

III.4.1. The files of detainees that remain for more than three years in the drawers of the Supreme Court.

ACAT-Burundi has also noted during this past year an excessive slowness in the processing of cases pending before the Supreme Court, "the highest ordinary court of the Republic of Burundi", which embodies the judiciary and is the reference for the place of the judiciary within the institutions of the Republic, according to Article 1 of Law No. 1/21 of August 3, 2019, amending Law No. 1/07 of February 25, 2005 governing the Supreme Court.

It was also noted that, even for cases taken under advisement, judgments are not delivered within the legal time limit of 60 days from the day of taking under advisement. They take several months to be delivered and served on the parties. This proven slowness hampers the functioning of the judiciary. The Supreme Court should normally ensure administrative control by virtue of Article 36 of the aforementioned law, which provides as follows "the Supreme Court shall exercise administrative and jurisdictional power Action des Chrétiens pour l'Abolition de la Torture (Acat-Burundi) over other jurisdictions other than the Constitutional Court and the Special Court for Land and Other Property."

The question that arises is what control can the Supreme Court exercise over the lower courts when it does not respect the law? What lesson can it give to the courts that are subject to its control? Is this not the reason for the failure to respect deadlines and the recurrent disorder observed in Burundian courts ?

Illustrative cases of detainee records are as follows :

- KWIZERA Dieudonné,
- NIYONKURU Amédée,
- NKURUNZIZA Richard,
- NKURUNZIZA Adelin,
- NIYUNGEKO Tharcisse and NTAHOMVUKIYE Pierre (file number RPC 3789),
- NDAGIJIMANA Éric,
- NIMUBONA Ildefonse,
- NDEREYIMANA Innocent,
- NZOJIYOBIRI Vital,
- NDAYIKENGURUTSE Fulgence,
- HARERIMANA Félicien,
- NIYONGERE Aster,
- NDAYISENGA Dismas,
- ARAKAZA Arcade,

- NTAHOMVUKIYE Ferdinand,
- HABIMANA Eric,
- NIYONKURU Athanase and HAVYARIMANA Ezéchiel (file number RPC 3796),
- NIZIGIYIMANA Antoine (file number RPC 3795),
- NKURUNZIZA Jean Berchmas (file number RPC 4268),
- NSENGIYUMVA Patrick (file number RCP 598),
- NDAYIZEYE Désiré (CPR number 4839),
- and BIGIRUMUGISHA Cadeau (CPR file number 5098).

III.4.2. Arbitrary detentions

It was also noted that the phenomenon of detainees in arbitrary detention remains a reality, with some irregular judicial cases not having been followed up during the year 2022.

By way of illustration, we can cite the cases of prisoners who have been acquitted, served their sentences or pardoned but who are still languishing in prison without any title or right.

This is the case of detainees whose continued illegal detention ACAT-BURUNDI has already decried on many occasions but which has not yet been resolved to this day :

- Daniel RUGONUMUGABO (Gitega Prison),
- Jean de Dieu BIGIRIMANA (Ngozi Prison),
- Clément HATUNGIMANA (Mpimba Prison)
- and Gérard NAHIMANA (Rumonge Prison), respectively four members of the Movement for Solidarity and Democracy (MSD) party.

It should be noted that the 4 detainees were arrested at their party headquarters in Bujumbura town hall by the Burundian police on 08/03/2014. Previously, they were 60 in number and their file was RPCA 515. In January 2017, all the sixty detainees had benefited from the pardon of the President of the Republic at the time, the late President Pierre NKURUNZIZA.

After the pardon, the Minister of Justice at the time, Mrs Laurentine KANYANA, instructed the prison directors to release these MSD members. At the time when the lists of released detainees came out, the names of the above four detainees were not on the lists. If they tried to ask why they were not on the lists of released detainees, they explained to them that it was the machine that skipped them but that there was no problem, they would correct them without fail. Since then, Minister KANYANA had promised that she would resolve the issue, but to no avail. The CNIDH had been called upon for the issue but five years have passed without any response.

In addition, there are other acquitted prisoners and others who have served their sentences but are still in prison.

For example: Claude NKENGURUTSE, MIBURO, Philbert all detained in Gitega prison and Colonel Dushimagize Dieudonné detained in Bubanza prison.

III.4.3. Judicial file of Floriane IRANGABIYE, journalist of Radio Igicaniro

It is also important to mention under this heading the recent conviction without any legal basis of journalist Floriane IRANGABIYE to a ten-year prison sentence.

Sources close to the case said that the judges convicted Floriane on the basis of a fabricated report by the National Intelligence Service to make it appear that she had confessed to the charges against her.

ACAT-Burundi is concerned about the non-respect of pre-trial detention deadlines. Radio Igicaniro journalist Floriane IRANGABIYE has spent more than 30 days in pre-trial detention without being brought before a judge for a ruling on the legality of her detention. She was imprisoned without a valid title. Worse still, she was transferred to MUYINGA prison while she was being prosecuted by the Bujumbura Prosecutor's Office. This distance further encourages the failure to respect the time limits for appearing in court.

In August 2022, Floriane IRANGABIYE left Rwanda, where she had been living since 2009, to visit her family in Burundi. On 30 August 2022, intelligence personnel in the capital Bujumbura stopped a vehicle in which IRANGABIYE was travelling and took her into custody.

