



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

## ANNUAL REPORT ON THE HUMAN RIGHTS SITUATION

Edition 2023



*Prison overcrowding in 2021, 2022 and 2023 due to the limited scope of prisoner release measures and the slow processing of court cases*

## TABLE OF CONTENTS

<b>I. Political and human rights context in Burundi</b> .....	4
<b>II. Human rights violations and abuses in 2023</b> .....	7
<b>II.1 Acts of murder or extrajudicial executions</b> .....	7
<b>II.2 Acts of abduction</b> .....	9
<b>II.3 Cases of arbitrary or illegal arrest</b> .....	11
<b>II.4. Cases of torture</b> .....	14
<b>III. Prison situation in Burundi</b> .....	16
<b>III.1 Increasing prison overcrowding</b> .....	16
<b>III.2 General conditions of detention and activities in prisons: sport, worship, agriculture, etc.</b> .....	22
<b>III.3 Celebration of World Day for Persons Deprived of their Liberty</b> .....	23
<b>III.4. Corruption or organised theft through the illicit practice of collecting exorbitant funds in Mpimba prison</b> .....	23
<b>III.5. The problem of transporting prisoners to Mpimba prison</b> .....	26
<b>III.6. Right or access to food</b> .....	26
<b>III.7. Rights or access to healthcare</b> .....	28
<b>IV. Administration of prisons in Burundi</b> .....	30
<b>IV.1 Security, surveillance, ill-treatment and torture in prisons</b> .....	32
<b>IV.2 Arbitrary and illegal imprisonment</b> .....	35
a. <b>Arrest and detention of the five human rights defenders</b> .....	35
b. <b>Other cases of arbitrary detention recorded</b> .....	36
c. <b>Irregularities or malfunctions observed in judicial files</b> .....	38
<b>V. Urgent calls</b> .....	41
<b>V.1 Appeal to the Burundian authorities for the release of six human rights defenders</b> .....	41
<b>V.2 The trial of former Prime Minister Alain Guillaume Bunyoni must comply with the rules and procedures of national and international law</b> .....	42
<b>VI. Advocacy actions</b> .....	43
<b>VII. Referral of cases of prisoners whose rights have been violated to UN and African international human rights protection mechanisms</b> .....	45
<b>VIII. Conclusion</b> .....	46
<b>IX. Recommendations</b> .....	46
❏ <b>To the Government of Burundi of :</b> .....	46
❏ <b>To international organisations and the international community to :</b> .....	47

## 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** : Commission Nationale Indépendante des Droits de l'Homme (Independent National Commission for Human Rights)
- **CNDD-FDD**: National Council for the Defence of Democracy - Forces for the Defence of Democracy
- **UPR** : **Universal** Periodic Review
- **WGAD**: **United Nations** Working Group on Arbitrary Detention
- **MSD**: Movement for Solidarity and Democracy
- **WHO** : World **Health Organisation**
- **NGO** : Non-Governmental Organisation
- **OPJ** : Judicial Police Officer
- **PARCEM** : Parole et Actions pour le Réveil des Consciences et l'Evolution des Mentalités (Words and Actions for Awakening Consciousness and Changing Minds)
- **RED-TABARA**: Resistance Movement for the Rule of Law (RED)-Tabara.
- **SNR** : Service National de Renseignement (National Intelligence Service).

## I. Political and human rights context in Burundi

During 2023, Burundi continued to face major political and human rights challenges, as in previous periods.

The absence of committed and enlightened leadership within the political class of the ruling CNDD-FDD party would explain this situation, in addition to a clear desire on the part of the current President, Evariste Ndayishimiye, to reinforce himself as the strong man within his political party.

**In terms of security**, intimidation of opponents and others perceived as such persists, as do abuses and crimes committed by the youth of the ruling party, supported by the authorities in most regions of the country<sup>1</sup>. CNL members have been intimidated, arbitrarily arrested, kidnapped and in some cases murdered.

Opposition members complain that they are forced to join and pay dues to the ruling party.

There have been armed attacks in the regions of Bubanza and Cibitoke, which have been claimed by the RED-Tabara rebel group, including a deadly attack in the locality of Vugizo in the Gatumba zone, commune Mutimbuzi, not far from the border with the Democratic Republic of Congo, which killed more than 20 people, mostly civilians, on 22 December 2023. The rebel movement and the government blamed each other for the killings of civilians<sup>2</sup>.

**With regard to public rights and freedoms**, the obstruction of the exercise of these rights persists in liberticidal laws such as the law on ASBLs, the law on the press, the law on public demonstrations, etc. in order to allow the authorities to exercise disproportionate control over any dissenting voice. In practical terms, the government in power has cracked down on the media<sup>3</sup>, civil society and political opponents, and infringements of civil liberties were recorded<sup>4</sup> during 2023.

The arrest and sentencing to a heavy penalty of journalist Floriane Irangabiye<sup>5</sup> and the arrest on 14 February 2023 of five human rights defenders, including four who were about to board a plane for Kampala in Uganda, by SNR agents, on the same charge of "*wishing to undermine state security*"<sup>6</sup> further demonstrate the intolerance of the ruling power to further restrict public freedoms. These acts are eloquent signs of the hostile environment for freedom of expression and an independent press in Burundi. Meanwhile, civil society organisations and independent media still working in exile continue to be branded as enemies of the country by the CNDD-FDD government.

The same observation about restrictions on public rights and freedoms was made by the Special Rapporteur on the situation of human rights in Burundi, Fortuné Gaetan Zongo, who was appointed to succeed the United Nations Commission of Inquiry on Burundi.

---

<sup>1</sup> <https://www.africanews.com/2023/08/28/burundi-thousands-celebrate-imbonerakure-day/>

<sup>2</sup> <https://www.acatburundi.org/declaration-de-lacat-burundi-suite-a-lattaque-de-gatumba/>

<sup>3</sup> <https://rsf.org/en/country/burundi>

<sup>4</sup> [https://sostortureburundi.org/wp-content/uploads/2023/11/Bulletin-Justice\\_64\\_11\\_23.pdf](https://sostortureburundi.org/wp-content/uploads/2023/11/Bulletin-Justice_64_11_23.pdf)

<sup>5</sup> <https://cpj.org/2023/01/burundian-journalist-floriane-irangabiye-sentenced-to-10-years-in-prison/>

<sup>6</sup> <https://www.acatburundi.org/wp-content/uploads/2023/03/1703023-Appel-aux-autorites-du-Burundi-pour-la-liberation-de-six-defenseurs-des-droits-humains.pdf>

In his July 2023 statement at the 53<sup>ème</sup> session of the UN Human Rights Council, he pointed out that *"Burundi's approach of opening up to the international scene of power does not allow us to affirm that the human rights situation has improved, with intolerance and repression of public freedoms resulting in the weakening of opposition political parties, self-censorship of the media, arbitrary arrests of political opponents and representatives of civil society organisations, and the continued exile of opponents, the media and civil society organisations. "*

It is in this climate of intolerance that, since June 2023, the CNL party has been banned from all activity on Burundian territory, while party members continue to be the victims of attacks without intervention by the public authorities<sup>7</sup>.

**In terms of human rights**, Burundi has not made any notable progress in terms of respecting and promoting human rights.

Human rights organisations continue to report cases of crimes and human rights violations, including extrajudicial executions, abductions, torture and arbitrary and illegal detentions. These violations are attributable to State agents and members of the Imbonerakure youth group affiliated to the CNDD-FDD party.

For the most part, these crimes go unpunished because the Burundian justice system, which was supposed to crack down on them, is manipulated by various political and social pressure groups. Access to justice remains problematic for the victims of human rights violations, most of whom, for fear of reprisals, dare not denounce the perpetrators, since the authorities are using a climate of terror to govern in the absence of governance that meets the standards of a democratic state<sup>8</sup>.

Burundi still refuses to cooperate with human rights protection mechanisms (UN & AU), and there is not always the political will to cooperate with the Special Rapporteur on Human Rights.

The country was successively evaluated in 2023 in relation to the human rights situation by the Universal Periodic Review (UPR) mechanism of the Human Rights Council and the Committee against Torture (CAT). The Burundi government delegation slammed the door on the Human Rights Council in Geneva on 3 and 4 July 2023, during Burundi's review of the implementation of the International Covenant on Civil and Political Rights (ICCPR), citing the presence of Maitre Arnel NIYONGERE, president of ACAT-Burundi, who is wanted by the Burundian justice system following his work to protect human rights in Burundi<sup>9</sup>. These mechanisms have issued recommendations to the government, and ACAT-Burundi will follow up on the government's commitments.

**In socio-economic terms**, the country has not made any remarkable progress, as Burundi remains one of the poorest countries in the world<sup>10</sup>. Burundians have to contend with poverty, galloping inflation and scarcity of basic necessities such as fuel and sugar, as well as untimely cuts in water and electricity

---

<sup>7</sup> <https://www.sosmediasburundi.org/2023/12/26/burundi-la-permanence-nationale-du-parti-cnl-envahie-par-la-police-le-snr-et-des-imbonerakure/>

<sup>8</sup> <https://www.hrw.org/fr/world-report/2024/country-chapters/burundi>

<sup>9</sup> <https://www.acatburundi.org/declaration-des-organisations-de-la-societe-civile-burundaise-suite-au-boycott-de-la-session-du-comite-des-droits-de-lhomme-par-la-delegation-du-gouvernement-burundais-a-geneve-le-3-juillet-2/>

<sup>10</sup> <https://www.visualcapitalist.com/worlds-poorest-countries-2023-gdp-per-capita/>

supplies. The scarcity of foreign currency has been an aggravating factor in the economic crisis in Burundi, in the absence of appropriate measures to remedy the situation and help Burundians achieve a minimum standard of living<sup>11</sup>.

**As far as Burundi's prisons are concerned**, ACAT-Burundi welcomes the speeches of good intent made by various authorities, including those in charge of the Ministry of Justice, to improve prison conditions by reducing overcrowding and releasing prisoners, especially those accused of minor offences<sup>12</sup>.

ACAT-Burundi has learned with satisfaction of the release of detainees held in January and February 2023 in the Mpimba, Ngozi, Ruyigi and Gitega prisons. This release is part of the implementation of the promise made by the Head of State in his message to the nation on the occasion of the 2021 festive season.

These releases respond to the concerns we have already expressed in our reports about the problem of prison overcrowding and its consequences.

It should be noted that there is still a long way to go, as prisons remain severely overcrowded if current occupancy rates are anything to go by. We have also noted that the current releases are excluding a certain category of prisoners, namely those accused of political offences. For these prisoners, the execution of judicial decisions remains problematic when it comes to release.

ACAT-Burundi also deplores the fact that these measures are far from being effective due to the persistent practice of resorting to imprisonment, even for minor offences. This situation is exacerbated by dysfunctions within the Ministry of Justice, which slow down investigations with unfortunate consequences, including recurrent prison overcrowding. At the end of the year, 31 December 2023, prison overcrowding remained high, with 1,3693 prisoners<sup>13</sup>.

ACAT-Burundi appreciates that cases of torture and ill-treatment have gradually decreased, although the phenomenon remains. These inhuman and degrading treatments are inflicted on certain political prisoners by their peers who act as representatives of the prisoners grouped together in security committees. These prisoners, who are generally close to the ruling party, mistreat prisoners from known opposition circles, often with the complicity of prison officials.

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

In addition, the judicial files, especially those of the categories of opponents mentioned above, are not progressing normally as a result of interference by the Executive and certain influential members of the party in power, and the corruption that characterises the Burundian judicial system.

Other challenges, such as incompetence, the lack of adequate resources to ensure access to food and healthcare, and the absence of structural reforms such as digitisation and the reorganisation of the courts and tribunals, are causing the Burundian judicial system to malfunction.

---

<sup>11</sup> <https://www.sosmediasburundi.org/2023/10/22/burundi-le-fmi-conclut-a-une-crise-economique-generalisee/>

<sup>12</sup> <https://www.yaga-burundi.com/liberation-prisonniers/>

<sup>13</sup> <https://www.acatburundi.org/wp-content/uploads/2024/01/Rapport-de-monitoring-des-violations-des-droits-des-prisonniers-pour-octobrenovembre-et-decembre-2023.pdf>

Within the prisons, this report is a summary of the monthly reports produced from January to December 2023 and covers the prisons 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 and certain emblematic cases demonstrating the irregularities or malfunctions observed in the judicial files of persons deprived of their liberty.

