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Written statement* submitted by the Amnesty International, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).



Burundi on a knife's edge: the UN Human Rights Council must act vigorously to prevent a human rights disaster¹

Amnesty International welcomes the decision of the Human Rights Council (HRC) to hold a special session on Burundi. Following the country's controversial presidential elections, the Burundian government has continued its relentless crackdown on all forms of real and perceived political opposition, a crackdown that has included crimes under international law, such as extrajudicial executions, arbitrary arrests, and torture and other ill-treatment. The government has also taken aggressive steps to silence key non-governmental organizations and close down independent media.² While it is clear that the government faces an extremely challenging security situation, characterized by armed attacks on the security forces, the government must confront these challenges in a manner consistent with human rights and the rule of law.

The political and human rights aspects of the current crisis in Burundi are closely intertwined. Efforts to resolve the political crisis have been allowed to stall. Those efforts, in particular the East African Community (EAC) mediation process endorsed by the African Union (AU), must be reinvigorated with a much greater sense of urgency and commitment. The international community must support African and UN institutions, including the UN HRC, in doing everything possible to prevent the human rights situation from deteriorating any further while taking all measures necessary to resolve the political crisis. External mediation must be reinvigorated and all actors must cooperate with mediation efforts. It is imperative that respect and protection of human rights be at the core of all solutions to the current political crisis. Any mediation or talks aimed at resolving the conflict must include addressing past abuses, providing victims with redress, and the protection of human rights in the future.

Here Amnesty International highlights three areas that demand the HRC's urgent attention:

1. Politically-motivated crimes, including extrajudicial executions

Prior to the most recent violence, OHCHR reported that at least 277 people had been killed in politically-motivated violence since April 2015. Reports from national human rights monitors suggest that the total number of people killed is much higher. Recent months have seen a continuing spate of brutal killings in Bujumbura, with many in circumstances indicative of extrajudicial execution. While police have been killed in attacks by government opponents, many of the victims have been individuals in civilian clothes in so-called opposition neighbourhoods associated with the protests against President Pierre Nkurunziza's third term. In several instances, the police have carried out indiscriminate and deadly operations in these neighbourhoods in apparent retaliation for attacks on security forces. Scores were killed in the deadliest such operation, on 11 December, in response to attacks on military bases. Exact figures are not confirmed.

On 13 October, after one police officer was killed and another injured in a grenade attack, the police carried out a violent operation in the Ngarara neighbourhood. Among the victims were Christophe Nkezabahizi, a cameraman for Radio Télévision Nationale du Burundi (RTNB), his wife Alice, his son Tresor, his daughter Ines, his nephew Evariste, and a guard who lived nearby. Witnesses said family members were forced to lie down in the street and were shot at close range. Four others who lived in the neighbourhood were also killed.

On 9 December, Amnesty International delegates saw the bodies of five young men who had been killed by police in the Cibitoke neighbourhood. Official sources claimed that the men were responsible for a grenade attack on the police,

¹ A longer version and a French version of this statement are available at <https://www.amnesty.org/en/documents/afr16/3091/2015/en/>.

² Amnesty International previously highlighted these concerns in statements submitted to the 30th session of the Human Rights Council. See *Human Rights Council should help prevent a human rights crisis in Burundi*, 14 September 2015, AI Index: AFR 16/2439/2015, UN index: A/HRC/30/NGO/151; *UN Human Rights Council: Contribute to preventing human rights crisis in Burundi*, AI Index IOR 40/2499/2015, 21 September 2015.

and that they were found armed. Witnesses said that the police took them from their homes and executed them. The circumstances of the killings strongly suggest an extrajudicial execution.

The role of the feared Imbonerakure – the ruling party’s youth wing – in attacks warrants special attention. They are believed to have worked in concert with the police during some of the most violent incidents. Men in civilian clothing identified as Imbonerakure have frequently been seen riding police vehicles; some sources affirm that they have occasionally worn police uniforms and been integrated into police units.