She was first detained at the intelligence headquarters in Bujumbura, where she was denied access to her family and a lawyer, and then questioned about her work at Radio Igicaniro, which the Burundian intelligence service (SNR) claims supports opposition groups. The SNR also accused IRANGABIYE without providing evidence of collaborating with armed opposition groups and of espionage.

On 8 September 2022, IRANGABIYE appeared in court where she was charged with undermining the integrity of the state without being formally charged.

At the end of September 2022, she was transferred to Muyinga prison in the north of the country.

During an appearance before the High Court of Mukaza sitting in Muyinga on 28 September 2022, IRANGABIYE was again accused of undermining the national integrity of Burundi, but was also accused of working without a journalist's accreditation.

III.4.4. Judicial file of Dr Sahabo Christophe, former Director of the Swiss Clinic Kira Hospital

The former Director General of KIRA Hospital, Dr. Christophe SAHABO has been incarcerated since 1^{er} April 2022, he has spent more than nine months in prison without ever being tried, therefore without trial (until January 2023).

Dr. Christophe SAHABO was arrested by agents of the National Intelligence Service on 1^{er} April 2022 during the night without being informed of the charges against him and without showing a judicial warrant, all this in flagrant violation of the Code of Criminal Procedure. He was incarcerated in the National Intelligence Service cell during police custody for fifty days instead of the seven days provided for by the Code of Criminal Procedure, and was interrogated repeatedly in the absence of a lawyer in flagrant violation of the Code of Criminal Procedure.

On 29 September 2022, Dr Christophe SAHABO was transferred from Mpimba central prison to Ruyigi prison. This transfer of Dr. Christophe SAHABO to Ruyigi prison shows the unwillingness to keep Dr. Christophe SAHABO away from his family and has no legal basis.

III.4.5. Judicial file of the lawyer and HRD Tony Germain NKINA

The lawyer and human rights defender Tony Germain NKINA was acquitted on 20 December 2022 after two years of arbitrary detention, a trial that was characterised by irregularities that human rights organisations have constantly denounced.

IV. Referral to international human rights protection mechanisms at the UN and African levels for judicial cases of prisoners whose rights have been violated

During the year 2022, 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). ACAT-Burundi deplors the refusal of the Government of Burundi to implement the opinions of the treaty bodies.

Indeed, several cases have been submitted to the treaty bodies and some of them have been resolved. Among them, the case number 952/2019 between the late General Cyrille NDAYIRUKIYE and the State of Burundi before the Committee against Torture. The Committee found through its conclusions contained in its decision of 16 June 2022 that an act of torture had been committed against the complainant and consequently requested an impartial investigation to prosecute the perpetrators and effective reparation to the victim.

The Working Group on Arbitrary Detention has also issued several recommendations to the State of Burundi on several cases relating to arbitrary detention, ordering the State of Burundi to release these prisoners in arbitrary detention. The cases of the prisoners prosecuted in the case of the assassination of General Adolphe NSHIMIRIMANA illustrate this situation well.

The State of Burundi has always refused to cooperate with these bodies, even though it has recognised their competence. For some, it has refused to reply to the various communications sent to it by the bodies referred to, and for others, the State of Burundi wrongly raises an objection based on inadmissibility.

The conclusions of these bodies, which are all favourable to the complainants, were notified to the State of Burundi, but the latter did not follow up. Prisoners declared in arbitrary detention by the United Nations Working Group on Arbitrary Detention are still languishing in prison and victims of torture have not received redress.

IV.1 Background to the referral of these mechanisms

Since the outbreak of the political and security crisis that began in April 2015 following the forcing of the late President NKURUNZIZA to a third term in office 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.

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.

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.

IV.2 Status of cases before international human rights mechanisms

During 2022, twenty-four 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 arrest and detention 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 context 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 there are any.

ACAT-Burundi has conducted awareness and information sessions on the functioning of these international human rights protection mechanisms so that they are on the same level of knowledge. These victims will be able to collaborate favourably with ACAT-Burundi in the process of referring cases to these mechanisms.

V. Conclusion

ACAT-Burundi noted that violations of prisoners' rights continued during the year 2022, with cases linked to the dysfunction of the judiciary, interference by certain influential people in power, lack of necessary means and corruption.

Arbitrary detention due to non-compliance with judicial decisions, prison overcrowding and the violation of the fundamental rights of persons deprived of their liberty, such as access to health care, food and the provision of good conditions of detention in general, remain challenges in the Burundian prison environment.

ACAT-Burundi deplores the exclusion and harassment of political prisoners and prisoners of conscience, as we have repeatedly denounced. The lack of food has been a recurrent problem in Burundian prisons during 2022.

The directors of the prisons are still complicit in these numerous violations which are committed in broad daylight by the imbonerakure who hide behind what they call the 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.

V.I. Recommendations.

In view of the situation in the prisons, ACAT-Burundi recommends :

To the Government of Burundi to :

- 1) To guarantee, through the Ministry of Justice, the respect of the law and to enforce the decisions of the Courts and Tribunals,
- 2) Release all unjustly imprisoned political prisoners and prisoners of conscience, including the journalist Floriane IRANGABIYE,
- 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) Preventing food shortages in prison settings, as prisoners have no other means of sustaining 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) 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.
- 8) 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 to :

- 1) Continue to support initiatives to promote human rights in Burundi,
- 2) Keeping a watchful eye on Burundi and reminding the Government to respect the international texts.