## **II. Human rights violations and abuses recorded in 2023**

### **II.1. Acts of assassinations**

ACAT-Burundi carried out general monitoring of human rights violations in 2023, as in previous years.

ACAT-Burundi generally records cases of assassinations or extra-judicial executions, abductions or forced disappearances, arbitrary detentions and attacks on physical integrity, in this case cases of torture.

In most cases, the alleged perpetrators of the violations are not questioned, and the judiciary does not carry out independent and credible investigations: lifeless and mostly unidentified bodies are discovered in various parts of Burundi. Some of these bodies are quickly buried by the administration without identification or investigation. The cases of arbitrary detentions and torture that have been recorded are not investigated, with the result that these cases are recurrent due to the complicity of the authorities and impunity for these crimes.

Assassinations and kidnappings continue to occur in Burundi, more than three years after the new institutions were put in place.

These crimes are generally committed by the forces of law and order, administrative officials and members of the ruling party's youth league, the Imbonerakure.

A recurring phenomenon is the discovery of lifeless bodies, most of which are tied up or show signs of torture. The victims are opponents or people perceived as such, and there are also other victims with no political affiliation.

ACAT-Burundi and other national and international human rights organisations have denounced these abusive practices, which are becoming increasingly common.

*In 2023, ACAT-Burundi recorded 168 cases of assassinations that were not investigated by the courts.*

For example:

- On 01<sup>er</sup> January 2023, Anicet MUGISHA, a resident of the NGARAMA hill in the KAYERO zone, in the MPINGA-KAYOVE commune in the province of RUTANA, was beaten to death by an imbonerakure from the locality. The motives for this crime are not known. The inhabitants of this locality have demanded that the perpetrator of this crime be arrested, brought to justice and punished in accordance with the law.
- On 14 January 2023, members of the Burundi National Police executed three (3) as yet unidentified men who were in a household located on 10th Avenue No. 23 in the MUTAKURA district of the CIBITOKÉ zone, in the NTAHANGWA commune of Bujumbura town hall.

According to a police source, these people were mistaken for bandits before being shot and their bodies taken to the morgue at Prince Regent Charles Hospital. It is deplorable that the police chose to kill the alleged bandits instead of arresting them and bringing them to justice. An investigation should have been launched to determine who gave the order to shoot these people so that they could be punished in accordance with the law.

- On 10 February 2023, two (2) lifeless bodies of Joseph NGENDAKUMANA and his wife Agnès, all CNL (Congrès National pour la Liberté) activists, were discovered not far from the river MUBARAZI, separating the communes of BUGENDANA and MUTAHO in Gitega province. These two people were murdered with machetes on the MASANGO hill in the BUGENDANA commune by unidentified individuals. Imbonerakure had repeatedly made death threats against the couple for refusing to join the ruling party. No investigation has been carried out to find out who committed the crime.
- On 23 March 2023, at around 5 p.m., close to the Rusizi river on the border with the DRC, on the Mbaza sub-hill, Rukana II hill, Rugombo commune, Cibitoke province, two lifeless bodies of unidentified men were found decapitated by farmers on their way to the fields. According to sources on the spot, the farmers alerted the soldiers from a position near the spot. The bodies were buried by members of the Imbonerakure militia on the orders of Gilbert Manirakiza, administrator of the Rugombo commune, without any prior investigation.
- On 13 April 2023, in the afternoon, on the banks of the Rusizi river, on the Mparambo I hill, Rugombo commune, Cibitoke province, Elias Ntamavyariro, aged 61, from Munyika I hill, Rugombo commune, a rice farmer and gold digger in the Itara Luvungi groupement, Rusizi plain, Uvira territory in the DRC, was beheaded and killed by two Imbonerakure, one of whom was Niyonzima alias Kicwa Panya, a native of Mparambo I hill, Rugombo commune. According to sources on the spot, they took a sum of three million FBU from him. Elias Ntamavyariro was accompanied by a Congolese national who managed to escape. According to the same sources, Elias Ntamavyariro was buried on the spot on the orders of Gilbert Manirakiza, administrator of the Rugombo commune. The criminals were not prosecuted, although they were known.
- On 4 May 2023, Bernard Dusengimana, aged 43, died at the Bishisha Health Centre in the Gatare zone in the Busoni commune of Kirundo province (northern Burundi), as a result of acts of torture inflicted on him in connection with accusations of mineral theft. According to local sources, Bernard Dusengimana was severely beaten by members of the presidential party's youth league, police officers and mine workers in the Murehe nature reserve in the Gatare area. Medical sources have confirmed that he died as a result of the beatings a few hours after being evacuated to the Bishisha health centre.



- On 19 May 2023, at around 10 p.m., on Shembe hill, Giharo commune, Rutana province, Jean Claude Niyongabo, a member of the CNDD-FDD party, was beaten with clubs by members of the Imbonerakure militia, including Dismas Niyonzima alias Muduri, Clément, Julias and Anick, led by the man nicknamed Biduba, who were making their rounds during the night. According to local sources, Jean Claude was on his way home when he was attacked by these Imbonerakure. According to the same sources, he succumbed to his injuries on 23 May 2023 at Gihofi hospital. On 20 May 2023, one of the members of the Imbonerakure militia was arrested before being released on 23 May 2023, on the orders of Rénovat Hakizimana, communal secretary of the CNDD-FDD party.
- On 05 June 2023, at around midnight, on the Rutamba sub-hill, Muzye hill and zone, Giharo commune, Rutana province, Salvator Mboneye alias Sagaga, aged 47, a member of the CN party, was beaten with a stick by a group of members of the Imbonerakure militia, including Jean Claude Njejimana, until he gave up the ghost. According to local sources, he was accused of stealing beans from a field in a locality called Savyampi. According to the same sources, Jean Claude Njejimana was arrested and taken to the Rubaho police station in Giharo commune, where he spent a single night before being released.
- On 06 July 2023, at around 9pm, at the level of the Barizo river, on the Ngoma sub-hill, Kibande hill, Mabayi commune, Cibitoke province, Jérémie Niyibizi, aged 22, married, a gold digger living in the same locality, was shot dead by soldiers from the 121st battalion on patrol in the Kibira natural forest. According to local sources, people who were with the victim ran off before the soldiers opened fire on Jérémie, who died instantly.
- On 3 October 2023, Oscar Ndabigenge, a former CNDD-FDD militiaman from colline Kibande, commune Mabayi, province Cibitoke, was severely beaten by SNR officers in the Service National de Renseignement (SNR) prison in Cibitoke province, before succumbing to his injuries. The SNR officers were acting under the orders of their chief, Nabil Sindayigaya. The victim, who had been held in this cell for a long time since August 2023, was accused of murdering Isidore Niyongabo, one of the communal leaders of the Imbonerakure youth movement, and of complicity with Rwandan armed groups. No legal proceedings were brought in respect of this crime.
- On 21 December 2023, a young man named Josué died of injuries sustained after being beaten by a group of Imbonerakure led by Bernard Nibizi on the Butezi hill in the commune of Giharo, in the province of Rutana. According to local sources, the victim was tied up and severely beaten on the orders of Bernard Nibizi, head of the Imbonerakure youth league in Giharo commune. According to the same sources, Sylvain Nzikoruriho, head of the CNDD, and Lydia Nihimbazwe ordered the victim's father to bury him on his land, despite his protest.

## **II.2 Acts of abduction**

Kidnappings are still taking place in Burundi in 2023, although the practice has decreased compared to previous periods since the political crisis of 2015. The modus operandi of kidnappings is more or less always the same.

The forces of law and order, in this case the military, the police, agents of the National Intelligence Service (SNR) in complicity with the imbonerakure are the perpetrators of these acts, and kidnappings are organised for the targets.

Sometimes, traces of the victims are revealed and, in some cases, thanks to alerts from human rights organisations, some people are rescued while others are arbitrarily imprisoned, but unfortunately for others these people will never be found. Although the perpetrators of these crimes are known, their actions are rarely investigated by the courts.

***In 2023, ACAT-Burundi recorded 26 cases of abduction that were not investigated by the courts.***

For example:

- Révérien NIYONKURU, an agent of the public secretariat located in the NYABIHARAGE district of the commune and province of Gitega, residing in the MUSHASHA district, was abducted on 05 January 2023 by unidentified people in a Jeep Prado vehicle without number plates. According to sources, the victim was forced into the vehicle by a policeman who was on board and the vehicle sped off towards Muramvya.
- On 23 February 2023, Adolphe NDAYIZEYE, a teacher at the Lycée de KARURAMA in the province of CIBITOKÉ, was arrested by police officers on a motorbike and taken directly to the provincial office of the SNR (Service National des Renseignements). The victim was suspected of collaborating with rebels in the Democratic Republic of Congo (DRC). Adolphe was taken out of the dungeon during the night and driven to an unknown destination in a SNR vehicle.
- A certain Victor NZIGO, a member of the Congrès National pour la Libération (CNL) party, was abducted on Wednesday 22 March 2023 in the commune of Gasorwe in the province of Muyinga by agents of the Service National de Renseignement. Sources in Gasorwe say that the victim was taken away in a Hilux vehicle at around 7am bound for the town of Muyinga. The victim's family were concerned for his safety and asked to be informed of his whereabouts, without success.
- Janvier Ngendakuriyo, a former employee of the National Assembly, was abducted from his home on 12 April 2023 at around 6.30pm in Gatunguru in the Rubirizi zone in the Mutimbuzi commune of Bujumbura province, known as Bujumbura Rural. According to the victim's relatives, he was abducted by armed men in a Toyota Probox car without a judicial warrant. After warnings from human rights activists, the intelligence service accepted that it was holding him and he was released after two days of secret detention.
- On the morning of 10 May 2023 at around 8am, Haruna Mustafa, an influential member of the CNDD-FDD's Imbonerakure youth league who fell from grace in 2022, was abducted from the Villa Dubai hotel in Gitega province (central Burundi) by SNR agents and taken away in a white van with tinted windows, registration number EA0507. According to witnesses, two men in civilian clothes armed with pistols, accompanied by two others in police uniforms, got out of the van while three other people remained in the vehicle. They then asked to be shown the room where Haruna Mustafa had been staying and dragged him out of bed while he was still asleep. They then loaded him into the van and sat on him again. Later, members of his family looked for him at the police and SNR dungeons in Gitega and Bujumbura, but had no news of him.

- On the morning of Wednesday 6 September 2023, at around 11am, a veterinary surgeon known as Désiré Sindayigaya was abducted from the hill and area of Buringa in the commune of Gihanga in the province of Bubanza (north-west Burundi) by individuals in Burundi National Police (PNB) uniforms in a white double-cabin van with tinted windows and driven to an unknown destination.

According to witnesses, his kidnappers found him in a veterinary pharmacy in this locality where he was buying some medicine and pretended to ask for his services before taking him away in their vehicle. Since that day, members of his family have tried in vain to contact him by telephone and have searched for him without success in all the dungeons in Bubanza province and Bujumbura town hall, as well as elsewhere.

- On 13 December 2023, ingénieur Samuel Rudahinyuka, a professor at the Ecole Normale Supérieur (ENS), was abducted near the Kamenge campus at the end of classes at the doctoral school as he was about to get into his car. According to local sources, the kidnappers were in a white Toyota Hilux double cab pick-up truck with tinted windows and no number plates. His family tried to contact him on his telephone, but initially the phone rang before being switched off. The family issued alerts about Samuel's whereabouts.

### **II.3 Cases of arbitrary or illegal arrest**

During 2023, there were cases of arbitrary or illegal arrests of intelligence service agents, military police, police officers and imbonerakure. Many of those arrested were beaten, tortured or otherwise ill-treated.

The Burundian government is making no effort to ensure that those who arbitrarily arrest people are brought to justice.