2. Torture and other ill-treatment in detention

The Burundi National Police and the National Intelligence Services (SNR) have used torture and other forms of ill-treatment against detainees in their custody, targeting, in particular, perceived opponents of the ruling party, former protesters, and inhabitants of neighbourhoods considered to be opposition strongholds. Torture often is used to extract information and to intimidate political opponents and silence dissent.

In May and July 2015, Amnesty International interviewed 11 men who reported being subjected to torture and other ill-treatment in two different locations in Bujumbura, one the headquarters of the SNR, the other an operational command centre for the police. Former prisoners described a range of torture techniques, including beatings with iron bars, electric cables and batons; electric shocks; and forced sitting in battery acid. Several former prisoners told Amnesty International that they were required to pay a ransom to their captors before being freed.

3. Efforts to erase the human rights community

Burundi’s once-thriving human rights community is being dismantled piece by piece. Human rights defenders have been targeted with violence and intimidation; human rights organizations have been shut down. Nearly all of the most prominent human rights defenders have fled abroad. Those who remain in Burundi face onerous constraints that severely hinder their work. The victims whom they once served are bereft of assistance.

In August, the attempted murder of Pierre Claver Mbonimpa, the country’s best-known human rights defender, dealt a heavy blow to efforts to protect human rights. The head of the Association for the Protection of Human Rights and Detained Persons (APRODH), Mbonimpa is an outspoken critic of President Nkurunziza’s controversial decision to seek a third term in office and a principled advocate for democracy and human rights. Because of the severity of his injuries he immediately left the country for medical treatment and rehabilitation.

Two of Mbonimpa’s close relatives were killed in recent attacks that the family believes were carried out in retaliation for Mbonimpa’s human rights work. On 9 October, his son-in-law Pascal Nshimirimana was shot and killed in Bujumbura; the killers are unknown. On 6 November, his son Welly Nzitonda was shot and killed, reportedly by a police officer, shortly after he was picked up by police in Bujumbura’s Mutakura neighbourhood.

Likewise, Marie Claudette Kwizera, the treasurer of another prominent human rights group, Ligue Iteka, was abducted in central Bujumbura on 10 December, apparently by intelligence agents. Other human rights defenders have received anonymous phone calls and text messages warning them to stop their activities.

Most recently, human rights groups have faced onerous legal and financial sanctions. In late November, Interior Minister Pascal Barandagiye ordered 10 Burundian NGOs to suspend their activities, including APRODH and other leading human rights groups.³ The Prosecutor General has also ordered these groups’ bank accounts to be frozen, as well as the accounts of Ligue Iteka.

These measures have resulted in a near-total end to human rights monitoring and documentation in Burundi, except for the work of a few regional and international groups. The absence of effective human rights protection mechanisms has severely exacerbated the country's climate of fear.

Recommendations

Amnesty International recommends that the HRC:

- Urge the Government of Burundi to respect and protect human rights, and, in particular: remove from active duty anyone suspected of having committed any crime under international law or human rights violation until the allegations against them have been independently and impartially investigated and they have been cleared of any such violations; undertake an independent and impartial investigation into allegations of crimes under international law or human rights violation and prosecute in a fair trial before an ordinary civilian court without recourse to the death penalty anyone found to have committed such crimes;
- Call on the UN and the AU to work together urgently to address the human rights crisis in Burundi and to restore full respect for human rights;
- Request UN Secretary-General Ban Ki-moon, and the chairperson of the AU Commission, Dr. Nkosazana Dlamini-Zuma, to travel to Bujumbura to press the government to end the current crackdown, beginning by lifting the legal and financial measures and ending the attacks on the human rights community;
- Call on the UN and the AU to take urgent steps to reinvigorate the mediation process aimed at ending the human rights crisis in the country;
- Urge the member states of the UN and the AU to provide their full support to the joint and separate efforts of the UN and the AU to end the human rights crisis;
- Urge the government to invite special rapporteurs from the UN and African Commission on Human and Peoples' Rights to visit Burundi, including those dealing with the themes of extrajudicial executions; freedom of association and peaceful assembly; freedom of expression and access to information; enforced or involuntary disappearances; and torture and other ill-treatment;
- Establish a mechanism to monitor and report on human rights violations in Burundi.