***ACAT-Burundi has recorded 617 cases of arbitrary or illegal arrests, although these statistics are far from exhaustive.***

For example:

- On 02 January 2023, twelve (12) CNL (Congrès National pour la Liberté) party activists known as Dieudonné YAMUREMYE, Audace NIZONDABIRA, Vital HATEGEKIMANA, Jean Claude TUYININHAZE, Fleury UWIMANA, Jean Marie NKENGURUTSE, Fabien NIJIMBERE, Honorine KWIZERA, Jean Bosco NIYUKURI, Thierry NDAYIHEREJE, David KABUSHEMEYE and Léonard NIZIRAMPA were arrested on the GOZI hill, MWUMBA zone, MUGAMBA commune, BURURI province by police officers from the MUGAMBA communal police station. It was during a search of their various households. All these activists were accused of preparing to hold an illegal meeting, which the victims' relatives refute, saying that they were arrested for political reasons, since each of them was arrested in his or her own home and no one was with another member.

- On 14 February 2023, five (5) Burundian human rights defenders known as: Maître Sonia NDIKUMASABO (President of the Association des Femmes Juristes du Burundi "AFJB"), Audace HAVYARIMANA (Legal Representative of the Association pour la Paix et la Promotion des Droits de l'Homme "APDH") Sylvana INAMAHORO (Executive Director of APDH), Marie EMERUSABE (General Coordinator of AFJB) and Prosper RUNYANGE (Coordinator of the APDH land project) were arrested on their way to Kampala in Uganda. The public prosecutor accused them of collaborating with NGOs that had disengaged in Burundi and of having unjustified funds. They were detained at the Service National des Renseignements prison in Bujumbura before being transferred to MPIMBA central prison two days later. The reasons for their arrest and detention are part of the ongoing harassment of human rights defenders since the political crisis of 2015.
- On 6 March 2023, seven (07) women and seventeen (17) men were arrested in the afternoon in the ECOSO neighbourhood of the commune and province of Gitega by the provincial head of the SNR in Gitega, accompanied by his agents. According to sources in Gitega, they were transferred to Gitega prison the same day. The victims included 4 executives from the MUCO association, which had organised training for its beneficiaries, including 3 women detained in solitary confinement with their grandchildren. According to the same sources, these victims were wrongly accused of homosexual practices.
- On 10 April 2023, Pacifique Mahoro, a disability rights activist and Brarudi employee, was arrested by SNR agents in Ruziba, Kabezi commune, Bujumbura province, on his way to the official opening of the centre for disabled children. He was arrested without a permit, without being informed of the reasons for his arrest, and detained in an undisclosed location without communication with his family.
- On 5 May 2023, at around 5 p.m., on Rubamvyi hill in the commune and province of Gitega, Clavera Ntakarutimana, aged 55, Adeline Kwizerimana, aged 40, and Ladégonde Ndaruzaniye, aged 60, all members of the CNL party, were arrested and taken to the lock-up at the provincial police station in Gitega by Dr Jacques Nduwimana, Administrator of the commune of Gitega, accompanied by his Agents de Transmission (police officers guarding him). According to local sources, the women were accused of having danced and sang a song denouncing the famine raging in Burundi during the CNL party's anniversary celebrations held on 16 April 2023 in the provincial capital, Gitega, in the presence of Agathon Rwasa, the party's president. According to this provincial authority, the song contained words that tarnished the image of Burundi. The women were released a few days after their detention.
- On the morning of Thursday 6 July 2023, Jean-Claude Ndayisenga, a police brigadier assigned to the Migration Police at Bujumbura International Airport (western Burundi), was arbitrarily arrested by agents of the National Intelligence Service (SNR) after the Honourable Agathon Rwasa, president of the CNL (Congrès National pour la Liberté) party, had passed through on his way to Zanzibar in the United Republic of Tanzania. He was taken directly to the SNR dungeon at the service's headquarters on charges of having allowed Agathon Rwasa to cross national borders.

- On 12 September 2023, on Bukeye hill, in the commune of Nyanza-lac, Makamba province, 7 women, including Ndayirorere Anitha, all members of the CNL party, were arrested, beaten and taken by police officers to the dungeon of the Nyanza-lac police station. According to local sources, they were accused of buying goods from street traders outside the public market. All their belongings, consisting of food for their children, were dumped on the ground and trampled underfoot by the police officers. According to the same sources, they were released the next day after a group of women went to the dungeon to demand their release.
- ACAT-Burundi has learned with regret that 322 men and 38 women with children under the age of three are being held illegally in the dungeons of the municipal police station in Bujumbura town hall (formerly the Bureau Spécial des Recherches). They are being held in inhumane conditions, in a cell with a capacity of 46 people, with only one tap and one toilet. The legal time limits for police custody have been exceeded for most of these detainees. This situation was confirmed by the Commission Nationale Indépendante des Droits de l'Homme (CNIDH) on its Twitter account on 12 October 2023, after a visit to the prison by the Public Prosecutor and the prosecutors of the Ntahangwa, Mukaza and Muha public prosecutor's offices in Bujumbura town hall. However, the Bujumbura Municipal Commissioner, Lieutenant-Colonel Jacques Nijimbere, opposed any release.
- On 9 November 2023, Ildéfonse Nderagakura, a primary school teacher at the Muhuta basic school, was arrested by police officers accompanied by imbonerakure at his home on the Gitaza hill in the Muhuta commune in Bujumbura province. According to information from his family, Ildéfonse was accused of not having a toilet with a seat inside the house. However, according to other sources on the spot, he was arrested because of his activism in the Frodebu opposition party.
- On 10 December 2023, two influential activists of the opposition party Congrès National pour la Liberté (CNL), Christophe Banyankiyubusa and Sandrine Nshimirimana, respectively in charge of the CNL party in the commune of Rugombo and representative of the women's league on the hill of Mparambo in the same commune in the province of Cibitoke, were arbitrarily arrested by the police on false charges of holding a clandestine meeting in their party office without authorisation from the administration. According to sources on the spot, these CNL members were cleaning up after themselves. According to the same sources, they were taken to the communal and provincial police lock-ups respectively.

## II.4. Cases of torture

The number of cases of torture has gradually decreased in recent years, although the phenomenon still exists. These acts are committed by the forces of law and order, SNR agents, and members of the youth league of the ruling party "Imbonerakure".

Acts of torture are committed against real or supposed members of opposition groups who are victims of enforced disappearance or in detention. Many people have been imprisoned by the SNR and have been subjected to serious acts of torture, rape and ill-treatment. Protection against the illegitimate use of force is extremely limited in Burundi.

***ACAT-Burundi was able to record 65 cases of torture in 2023, the perpetrators of which are not brought to justice.***

For example:

- On 4 January 2023, Richard NIYONGABIRE, a resident of the BIROHE hill in the commune and province of Gitega, was beaten by the Imbonerakure led by Protais GACURABURO, headmaster of the BIROHE ECOFO (basic school). His torturers dumped him in agony in a wooded area and he was taken by passers-by at night to Gitega hospital, where he received treatment. The victim was accused of theft by his torturers.
- On 15 February 2023, agents of the National Intelligence Service in Muramvya province beat a cow trader named Caritos NZOYISENGA. The victim was accused of insulting the SNR officers. He was arrested and detained in the same department's cell in Muramvya before being released the next day.
- On the night of 7 March 2023, at around 11pm, on the Murehe hill in the Gisuru commune of Ruyigi province, a certain Vincent Irankunda, aged 37, was tortured in the ribs with a belt similar to a military belt by members of the Imbonerakure militia, including Didace Nyandwi and Moïse Bukuru. According to local sources, Vincent Irankunda was caught stealing maize from a field belonging to Edouard Mbonabuca. According to the same sources, as his health was critical, the victim was taken to the health centre accompanied by police officers from Gisuru police station, who returned him to the Gisuru police station prison after he had been treated.
- On 4 May 2023, Bernard Dusengimana, aged 43, died at the Bishisha Health Centre in the Gatare zone in the Busoni commune of Kirundo province (northern Burundi), as a result of acts of torture inflicted on him in connection with accusations of mineral theft. According to local sources, Bernard Dusengimana was severely beaten by members of the presidential party's youth league, police officers and mine workers in the Murehe nature reserve in the Gatare area. Medical sources have confirmed that he died as a result of the beatings a few hours after being evacuated to the Bishisha health centre.

- On 15 July 2023, at around 9 p.m., on the Rutegama hill in the commune and province of Gitega, Fabrice Havyarimana, aged 24 and unemployed, was beaten and had one of his testicles cut off by a group of Imbonerakure on their nightly rounds. According to local sources, the victim was on his way home when he was attacked and beaten by these members of the Imbonerakure militia. Fabrice Havyarimana was then thrown into a eucalyptus grove a few metres from his home. According to the same sources, Fabrice Havyarimana was found early on Sunday morning by people going to mass and was taken to Gitega regional hospital for medical treatment.
- On 14 November 2023, 19-year-old Mireille Muhoza was tortured in the Mugomere neighbourhood in the commune and province of Rumonge by a group of eight imbonerakure led by police non-commissioned officer Thierry Hatungimana, alias Kiroho, who is also the chief of the imbonerakure in the Mugomere neighbourhood. According to local sources, she was on her way from hospital to assist her sick mother when she was ambushed by these Imbonerakure armed with machetes and clubs. They tortured her, wounded her in the face and tore off her clothes, accusing her of coming home late. The perpetrators were not prosecuted.
- On 26 December 2023, Macumi and Bagabo were violently beaten and injured by the chief of the Gikwiye hill, Michel Karibwami, in collusion with Imbonerakure in the Gikwiye hill, Gasorwe zone and commune, Muyinga province. According to local sources, Macumi had just visited his wife in hospital. On his way home, he heard the cries of distress of a man named Bagabo who was being beaten. As he tried to intervene to help the victim, Macumi was beaten in turn, his genitals were violently twisted and damaged, and when he went to the bathroom, he urinated blood. He was then taken to the Gasorwe health centre before being transferred to Muyinga hospital.

During the celebration of the International Day in Support of Victims of Torture every 26 June, ACAT-Burundi made a public statement on 26 June 2023 to express its regret that three years after President Evariste Ndayishimiye came to power, ACAT-Burundi notes that Burundi is still shirking its obligations to combat torture, despite having acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1993. Torture is still used as a means of intimidating, harassing, extracting confessions from or humiliating opponents or others perceived as such.

The torturers enjoy protection from the highest levels of government. Impunity continues to prevail and victims are denied redress. Burundi's lack of cooperation with individual complaints has already been denounced by the Committee against Torture.

ACAT-Burundi reminded victims of torture or their families that it remains committed to the fight against torture by assisting victims of torture, through advocacy actions, and by taking charge of and referring cases to regional and international human rights mechanisms.<sup>14</sup>

---

<sup>14</sup> <https://www.acatburundi.org/declaration-de-lacat-burundi-pour-la-journee-de-soutien-aux-victimes-de-torture/>

### III. Prison situation in Burundi

#### III.1 Increasing prison overcrowding

The most important aspect of the monitoring of prisoners' rights violations carried out by ACAT-Burundi in 2023 is the persistent problem of overcrowding in all Burundi's prisons, as in previous periods. In most cases, the number of prisoners exceeds the capacity of the prisons.

These are the same prisons with the highest numbers of political prisoners, such as Muramvya, Mpimba, Gitega and Ngozi.

The difficulties and challenges identified previously continue to exist, namely the slowness with which court cases are processed due to a lack of resources, incompetence, corruption and judicial malfunctions affecting the judicial system, which remain the major causes of prison overcrowding. The fact that political prisoners and detainees accused of minor offences continue to be held without any title or rights also contributes to prison overcrowding.

Failure to comply with a court order for provisional release (chambre de conseil), which the public prosecutor 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 prison population statistics.

Figures compiled in 2023 by ACAT-Burundi show that the number of prisoners in Burundi's prisons is more than three times greater than the capacity of the prisons.

The prison population at 31 December 2023 was **13,693**, of whom **6,739** were remand prisoners and **6,613** convicted prisoners. This prison population includes **128** infants and **213** minors, while the capacity of all prisons is **4,294** prisoners; a considerably high occupancy rate, reaching **315.91%** of capacity.

By way of illustration, the following tables show the prison population for the months of October, November and December 2023, as well as the comparative tables for the last 3 quarters of 2021, 2023 and 2023, which illustrate that there has been no significant reduction in the prison population.



**Table I: [The prison population at 31 October 2023 was 13554 prisoners.](#)**

Prison	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Percentage overrun
MURAMVYA	100	869 with 12 infants	324	545	869%
MPIMBA	800	4823 with 48 infants	3339	1484	602,88%
GITEGA	400	1598 with 10 infants	859	739	399.5%
RUMONGE	800	1079 with 05 infants	330	749	134,88%
BURURI	250	485 with 03 infants	332	153	194%
MUYINGA	300	641 with 02 infants	172	469	213.67%
BUBANZA	200	520 with 04 infants	210	310	260%
RUYIGI	300	764 with 15 infants	284	480	254,67%
RUTANA	350	542 with 02 infants	192	350	154,86%
NGOZI	650	1888 with 30 infants	766	1122	290.461%

**Table II [The prison population at 31 November 2023 was 1,3754 prisoners.](#)**

Prison	Capacity	Total number of prisoners	Number of defendants	Number of convicts	Percentage overrun
BUBANZA	200	489 with 03 infants	205	284	244,50%
BURURI	250	478 with 02 infants	327	151	191.20%
GITEGA	400	1587 with 11 infants	874	713	396.75%
MPIMBA	800	5035 with 48 infants	3430	1605	629,38%
MURAMVYA	100	838 with 11 infants	328	510	838%
MUYINGA	300	656 with 05 infants	176	480	218,67%
NGOZI	650	1981 with 24 infants and 30	675	1306	304,76%
RUTANA	350	553 with 03 infants	211	342	158%
RUYIGI	300	735 with 14 infants	303	432	245%
RUMONGE	800	1083 with 04 infants	381	702	135.38%

**Table III. The prison population at 31 December 2023 was 14331 prisoners.**

<b>Prison</b>	<b>Capacity</b>	<b>Total number of prisoners</b>	<b>Number of defendants</b>	<b>Number of convicts</b>	<b>Percentage overrun</b>
RUYIGI	300	794 with 14 infants	309	485	264,67%
NGOZI	650	1895 with 22 miners and 20 infants	612	1283	291,538%
MUYINGA	300	667 with 06 infants	174	493	222,33%
MURAMVYA	100	843 with 09 infants	316	527	843%
RUTANA	350	534 with 3 infants	208	326	152,57 %
BUBANZA	200	482 with 05 infants	188	294	241%
BURURI	250	466 with 01 infants	309	157	186,4%
GITEGA	400	1578 with 15 infants	758	820	394.5%
MPIMBA	800	4914 with 50 infants	3428	1486	614,25%
RUMONGE	800	1179 with 05 infants	337	742	147,38%

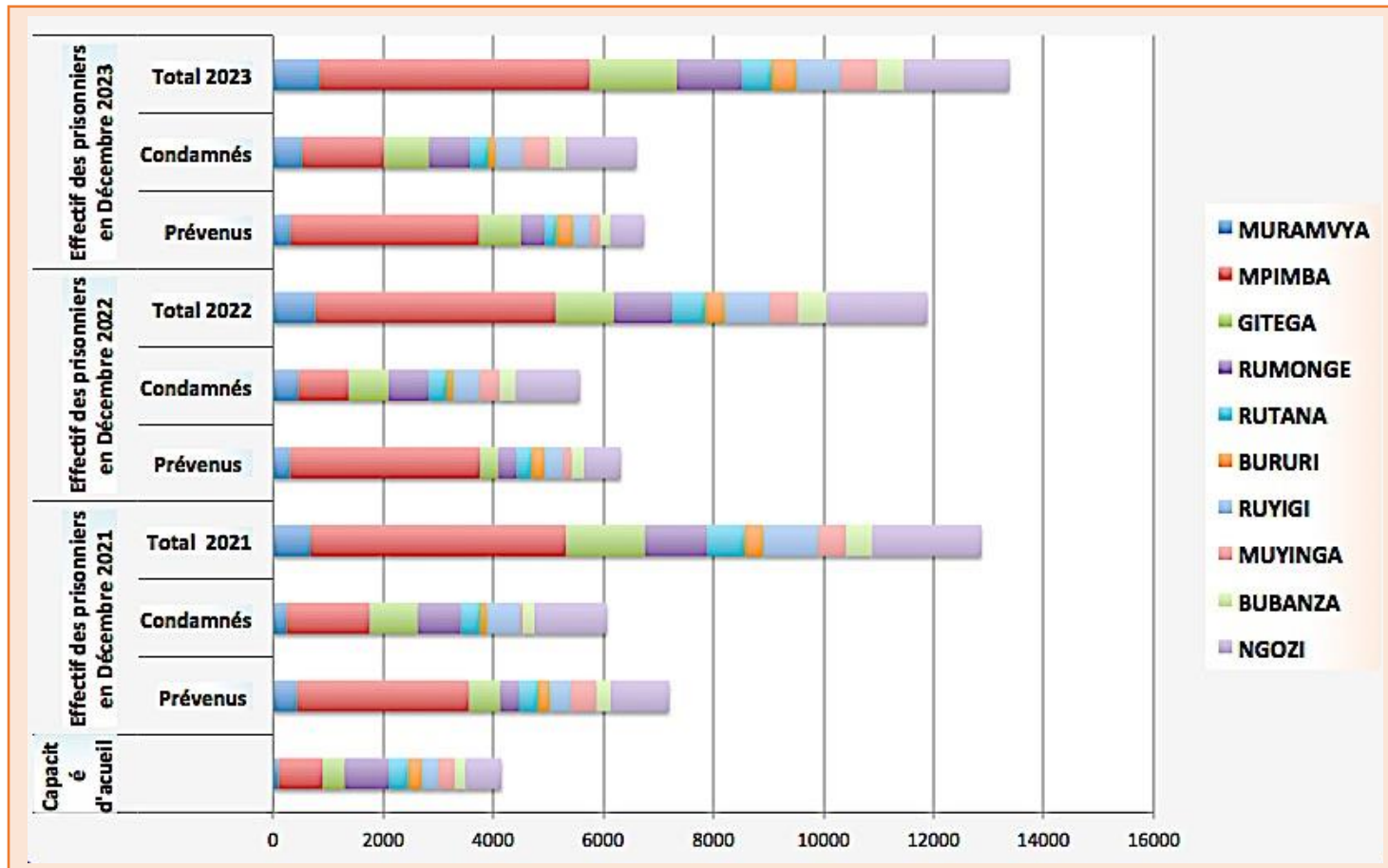
The following table illustrates the overcrowding of prisons by comparing statistics for the months of December 2021, 2022 and 2023 due to the limited scope of measures to release prisoners and the slowness in processing court cases.

Table IV: Comparison of prison population numbers in December 2021, 2022 and 2023

Prison	Capacity	Number of prisoners in December 2021			Number of prisoners in December 2022			Number of prisoners in December 2023		
		<i>Defendants</i>	<i>Convicts</i>	<i>Total</i>	<i>Defendants</i>	<i>Convicts</i>	<i>Total</i>	<i>Defendants</i>	<i>Convicts</i>	<i>Total</i>
MURAMVYA	100	436	245	<b>681</b>	311	454	<b>765</b>	316	527	<b>843</b>
MPIMBA	800	3126	1511	<b>4637</b>	3451	918	<b>4369</b>	3428	1486	<b>4914</b>
GITEGA	400	566	873	<b>1439</b>	332	728	<b>1060</b>	758	820	<b>1578</b>
RUMONGE	800	345	785	<b>1130</b>	332	728	<b>1060</b>	437	742	<b>1179</b>
RUTANA	350	335	341	<b>676</b>	267	323	<b>590</b>	208	326	<b>534</b>
BURURI	250	218	134	<b>352</b>	239	121	<b>360</b>	309	147	<b>466</b>
RUYIGI	300	380	605	<b>985</b>	337	474	<b>811</b>	309	485	<b>794</b>
MUYINGA	300	469	39	<b>508</b>	156	367	<b>523</b>	174	493	<b>667</b>
BUBANZA	200	259	217	<b>476</b>	227	297	<b>524</b>	188	294	<b>482</b>
NGOZI	650	1062	1313	<b>1986</b>	665	1162	<b>1827</b>	612	1283	<b>1924</b>

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

Graph showing prison overcrowding in December 2021, 2022 and 2023



### **III.2 General conditions of detention and activities in prisons: sport, worship, agriculture, etc.**

In Gitega prison, prisoners have not been practising sport for some time now, as a result of the prison's reconstruction work. Inmates are looking for places to play sport, but to no avail. As for hygiene, it is unsatisfactory, especially in the sanitary facilities, given that the urinals, in addition to being in short supply, were not maintained during 2023 and are becoming the cause of urinary infections for the people who use them.

In Ruyigi prison, the lack of water means that cleanliness is not maintained, mainly due to a lack of hygiene equipment.

In Mpimba prison, the warden, Colonel Serges Nibigira, who is a great follower of a church that is active in the prison, has sometimes shown himself to be intolerant of prisoners who are followers of churches other than his own, especially the Catholic Church. In July 2023, the Christians complained that the director of Mpimba prison did not allow them to come and pray, which led to the event being cancelled by the prison authorities.

The prisoners' representatives (capitas) in Rutana prison harassed and intimidated other prisoners who dared to denounce injustices and who were transferred to other prisons. Attempts to escape increased as a result of this harassment by prisoners' representatives, who went unpunished by the prison administration.

There is not enough water in Rutana prison to ensure effective hygiene, with an insufficient supply of just one bar of soap per month.

The law governing prisons in Burundi stipulates that in order to improve the well-being of prisoners, each prison must plan recreational or profit-making activities. During the year 2023, no significant progress was made in carrying out these activities.

Prisons must be provided with appropriate facilities and premises to help these prisoners in their daily lives. These facilities are not available in the majority of prisons in Burundi. The prison administration must be available to organise and implement these activities.

For example, in Mpimba prison, people deprived of their liberty still practise trades such as basket-making and carpentry, and plant vegetables in the fields around the prison. Anyone wishing to practise one of these trades is enrolled without discrimination.

Nevertheless, certain restrictions have been placed on the practice of sport by political prisoners, such as the fighters of the RED-TABARA armed movement, who have been refused sport and Sunday worship by security committee officials. These detainees were kept in a correctional cell for more than six months, even though there were no investigations to be carried out, given that their legal cases were already pending before the court ruling on the merits.

They were subjected to this treatment purely for punitive reasons.

In Gitega, Bubanza, Rutana, Muyinga and Ruyigi prisons, there is still no space for practising sport. All religions are respected.

At Muramvya prison, sport is available to all inmates who want it, and the right to worship is respected.

In Ruyigi prison, prisoners do not practise sport because of the prison's cramped conditions and lack of space. In Ngozi prison, sport and the right to worship are respected for all prisoners.

### **III.3 Celebration of World Day for Persons Deprived of their Liberty**

Since 2010, every 18 July has been World Day for Persons Deprived of their Liberty, commonly known as Mandela Day, following the struggle for prisoners' rights.

In Burundi, this day was celebrated on 29 August 2023 in Rumonge prison under the patronage of the First Vice-President of the Republic, Bazombaza Prosper, and the Minister of Justice, Domine Banyankimbona. A number of Rumonge prison inmates were provisionally released on this occasion.

ACAT-Burundi took this opportunity to reiterate its recommendations for the improvement of prison conditions and the effective implementation of measures already taken to reduce prison overcrowding, which remains a major challenge in terms of respecting the rights of people deprived of their liberty.

### **III.4. Corruption or organised theft through the illicit practice of collecting exorbitant funds in Mpimba prison**

During the period covered by this report, ACAT-Burundi documented an illicit practice in Bujumbura Central Prison known as "MPIMBA". It consists of collecting funds from newly admitted prisoners or those who change rooms. ACAT-Burundi has observed the following:

Mpimba prison had a prison population of 5035, including 3430 remand prisoners and 1605 convicts, 309 of whom were women and 4726 men, on 30 November 2023, with a capacity of 800 inmates.

The prison's dormitories are divided into eleven sections:

1. Quartier Infirmerie A,
2. Adult juvenile section,
3. Isolated ward or A cell,
4. Transit area,
5. Neighbourhood warned,
6. Correction district,
7. Constrained neighbourhood commonly known as (KWIKORI),
8. Juvenile section for children called up (SAFISHA),
9. Cell block B,
10. Quartier Terrain - Bwagiriza,
11. Women's quarter.

Explanatory information for each cell type is provided below.

In fact, each ward has a cell manager known as the "general captain" and his deputy. At the level of the entire prison, there is a principal captain, a social officer and a security officer.

All these representatives are prisoners. They are appointed or designated by the prison management as it sees fit, whereas they should be elected by their peers.

One of their main tasks is to collect money by force from prisoners newly admitted to the prison, known as "IBIBAMBA" in (Kirundi), so that they can find a cell to sleep in.

The exorbitant amount demanded of each newly admitted prisoner is proof enough that this is organised theft taking place in the prison. Prison officials are aware of this phenomenon, but are letting it happen. Prisoners claim that prison officials are in collusion with the "capitas" to benefit in turn from this fund-raising.

In general, the accommodation of prisoners is the responsibility of the State, which means that people deprived of their liberty do not have to pay to be able to sleep in the cells that are initially provided for this purpose. If there are other challenges, such as prison overcrowding, the appropriate authorities must take steps to relieve the problem.

By way of illustration, below is a table detailing the sums required of new arrivals to secure a place to sleep in MPIMBA prison.

Order number	Neighbourhoods/cells	Amount in Burundian Francs (FBU)	Comments
1.	Sick bay A	500,000 Fbu	This area is considered to be reserved for advanced prisoners (VIPs).
2.	Adult minors unit	<ul style="list-style-type: none"> <li>- 300,000 Fbu per person, or 600,000 Fbu per 2-person room.</li> <li>- 200,000 Fbu per person in the corridor and common rooms.</li> </ul>	<p>It is ranked second in terms of space and cleanliness. There are 2 people per room.</p> <p>The corridor is also charged for those who have not been allocated rooms.</p>
3.	Isolation cell or A cell	- 300,000 Fbu	Same as adult minor.
4.	Transit Unit	<ul style="list-style-type: none"> <li>- 200,000 Fbu per person,</li> <li>- 80,000 Fbu to 100,000 Fbu for corridors (kirongozi).</li> </ul>	<p>The rooms are called "showers" and each "shower" houses 12 prisoners.</p> <p>There are also communal rooms. Prices range from 80,000 Fbu to 100,000 Fbu.</p>
5.	Defendants Unit	Same as the transit area.	It is in the same locality as the transit area and is subject to the same conditions.
6.	Constrained cell (kwikori)	<ul style="list-style-type: none"> <li>- 300,000 Fbu /each and per room,</li> <li>- 70,000 Fbu/prisoner in the corridors (kirongozi).</li> </ul>	The room is occupied by 2 prisoners. If someone wants to occupy it alone, they pay 600,000Fbu.



7.	Child minors unit (SAFISHA)	<ul style="list-style-type: none"> <li>- 100,000Fbu/person for the small room,</li> <li>- 60,000Fbu/person in the main hall.</li> </ul>	The small room can accommodate more than 40 people, while the large room can accommodate more than 100.
8.	Correction Unit	<ul style="list-style-type: none"> <li>- 300,000Fbu/person for a room with 2 prisoners,</li> <li>- 70,000 Fbu/person at the corridor.</li> </ul>	A person can occupy a single room if they pay 600,000Fbu.
9.	Cell B	80,000 Fbu per person	This is a communal room.
10.	Bwagiriza Field Unit	<ul style="list-style-type: none"> <li>- 30,000 Fbu in the hangars,</li> <li>- 5,000 Fbu excluding hangars.</li> </ul>	The sheds were built by the ICRC to help the most destitute prisoners. Even those who sleep under the stars have to pay!
11.	Women's Unit	<ul style="list-style-type: none"> <li>- 50,000 Fbu for first-level places,</li> <li>- 30,000 Fbu on the second level,</li> <li>- 15,000 Fbu for the third level,</li> <li>- 20,000 Fbu per person in the small rooms and corridor.</li> </ul>	In this area, there is just one room with bunk beds,  For small rooms and corridors, the cost is fixed.

The exorbitant sums demanded of prisoners exacerbate the vulnerability of prisoners and their families. Some are forced to sell their plots of land in order to find a place to sleep. Anyone who fails to pay this amount is thrown out or moved to another area that charges less. This is known as "GUTIMBURURA" in prison jargon. These inmates live in very poor conditions due to insalubrity and overcrowding.

The management of the money collected remains obscure and confused. The "capitas" do not report to the prisoners, even though they are officially collecting the money to provide for the prisoners' needs in terms of cleanliness or the payment of subscriptions to the various television channels. What is clear is that the money collected far exceeds the purpose for which it is collected.

It should be noted that the prison authorities remain insensitive to the lamentations of the prisoners, who continue to denounce the collection of this exorbitant sum. More than one prisoner wondered why prisoners were given the task of installing prisoners in their cells, when there is a social service that should normally be responsible for this.

This practice leaves the various prisoners' families in total destitution, while a handful of prisoners and the prison authorities illicitly enrich themselves.

### **III.5. The problem of transporting prisoners to Mpimba prison**

MPIMBA Central Prison is located in the municipality of Bujumbura, commune Muha, in the Musaga zone. Prisoners must respond to summonses from the various judicial authorities in order to make progress with their legal cases.

To carry out these summonses, the Directorate General of Prison Affairs provides the prison with a vehicle for transporting prisoners. This is a single lorry nicknamed "NTAMBABAZI", which is also used for logistical purposes to transport firewood and prisoners.

The lorry leaves at around 10 a.m. to tour the prosecutor's offices and courts in Bujumbura town hall and Bujumbura province, returning at around 8 p.m. or even 9 p.m. At this point, some of the prisoners are drunk. By this time, some of the prisoners are in a state of inebriation and inside the lorry, the bin is not lit and there are no chairs to sit on.

Faced with this situation, in this closed booth, there is a high risk of sexual harassment or violence towards girls or women who find themselves in contact with men and young boys in the middle of the night, some of whom are clearly drunk.

For example, on Tuesday 07 November 2023 at around 9.30pm, a woman prisoner from MPIMBA prison who was in the lorry was attacked by several men in the same lorry as the prisoners were returning from the courts and tribunals that had summoned them for various reasons.

Fortunately, the police intervened before the rape took place. This means of transport is inappropriate and puts the girls and women in prison in a situation of insecurity.

To remedy this situation, ACAT-Burundi is calling for urgent solutions. The Directorate General of Penitentiary Affairs, in consultation with the management of Mpimba prison, must take measures to separate men and women when prisoners are being transported, especially at night.

Courts and Tribunals are also called upon to give priority to the itineraries of magistrates within the prison. Failing that, the prisoners should be brought in before it gets dark, as this type of act takes place at night. The executioners take advantage of the darkness.

In addition, the prison police escorting prisoners must be extra vigilant to prevent such acts from continuing to occur, and care must be taken to protect women and girls, who are generally vulnerable to acts of sexual harassment and violence.

### **III.6. Right or access to food**

During the first quarter of 2023, ACAT-Burundi noted an excessive shortage of food in all prisons throughout the country, especially during the first two months (January and February 2023). This problem lasted several days and worried prisoners, most of whom were destitute.

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 Rights (article 25), the International Covenant on Economic, Social and Cultural Rights (article 11), the minimum rules for the treatment of prisoners (article 20) and the African Charter on Human and Peoples' Rights, which has recognised the right to food as part of the Charter since 2001.

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

Between April and June 2023, there was a recurring shortage of food for prisoners in almost all prisons. Since the end of 2021, there has been a crying shortage of manioc flour and beans, which are the main foodstuffs in prisons. This problem has persisted to such an extent that prisoners could go for weeks without being fed the daily ration prescribed for them, i.e. 350g of beans and 350g of flour per day, which until now has been insufficient. It's worth remembering that as well as being inadequate in terms of quantity, the prisoners' food was poor in terms of quality. Prisoners had to procure it themselves. There was also a crying lack of firewood. It was not distributed in the same way as flour and beans. Prisoners had to find ways to cook for themselves.

In Gitega prison, from 9 to 14 June 2023, there had been no supplies of beans, so the prisoners were suffering from hunger and were consequently weakened. The few grams received were sometimes nibbled by the prisoners who distributed the food ration in full view of the beneficiary prisoners, who did not dare to denounce this at the risk of reprisals, allegedly because they were going to organise a prison revolt. Prison inmates spent most of June 2023 without receiving cassava flour.

Rutana prison ran out of beans for 12 days. At Ngozi prison, during the month of June 2023, there was also an 11-day shortage of beans and a 6-day shortage of flour.

During the period from July to September 2023, it was noted that almost all prisons were experiencing a crying shortage of food for prisoners, and this problem was not finding lasting solutions, although it was tending to last. Cassava flour and beans are the basic foodstuffs in prisons. For more than three years, there have been repeated shortages of these foods, and prisoners have gone for days, even weeks, without receiving their prescribed daily rations, which until now have been insufficient.

By way of illustration :

1. **Ngozi Prison:** During the whole month of July 2023, prisoners were only served flour on six (6) days and beans on eleven (11) days.
2. **Gitega prison:** during the whole month of August 2023, prisoners were served beans for only 14 days and for only 8 days in September 2023.
3. **Ruyigi Prison:** Throughout the quarter (July, August and September 2023), there was a shortage of both flour and beans for the prisoners.
4. This lack of food was also observed in the prisons of **Rumonge, Muyinga, Bubanza, Muramvya, Rutana, Mpimba and Bururi.**

Investigations carried out by ACAT-Burundi showed that these foodstuffs were diverted by those assigned to distribute them to prisoners, who then sold them outside the prisons. This practice was documented in Bubanza prison.

Uwimbabazi Cécile, the delegate for the women's cell, who was appointed to this post by the prison management, in collusion with the head of the prisoners' representatives, who is a relative of the director of Bubanza prison, embezzled the ration intended for the inmates in broad daylight.

Mrs Uwimbabazi Cécile obtained a large proportion of the food and took it outside the prison to be sold. Fingers were pointed at three members of the prisoners' representation team, namely Ndikumana Samuel, Sindayigaya Pierre and Uwimbabazi Cécile, who were respectively in charge of the general ward, his deputy and the head of the women's cell. 30kg of beans were found in the room of a certain Méthode (head of the kitchen) just as he was about to take them out. These people benefited from the complicity of the prison management.

Faced with this problem of stock shortages, the prison authorities have still not provided any explanations for this deplorable situation, even though the political authorities keep proclaiming loud and clear that Burundi has no budgetary problems.

### **III.7. Rights or access to healthcare**

ACAT-Burundi is constantly reporting cases of seriously ill prisoners in various Burundian prisons who are not receiving appropriate health care to the point of losing their lives, which is a serious breach of the principles of human rights in accordance with the standards and laws in force in this area.

As a reminder, 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 for the protection of human rights and those relating to the rights recognised to persons deprived of their liberty.

The law governing the prison system in Burundi stipulates that the prison administration must provide prisoners with health care 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.

Article 25 of the United Nations Standard Minimum Rules for the Treatment of Prisoners requires the doctor to submit a report to the director whenever he 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 Economic, Social and Cultural Rights 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, in particular by refraining from denying or undermining equal access. All in all, these laws and directives indicate that people deprived of their liberty must enjoy a better state of health in the same way as people at liberty.

Some prison authorities are trampling on these texts by denying this right to certain prisoners, especially those charged with political crimes.

For example:

1. A woman named Mireille, who is in charge of social services at Bubanza prison, has been denounced by inmates who are ill for demanding bribes to allow them to leave the prison. Information from this prison indicates that after the escape of a prisoner on 27 February 2023, even prisoners living with chronic illnesses such as diabetes, whose follow-up was initially scheduled once a week outside the prison, were refused permission, saying that these prisoners could also escape.

2. On 23/02/2023, a prisoner by the name of Zéphyrin Ntakarutimana died in Ngozi prison. Zéphyrin had been asking for permission to go outside for treatment for three days, but those in charge of the prison turned a deaf ear. Within the prison, he was not receiving effective treatment and there was not even any medication. Yet the prison governor, William Ndayiziga, took no notice of his serious state of health.
3. Mpimba central prison was hit by an as yet unidentified and rapidly contagious disease in May 2023, and several sick inmates were placed in isolation. A measles vaccination campaign was finally carried out later. The prison had experienced a serious problem with access to drinking water a month earlier.
4. During the period from April to May 2023, Floriane IRANGABIYE, a journalist with Radio Igicaniro imprisoned in Muyinga, developed serious symptoms following a severe asthma attack, but strangely enough, the director of Muyinga prison did not notice. Floriane was transferred to Muyinga hospital a few days after human rights defenders raised the alarm in the media and on social networks.
5. During the period from April to June 2023, in Gitega prison, the prisoners' representative Atibu Japhet demanded bribes so that sick prisoners, with the exception of political prisoners, could go for treatment. The prisoners did not dare to denounce this situation for fear of reprisals.
6. At Ruyigi prison, access to healthcare remains problematic due to the lack of medicines and nursing staff required during the months of April to June 2023.
7. During the period from April to May 2023, seriously ill inmates at Mpimba prison did not go outside for transfers in order to receive specialist care due to the problem of transport, either the vehicle had no fuel or it was being used for other activities. An elderly inmate called MISAYA died of an untreated illness.
8. The infirmary at Ngozi prison did not have any medicines for the ordinary care that the prison normally provided during the month of June 2023.
9. On 25 August 2023, a certain Mevin Shurweryimana died in Gitega prison for lack of access to appropriate health care in good time.

Since 9 August 2023, Mevin Shurweryimana had received a medical order from his GP at Gitega hospital to be transferred to a specialist gastro-enterologist in Bujumbura, but he was categorically refused by the public prosecutor at the Gitega Court of Appeal, Félicité Nishemezwe, despite the deterioration in his state of health. It was when she learned of the young man's death that the prosecutor finally signed the warrant for the release of a dead man. The 33-year-old was one of around twenty defendants who had been held in Gitega central prison since 6 March 2023 on suspicion of homosexuality.

10. The problem of access to healthcare for prisoners in need was noted during the period from October to December 2023. Medicines were unavailable in some prison dispensaries, namely MPIMBA, RUYIGI and NGOZI prisons. ACAT-BURUNDI has also noted the absence of vehicles for transporting needy patients.
11. Corruption is also at the root of the violation of this fundamental right. ACAT-BURUNDI has documented a case of a health professional who adopted an unusual behaviour in RUYIGI prison. This is a case of a certain NSHIMIRIMANA Deo, in charge of the infirmary in RUYIGI prison, who did not receive his patients properly. Sources told us that on some occasions he even refused to receive them without any valid reason. Anyone who offered a bribe in return was welcomed.
12. In December 2023, ACAT-Burundi also learned of the case of a certain NYANDWI Salvator, a victim of torture during his arrest at the Gitega police station, followed by his detention in Mpimba prison, where he was forbidden to leave the prison to receive medical treatment. According to medical advice, he was due to undergo surgery, but this seemed complicated due to a lack of authorisation from prison management. It should be noted that he had been transferred in December 2022 to undergo this operation, and consequently his illness worsened because he was not receiving the care he needed.

ACAT-Burundi deplores the fact that this practice of refusing to transfer sick prisoners was supported by the Minister of Justice in a public conference on 6 October 2023 on the pretext that the prisoners want to choose the consulting doctors themselves, ignoring the recommendations of prison medical staff who request transfers in cases of need, which is an obstacle to the right to benefit from adequate health care.

#### **IV. Administration of prisons in Burundi**

Prison administration is the responsibility of the General Directorate of Prison Affairs in Burundi. According to Law No. 1 /24 of 14 December 2017 revising the prison regime, the prison director is the first person in charge of the prison. He is responsible for implementing all judicial decisions, receiving prisoners' grievances, security and hygiene.

Other services are available in the prisons, including a legal service to follow up all the legal questions 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 by various activities preparing them for their social reintegration on leaving the prisons according to the internal regulations of the prisons of 30 June 2004.

They are responsible for the prisoners' food, conduct, access to healthcare, the organisation of outings and visits, and the organisation of all activities taking place inside the prisons.

All persons deprived of their liberty must be treated on an equal footing, taking into account respect for vulnerable groups as required by the law governing prisons.

As part of their duties, prison directors are required to refer cases to the competent courts for a ruling on the preventive detention of prisoners admitted to their establishments if the Office of the Public Prosecutor fails to act, in accordance with article 343 of the Code of Criminal Procedure.

Despite this clarity in the regulatory provisions, ACAT-Burundi still deplors the fact that in 2023, 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. Even more worryingly, there are even cases where prison officials knowingly refuse to release prisoners even though they have release tickets in their possession. This can often be the result of bad faith or political motivation.

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

In fact, 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 malnutrition-related illnesses.

#### **IV.1 Security, surveillance, ill-treatment and torture in prisons**

ACAT-Burundi has noted that there has been a certain reduction in the number of cases of ill-treatment, inhuman or degrading treatment and torture of prisoners in 2023, even though the phenomenon has not been completely curbed.

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 the ill-treatment inflicted on their fellow inmates. The perpetrators of these abuses are appointed by the prison management to sit on the security committee.

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

This ill-treatment consisted mainly of solitary confinement in correctional cells, caning and searches of cells occupied by prisoners prosecuted for political offences.

In fact, there was a general lack of equal treatment between prisoners prosecuted for ordinary crimes and those accused of political offences, even though they are subject to the same law governing prisons. The category of prisoners who were often placed in solitary confinement and kept in unsanitary conditions by their fellow prisoners loyal to the ruling party is a case in point.

Security and surveillance in prisons are generally provided by a uniformed police force trained for this purpose in accordance with the law governing prisons. These police officers are under the supervision of the prison governor and monitor prisoners both inside and outside the prison.

For imperative reasons of security, the Ministry of Justice may ask the Ministry of National Defence or the Ministry of the Interior and Public Security for elements to support the police working in prisons under the same law for the administration of prisons.

Here are a few examples of violations of the principle of supervision in the prisons mentioned above:

1. On 26 February 2023, the prison governor, Mpimba Police Colonel NIBIGIRA Serges alias Gikona, made threatening remarks about the political prisoners. He said that even if they fulfilled the conditions required by law, they would not be released unless they received a presidential pardon, which would constitute illegal detention and a flagrant violation of the Burundian code of criminal procedure.
2. On 23 February 2023, a certain Wenceslas MANIRAKIZA, a prisoner at Rutana Prison, was arrested by the prison police, who accused him of attempting to escape. On learning of this, the prison's security officer ordered the inmates in what they called a "security committee" to beat him up. He was beaten until he lost his balance. The next day he could no longer stand.



3. On 11 April 2023, the prisoner MAJAMBERE Charif, nicknamed King, was shot dead at Mpimba central prison after being captured at 1am by police officers who were standing guard when he tried to escape. Instead of being executed after capture, the culprit should have been punished in accordance with the law.
4. On 16 May 2023, Floriane IRANGABIYE, a journalist working for Radio Igicaniro and held in Muyinga prison, was assaulted by the prison governor, SABUWANDEMYE Serges. He broke into the women's cell in the evening (outside working hours) and ordered a search of this journalist, who was being held for practising her profession as a journalist. The Director was accompanied by police officers, all male, who made threatening remarks to the journalist.
5. Since May 2023, the Director of Mpimba prison, Mr NIBIGIRA Serges, has constantly threatened certain Catholic prisoners who are responsible for organising Masses that they could be transferred to other prisons in the interior of the country. These prisoners were victims of the fact that the parish priest in charge of the Catholic Church refused to allow followers of the Mpimba Christian Church, of which the director is said to be a founding member, to use the premises built by the Catholic Church for their services. The official in charge of the Mpimba central prison denied the detainees visiting rights, arguing that they had behaved badly.
6. On 15 May 2023, at Gitega prison, a detainee named NGENDANZI Léonidas was beaten to death by other detainees who were members of the security committee, namely ATIBU Japhet (principal captain), Jonas (a bodyguard of the captain general), NIBITANGA Gilbert alias Kinani (captain in charge of security), BIMENYIMANA Éric (deputy captain in charge of security). The victim was beaten until he gave up the ghost.  
It should be noted that in several prisons, those in charge expressly violate the legal texts governing prisons by setting up security structures inside their prisons made up of inmates. They arrogate to themselves the right to mistreat their fellow inmates. It was in these circumstances that the late NGENDANZI Léonidas was killed by members of these informal structures, in violation of the law and the various national and international instruments that guarantee every human being the right to life.

The inmates of Gitega prison denounced this murder and demanded justice and above all that the alleged perpetrators should not return to their respective dormitories. In response, the management of Gitega prison and the Directorate General of Prison Affairs carried out disciplinary transfers of certain inmates, the majority of whom were political prisoners. Those transferred to Mpimba central prison were isolated in a correctional cell commonly known as TINGITINGI and spent around ten days there.

7. On 08 May 2023, the former Prime Minister and senior member of the national police force, Alain Guillaume BUNYONI, was admitted to Ngozi prison. He has been placed in a cell isolated from the other inmates and equipped with toilets. He is kept in isolation day and night. The door to his cell is locked with two padlocks.

To access it, the three people holding the keys must be present. He is not fully guaranteed visiting rights, and if visits are granted, they are made in the presence of the prison governor and the provincial commissioner.

8. During the month of August 2023, it was reported that prisoners in Gitega prison were manhandled by the notorious capita-general known as Atibu Japhet. According to information gathered by ACAT-Burundi, Atibu Japhet calls the shots in this prison. Atibu Japhet does not tolerate prisoners who dare to demand their rights and routinely attacks political prisoners. He has the last word on the sanctions or punishments that his fellow inmates have to endure under the complicit eye of the prison administration, which lets him have his way. He takes the liberty of holding his fellow prisoners to ransom or putting them in correctional cells without having any well-founded reason to do so.
9. On 20 August 2023, Floriane Irangabiye, a journalist unjustly incarcerated in Muyinga prison, was assaulted again during a search of her cell by the prison director, Serges Nsabuwandemye, in collusion with the social worker, Belyse Kaneza, and the inmates on the security committee headed by Radjabu Ndayishimiye. The order was given to cut off the electricity supply to the women's cells for three days in order to punish Floriane and her fellow inmates, whom the prison administration accused of showing solidarity in demanding their rights.
10. On 22 August 2023, the director of Muyinga prison prohibited the purchase of nutritional supplements for female prisoners, even though article 37 of the 2017 Prison Regime Act states that "*prisoners may receive food and non-alcoholic drinks from outside*". They suffered this mistreatment because they supported their fellow inmate, Floriane Irangabiye. They had to go on a three-day women's strike to demand their rights.
11. During the month of September 2023, inmates in the category of political opponents in Muramvya prison complained of perpetual harassment in the form of threats and ethnic insults by three inmates close to the authorities, named Jérôme, Tharcisse, who is in charge of security in the prison, and Rwembwe, who is infamous for human rights violations in Bubanza province. In addition, Rwembe has been trading in alcoholic beverages without being bothered. These three detainees constantly encouraged the prisoners close to those in power, with whom they shared beer, to mistreat their supposed opponents. The latter found it difficult to sleep well because they were disturbed by their fellow inmates who insulted them at night. The prison management finally changed rooms for some of the inmates who were being bullied, which improved the situation, although the problem of ethnic division remained.
12. On 15 October 2023, BUCUMI Juvénal was brutally beaten by a certain NZEYIMANA Jérémie, alias Rweguye, a captain in charge of security at Ngozi prison. BUCUMI Juvénal was admitted to the prison infirmary for treatment because his health had deteriorated as a result of the beating. The executioner was not prosecuted, which proves the persistence of impunity for the perpetrators of human rights violations.

13. On 21 December 2023, a prisoner known as RUKINGA from Ngozi prison tried unsuccessfully to escape. He was captured by his security peers. They brutally beat him and placed him in the correctional cell where he remained for 8 days in a critical condition due to the beatings. He was admitted to NGOZI Hospital, where he sadly passed away on 1 January 2024. The perpetrators of these barbaric acts have not been bothered. No investigations are underway and consequently there will be no legal proceedings.

In addition to acts of physical ill-treatment, these prisoners, grouped together in what they call a "security committee", organise searches in the cells, particularly targeting political prisoners in search of telephones, and take advantage of these moments to commit theft.

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

## **IV.2 Arbitrary and illegal imprisonment**

ACAT-Burundi noted a number of illustrative cases of arbitrary detention in 2023:

### **a. Arrest and detention of five human rights defenders**

Maître Sonia NDIKUMASABO, former Vice-President of the Commission Nationale Indépendante des Droits de l'Homme (CNIDH) and President of the Association des Femmes Juristes du Burundi (AFJB), Marie Emerusabe, Coordinator of the same association; Audace Havyarimana, Legal Representative of the Association pour la Paix et les Droits de l'Homme (APDH), Sylvana Inamahoro, Executive Director of the APDH and Prosper Runyange, Project Coordinator, were unjustly imprisoned on 16 February 2023 at Mpimba Central Prison in Bujumbura, after being questioned by the Deputy Prosecutor of the Ntahangwa Public Prosecutor's Office at the Ntahangwa High Court.

The five defenders were charged with three counts: firstly, "*undermining the internal security of the State*"; secondly, the members of these Burundian civil society organisations were accused of "*rebellion*"; and thirdly, "*undermining the proper functioning of the national economy*".

Four of these human rights defenders were arrested at Melchior Ndadaye airport on the morning of 14 February as they were preparing to fly to Kampala to take part in a meeting with partners.

In a press conference held on 18/02/2023, the Minister of the Interior, Martin NITERETSE, explained that these people had been arrested for their collaboration with an international NGO that did not work in Burundi, let alone with the Burundian government. According to the Minister, this organisation was unofficially providing funds to these associations, which were able to finance acts of terrorism.

These arrests came two weeks after the visit of the European Union Special Envoy for Human Rights to Burundi, where he met several authorities and representatives of civil society. Although he noted that some progress had been made, he pointed out that there were still a number of challenges to be met in terms of human rights in Burundi.

This imprisonment once again constituted harassment and reprisals against civil society actors who, despite the difficult context, are striving to promote human rights in Burundi. These human rights defenders were released in April 2024, but the Public Prosecutor's Office and the ruling CNDD-FDD party appealed against the decision of the Ntahangwa High Court, forcing them to go into exile.

## b. Other cases of arbitrary detention recorded

In its publications, ACAT-Burundi regularly denounces the ill-treatment suffered by detainees, especially those prosecuted for political offences. Among the violations that are tirelessly brought to the public's attention is arbitrary detention due to the lack of enforcement of decisions handed down by the Courts and Tribunals when their aim is the release of political detainees or supposed political detainees. The decisions that are often met with resistance from the prison authorities and the Public Prosecutor's Office in their execution are provisional release, acquittal and the release of detainees who have served their sentences.

The survey that ACAT-Burundi carried out in June 2023 in prisons showed that this abusive detention is real, despite the clarity of Burundian positive law, particularly the Code of Criminal Procedure.

Indeed, Burundi's legal arsenal could not be clearer when it comes to respecting the legality of detention:

**Article 39** of the Constitution of the Republic of Burundi, which reads as follows: "No one may be deprived of his liberty except in accordance with the law".

The Code of Criminal Procedure goes even further, stating as follows:

**Article 154:** "Freedom being the rule and detention the exception ...".

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

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

**Article 179:** "...the waiver of pre-trial detention shall be issued by the Judge within two days of the decision granting it and the Public Prosecutor 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 acquitted prisoners, those who have served their sentences and those who have been granted provisional release by order of the Courts and Tribunals. Only their application in favour of certain detainees poses a problem.

Despite the light of the law, ACAT - Burundi notes that a good number of detainees prosecuted for political offences are deprived of their liberty without title or right, as some have been acquitted by the courts and tribunals, others have been granted provisional release and another category of detainees have served their sentences.

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 aforementioned Code of Criminal Procedure. This authority is exposed to sanctions if at least the law takes precedence, as it would be subject to disciplinary and criminal sanctions for having kept a person in prison without title or right. A pecuniary judgement could be pronounced against it by way of recourse action.

The victims are essentially people arrested during the demonstrations of April 2015, mainly from the opposition parties or supposed opposition parties, and members of the National Defence Forces from the former Burundi Armed Forces (ex FAB).

The offence of undermining state security, which is wrongly and indiscriminately attributed to this category of detainees, is the one most frequently noted in the documented victims' files.

To illustrate this situation, you will find below a table with some emblematic cases identified by ACAT-Burundi.

<b>N°</b>	<b>Full names</b>	<b>Chargeable offences</b>	<b>Prisons</b>	<b>Jurisdictions</b>	<b>Prison situation</b>	<b>Date of release</b>
01	RUGONUMU GABO Daniel MSD	Participation in the insurrectionary movement	Gitega	Court of Appeal in Bujumbura Town Hall	Pardoned in 2017 with the co-defendants (64) who have been free since 2017	January 2017
02	BIZIMANA Pierre (Police officer ex - FAB)	Forgery, participation in an insurrectional movement and coup d'état	Gitega	Gitega District Court	Served the sentence	May 2020
03	BARITONDA Pontien EX - FAB	Attack on State security	Bubanza	MUHA Court of Appeal	Provisional release since 25/11/2020	25/11/2020
04	NIYONGABO Prime alias KOMESHA EX - FAB	Attack on State security	Rumonge	MUHA Court of Appeal	Provisional release since 25/11/2020	25/11/2020
05	Jean de Dieu BIGIRIMANA MSD	Participation in the insurrectionary movement	Ngozi	Court of Appeal in Bujumbura Town Hall	Pardoned in 2017 with the co-defendants (64) who have been free since 2017	January 2017
06	HATUNGIMANA Clément MSD	Participation in the insurrectionary movement	Ngozi	Court of Appeal in Bujumbura Town Hall	Pardoned in 2017 with the co-defendants (64) who have been free since 2017	January 2017
07	NAHIMANA Gérard MSD	Participation in the insurrectionary movement	Rumonge	Court of Appeal in Bujumbura Town Hall	Pardoned in 2017 with the co-defendants (64) who have been free since 2017	January 2017
08	MIBURO Mathias Ex - FAB	Murder	Muramvya	Court of Appeal NTAHANGWA	Acquitted in	December 2021
09	NIYONKURU Philbert (EX-FAB)	Murder	BUJUMBURA-A	Court of Appeal NTAHANGWA	Acquitted in	December 2021
10	DUSHIMAGI ZE Dieudonné (EX - FAB)	Assassination attempt	BUBANZA	Court of Appeal NTAHANGWA	The 10-year sentence was commuted to 5 years.	18 November 2021

ACAT-Burundi has been informed of the injustice suffered by Police Officer Pie IGIRUKWIGOMBA accused of the offence of facilitating an escape who is incarcerated in Mpimba prison. He was granted conditional release on 10 November 2022, at the same time as other prisoners who were released, but Pie IGIRUKWIGOMBA remains imprisoned in Mpimba despite the appeals he has constantly lodged.

Another case of abusive detention is that of MAHOROMEZA Melthus, detained in Bubanza prison. He was released on 27 December 2022 and was then sought by the head of intelligence in Gitega province, Venant, from March 2023. The latter kept calling him and circulating his photo, claiming that he had escaped, but he showed his enlargement ticket, which did not convince the SNR official, who arrested him and imprisoned him for a fortnight in the SNR dungeon in Gitega.

He was transferred to the SNR headquarters in Bujumbura, where he spent two months. He was presented to the Mukaza prosecutor's office, where his judicial file was amended to reflect the length of time he had been held in the intelligence cell; they stated that he had been detained from 18 to 25 May 2023 before being transferred to Bubanza prison without being charged. At the end of June 2023, he had still not been brought before the court, and was being held without title or right.

The judicial files of detainees in Ruyigi and Ngozi prisons, which were before the Supreme Court, did not progress during the first half of 2023.

The inmates of Mpimba prison did not turn up for public hearings because of travel problems, either because the vehicle had no fuel or because it was being used for other activities.

### c. Irregularities or malfunctions observed in court cases

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

Decisions that are often resisted by the prison authorities and the Public Prosecutor's Office are provisional release, acquittal and the detention of prisoners who have served their sentences.

#### ▪ ***Unreasonable delays in the Supreme Court's handling of court cases***

ACAT-Burundi was concerned by the excessive slowness in processing cases pending before the Supreme Court, "***the highest ordinary jurisdiction of the Republic of Burundi***", which embodies judicial power and "***constitutes the reference for the place of the judiciary within the institutions of the Republic***", according to article 1 of law n°1/21 of 03 August 2019 amending law n°1/07 of 25 February 2005 governing the Supreme Court.

This provision shows the extent to which the Supreme Court is a court of the highest hierarchy at national level and therefore well suited to serving as a model and reference for lower-ranking courts.

Despite the prominent position it is accorded by law, this high court has shown, in more than one respect, its inability to respond to the concerns of litigants within a reasonable timeframe, as set out in article 38 of the Constitution of the Republic of Burundi, which states that

**"Everyone has the right, in judicial or administrative proceedings, to a fair hearing and to be tried within a reasonable time".**

During 2023, ACAT-Burundi deplored the inexplicable slowness in the processing of cases pending before this court, which causes enormous prejudice to litigants, especially in criminal cases where defendants are held in prolonged pre-trial detention.

ACAT-Burundi followed with interest certain emblematic cases that were in the Supreme Court's drawers. It returned in particular to the judicial case of the soldiers prosecuted in the case relating to the attack on the Mukoni military camp in the province of Muyinga, a case registered in the Public Prosecutor's Office registers under number RMP 16641/CIP on 8 February 2018, the defendants had not been heard by the Supreme Court sitting in the cassation chamber under numbers RPC 3796 and RPC 3795 until February 2023. The defendants appealed to the Supreme Court on 08 February 2018.

It was also noted that, even for cases taken under advisement, judgments were not handed down within the legal time limit of 60 days from the day on which they were taken under advisement. They took several months to be handed down and served on the parties.

This proven slowness has hampered the operation of the judicial system. The Supreme Court should normally ensure administrative control by virtue of Article 36 of the aforementioned law, which provides as follows: "***the Supreme Court exercises administrative and jurisdictional power over the other courts 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 itself does not comply with the law? What lessons can it teach the courts that are subject to its control? Is this not the reason for the failure to comply with deadlines and the recurring disorder in Burundi's courts?

- ***The principle of the judge's personal conviction still at risk in the Burundian judicial system***

ACAT-Burundi is still concerned about the persistence of executive practices that jeopardise the independence of judges in the Burundian judicial system.

Reports from both national and international human rights organisations continue to denounce the many irregularities in Burundi's justice system, linked to interference by the Executive in the judiciary. Some judges and magistrates receive orders from the Executive or from senior members of the ruling CNDD party, telling them what to do with the cases they are called upon to judge. Those who resist these orders are often exposed to punitive transfers and, in extreme cases, judicial harassment.

An emblematic case concerning judges caught the attention of ACAT-Burundi in 2023, when judges who did not adhere to the will of the government in their decisions were systematically placed under arrest and a criminal case against them was opened.

This event took place at the Bururi High Court, where the judges found themselves locked up for having released the defendants in chambers.

As a reminder, during the month of May 2023, crimes and murders were committed by unidentified individuals in various localities in Bururi province.

Judicial investigations were then undertaken to track down the perpetrators of these despicable crimes. A criminal file was opened at the Bururi prosecutor's office and some of the alleged perpetrators were imprisoned. After a few days, the investigating magistrate presented the accused before the competent judges in chambers. These judges are NIZIGIYIMANA Leonard, Antoine NGENDAKUMANA and MUKESHIMANA Irène.

During the hearing in chambers on 25 July 2023, the investigating magistrate, Jean Bosco NDAYIKEZA, presented a certain Major, one of the co-accused, as his witness, in violation of the law governing the investigation of a criminal case. The latter categorically denied implicating any of the co-defendants, stating that his confessions during the investigation had been extracted from him by torture at the National Intelligence Service (SNR)".

Similarly, the investigating magistrate did not have sufficient evidence of guilt to charge eight of the fifteen (15) defendants. The Public Prosecutor's Office therefore requested the provisional release of these eight (8) defendants for whom he did not have sufficient evidence of guilt, and proposed that the remaining seven be remanded in custody.

After cross-examination, the court reserved judgment in accordance with the law and ordered the provisional release of the eight defendants.

Once informed of the judges' decision, the investigating magistrate immediately appealed to the Bururi Court of Appeal. The Bururi Court of Appeal overturned the provisional release order issued by the Bururi High Court and kept them in detention.

Subsequently, the magistrates of the High Court of Bururi, who decided and ordered the provisional release of these defendants, were arrested on Wednesday 16 August 2023 at 7.30 p.m. by the Public Prosecutor at the Bururi Public Prosecutor's Office and detained in Bururi prison.

A file was quickly opened under number RMPG 251 for the offence of "**complicity in murder...**". Before their arrest, they were asked to explain what they called their "**professional misconduct**".

Here, it makes sense to ask what kind of fault is being referred to when a judge rules according to his own conscience and based on a legal provision?



Article 259 of the 2017 Code of Criminal Procedure states: "**The judge shall decide according to the law and his own personal conviction**". Judges have said the law according to the law and their inner conviction. The principle is that the judge is sovereign and independent in his decisions. In a criminal case, the judge decides and orders, but enforcement is the responsibility of the Public Prosecutor.

The accused magistrates appeared in chambers before the Bururi Court of Appeal on 30/8/2023. They were remanded in custody on 5/9/2023. They lodged an appeal with the Appeal Chamber of the Supreme Court on 6/9/2023.

From all the above, ACAT-Burundi deplores the sad reality that Burundian judges work in panic, without sovereignty or independence, to the detriment of those subject to trial, including those who manipulate the justice system, because those who use it today to oppress others may be the victims of this oppression tomorrow.

## **V. Urgent calls**

### **V.1 Appeal to the Burundian authorities for the release of six human rights defenders**

The International Federation of ACATs (FIACAT) and Action by Christians for the Abolition of Torture in Burundi (ACAT-BURUNDI) are deeply concerned by the arrest and continued detention of six Burundian human rights defenders.

Journalist Floriane IRANGABIYE of the online radio station IGICANIRO has been detained since 30 August 2022. She appeared in court on 8 September 2022, where she was charged with undermining the integrity of the state, although she was not formally charged.

She was sentenced on 2 January 2023 to ten years' imprisonment without any legal basis. She was convicted on the basis of a fabricated statement by the National Intelligence Service to the effect that she had confessed to the charges against her.

Five other human rights defenders were arrested on 14 February 2023 by the National Intelligence Service (SNR). Four of them were arrested in the morning at Bujumbura International Airport on their way to Kampala. They were Maître Sonia NDIKUMASABO, Mme Marie EMERUSABE of the Association des femmes juristes du Burundi (AFJB), M. Audace HAVYARIMANA and Mme Sylvana INAMAHORO of the Association pour la paix et les droits de l'Homme (APDH). Mr Prosper RUNYANGE, who also works for APDH, was arrested in the afternoon of the same day in Ngozi.

These people were all arrested by agents of the National Intelligence Service and then detained on its premises without their lawyers being present; they were also denied access to their families.

They appeared before the Ntahangwa Public Prosecutor's Office on the afternoon of 16 February 2023. The charges brought against them by the public prosecutor's office include undermining the proper functioning of public finances, rebellion and undermining state security.

In a press conference held on 16 February 2023, the Minister of the Interior, Martin Ninteretse, stated: "*...The results we have for the moment show that there is a high probability that there is a risk of terrorist financing through these funds...*".

On 2 March 2023, the Ntahangwa High Court confirmed the preventive detention of these five human rights defenders.

Human rights defenders in Burundi are regularly threatened with prosecution on charges of undermining state security. These charges have no other objective on the part of the Burundian authorities than to intimidate and punish them. These imprisonments show that the criminalisation of the activities of human rights defenders is on the increase again, as it was in the aftermath of the 2015 crisis.

FIACAT and ACAT-Burundi pointed out in this regard that twelve other human rights defenders were the subject of judicial warrants for carrying out their work<sup>15</sup> and several independent civil society organisations had been deregistered by the authorities, including ACAT Burundi on 19 October 2016<sup>16</sup>.

#### **FIACAT and ACAT-Burundi have asked the government of Burundi to:**

- Immediately and unconditionally release the six human rights defenders imprisoned for their work to promote human rights;
- Give the six human rights defenders a fair trial with due process and release them as soon as possible;
- Ensure the safety and respect for all the rights of the six human rights defenders;
- Restore a good working climate for human rights defenders by unlocking civic space and stopping the judicial harassment of Burundian civil society activists.

#### **V.2 The trial of former Prime Minister Alain Guillaume Bunyoni must comply with the rules and procedures of national and international law**

ACAT-Burundi recalled that in this trial of a public figure who has left his mark on Burundian politics through his actions, especially for his involvement in human rights violations and bad governance, the rules and procedures of the law must be respected.

As a reminder, the former Prime Minister of Burundi and senior police officer Alain Guillaume BUNYONI was arrested on 21 April 2023, and one of his former collaborators Colonel Désiré UWAMAHORO was arrested on 18 April 2023. Alain Guillaume BUNYONI was arrested on charges brought by the Public Prosecutor's Office of undermining the country's public security, undermining the proper functioning of the economy and undue personal interest.

Because of his past as one of the leading figures in power since the victory of the CNDD-FDD party in the 2005 elections, and the role he played in the repression of opponents during the 2015 political crisis in Burundi linked to the illegal third term of office of the late President Pierre Nkurunziza, the serious consequences of which are still being felt, the BUNYONI case is of great interest to human rights associations. This case is an opportunity for victims to seek justice.

ACAT-Burundi has asked the relevant authorities, in this case the Ministry of Justice, to ensure that the arrest of Alain Guillaume Bunyoni is characterised by transparency, that the law is respected, and that the rules and procedures of criminal law are applied, especially to pre-trial detention.

---

<sup>15</sup> <https://www.fidh.org/fr/themes/defenseurs-des-droits-humains/burundi-condamnation-in-absentia-a-une-peine-de-prison-a-perpetuite>

<sup>16</sup> <https://www.fiacat.org/presse/communiqués-de-presse/2557-communique-burundi-nouvelle-repression-de-la-societe-civile-burundaise>

ACAT-Burundi was concerned by the concerns of some of Alain Guillaume BUNYONI's relatives about allegations of torture. We reminded Burundi that torture is prohibited under Burundian law, and that the systematic or widespread practice of torture constitutes a crime against humanity. Burundi's Penal Code criminalises these despicable acts in articles **206 to 211. The physical integrity of Alain Guillaume BUNYONI must be safeguarded.** His right to family visits, to a lawyer and to a doctor must be scrupulously respected.

The Commission Nationale Indépendante des Droits de l'Homme (CNIDH) and other national and international human rights bodies should monitor and report regularly on the case to inform national and international opinion about the progress of the trial.

**V.3. ACAT-Burundi has requested guarantees of a fair trial for the legal cases of Dr Christophe SAHABO, scheduled for 28 March 2023 in Ruyigi prison, and the trial of journalist Floriane IRANGABIYE, scheduled for 30 March 2023 in Musinga prison.**

## **VI. Advocacy**

During the year 2023, ACAT-Burundi carried out advocacy activities so that the various actors and partners could help consolidate the rule of law in Burundi. We can mention some important meetings in which ACAT-Burundi participated:

1. From 30 to 31 March 2023, ACAT-Burundi was in Geneva ahead of the pre-session of the Universal Periodic Review (UPR). Meetings were held with the European Union's human rights adviser, Mr Steenbruggle, and one of the United Nations human rights experts to discuss the worrying human rights situation in Burundi. There was also a meeting with Mr Clément Voulé, the United Nations Special Rapporteur on the right to freedom of association, to discuss freedom of association in Burundi.
2. From 1 to 4 April 2023, ACAT-Burundi took part in the pre-session of the UPR in Geneva to make a plea to the member countries of the Human Rights Council before the review, which is carried out every 4 years on the human rights situation by peer countries. ACAT-Burundi focused on the situation of torture, arbitrary detention and extrajudicial executions in Burundi. ACAT-Burundi and its partners recommended putting an end to impunity for human rights violations and reducing prison overcrowding.
3. On 20 September 2023, ACAT-Burundi participated in the 54th session of the Human Rights Council to call for the renewal of the mandate of the Special Rapporteur (SR) on the situation of human rights in Burundi. The usefulness, functions and needs were discussed within this framework to support the renewal of the mandate of the Special Rapporteur.

4. From 19 to 24 October 2024, ACAT-Burundi took part in the 77th session of the ACHPR in Arusha, Tanzania. ACAT-Burundi expressed its general concerns about the human rights situation in Burundi. Modern threats to civic space and the criminalisation of activist status were addressed.

## **VII. Referral of cases of prisoners whose rights have been violated to international human rights protection mechanisms in the UN and Africa.**

As in previous years, in 2023 ACAT-Burundi continued to support victims of human rights violations and prisoners whose rights have been violated as part of its collaboration with international human rights protection mechanisms. It has a legal department responsible for assessing the eligibility of cases meeting the requirements for referral to human rights protection mechanisms, gathering relevant information, preparing, submitting and monitoring the progress of victims' cases.

The referral enables these assisted prisoners to have recourse to the national justice authorities in Burundi, which are ineffective or trapped by the authorities.

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 deplores the refusal of the Government of Burundi to implement the opinions of the treaty bodies.

When the Government of Burundi has appeared in the media or before the Human Rights Council in Geneva, it has always refused to cooperate with these bodies, even though it has recognized 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 has wrongly raised an objection based on inadmissibility.

The conclusions of these bodies, which are all favourable to the complainants, have been notified to the State of Burundi, but the latter has not followed up most of the cases submitted, although ACAT-Burundi welcomes a small opening in 2023. Prisoners declared to be 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.

In 2023, *thirty* cases of human rights violations were submitted to international human rights protection mechanisms.

## VIII. Conclusion

ACAT-Burundi has noted that human rights violations have not fallen significantly during 2023 as expected.

After more than 3 years, the hopes raised by President Evariste Ndayishimiye's seizure of power are gradually fading, given the recurrent human rights violations in Burundi.

Political intolerance and the instrumentalization of the ruling party's Imbonerakure youth in crimes of human rights violations such as torture, illegal and arbitrary detentions and kidnappings of opponents or people presumed to be opponents are aggravating the situation in the country, which is already weakened by bad governance in all sectors of the country.

ACAT-Burundi deplores the fact that the Burundian authorities remain insensitive to the cries of alarm raised by victims and human rights organisations in the fight against the impunity of the perpetrators of human rights violations, which further demonstrates a certain complicity on the part of the authorities and the abdication of the responsibility to protect the population in favour of sectarian interests. The government of Burundi still shows no real willingness to cooperate with national or international human rights organisations.

With regard to prisons, ACAT-Burundi still regrets that arbitrary detention due to non-compliance with judicial decisions, prison overcrowding and the violation of the fundamental rights of people deprived of their liberty, such as access to healthcare, food and the provision of good conditions of detention in general, remain challenges that were overcome in 2023.

ACAT-Burundi continues to deplore the ongoing harassment of political prisoners and prisoners of conscience, as we have repeatedly denounced. The security committees that should be elected by the prisoners to represent them are appointed by the prison administration in violation of the law governing prisons. Some of these prisoner representatives have violated prisoners' rights or inflicted ill-treatment with impunity.

## IX. Recommendations.

### ▪ The Government of Burundi to:

- 1) Ensure the safety of the population and conduct investigations into the bodies that are regularly found in various parts of the country without the perpetrators being identified,
- 2) To deal with cases of crimes committed by Imbonerakure youths, which are becoming commonplace as a result of the impunity that plagues the judicial system, security must be provided solely by the defence and security forces.
- 3) Through the Ministry of Justice, guarantee respect for the law and ensure compliance with decisions handed down by the Courts and Tribunals,

- 4) Release all unjustly imprisoned political prisoners and prisoners of conscience, including journalist Floriane IRANGABIYE and trade unionist Emilienne SIBOMANA,
- 5) Implement concrete measures to reduce the number of acquitted prisoners, those who have served their sentences and those living with chronic illnesses,
- 6) Prevent food shortages in prisons, as prisoners have no other means of meeting their needs,
- 7) To cooperate once again with the institutions protecting human rights, in this case the Special Rapporteur on the situation of human rights in Burundi, and to allow the reopening of the activities of the Office of the United Nations High Commissioner for Human Rights.

▪ **To international organisations and the international community both:**

- 1) Continue to support initiatives to promote human rights in Burundi,
- 2) Keep a watchful eye on Burundi and remind the government to respect its commitments in terms of human rights, security and guaranteeing peace and reconciliation.