Beaten to death for trying to help another victim

Évariste Nyabenda, 22, was a bar owner and a member of the main opposition party in Burundi, the Congrès national pour la liberté (CNL). He lived on Burenza hill, Nyamugari zone, Marangara commune, in Ngozi province.

Nyabenda had protested the ill-treatment of a customer in his bar by local members of the Imbonerakure, the youth league of the ruling party – the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD). This simple action would cost him his life.

Scores of CNL members were arrested, beaten, and, in some cases, killed, by Imbonerakure in the months leading up to the May 2020 elections in Burundi. Nyabenda’s case highlights the brutality of Imbonerakure well before the election period. Killings of CNL members were already taking place in 2019, and even earlier – the CNDD-FDD was setting the stage to crush all competition during the elections.
The trouble began on 13 October at around 3 pm. Local residents said a group of Imbonerakure from Burenza and three neighbouring hills, who had gathered in an area near Nyabenda’s bar, had been chanting threatening slogans against their political opponents. One of them, Jean Havyarimana, head of the Imbonerakure on Runda hill, ordered Imbonerakure to “go and cut down big sticks to beat anyone who is not an Imbonerakure”. Eyewitnesses said Havyarimana played a leading role in the events that followed, along with Déo Nahimana, head of the Imbonerakure in Burenza; Léonidas Misago, head of the CNDD-FDD in Burenza and deputy head of the local government administration on the hill; and other local CNDD-FDD and Imbonerakure leaders.

After a tense exchange between Havyarimana and a customer who had refused to share his drink with him, another man, Simon Kanyamirimo, suggested to his cousin that they leave the bar because the atmosphere was turning sour. Kanyamirimo and his cousin, Pascal Nzobiturimana, both CNL members, were afraid the Imbonerakure might start attacking their opponents.

Havyarimana overheard Kanyamirimo’s comment, asked him to repeat what he had said, then punched him in the chest. Kanyamirimo and his cousin fled, but several Imbonerakure ran after them and caught them outside. A witness heard Havyarimana say to Kanyamirimo: “I’m going to tie you up. Anyway, you’re a member of the CNL.” Several Imbonerakure tied Kanyamirimo’s arms behind his back, threw him on the ground, kicked him and stamped on his stomach and chest with military-style boots (Imbonerakure are commonly seen wearing military or police clothing). They also beat his cousin and another man, Élias Ndagijimana.

Nyabenda, who was present at the scene, tried to intervene and asked why they were beating Kanyamirimo; he offered to pay if it was a matter of money. The Imbonerakure then set upon Nyabenda. At least five of them, including Havyarimana, pushed him into a ditch, beat him hard and tied up his arms. They then pushed to the ground a CNDD-FDD member, Sébastien Nahimana, who protested at the way they were beating Nyabenda, tied him up too and beat him with a stick.

Eyewitnesses identified at least 10 Imbonerakure involved in these assaults; they knew their names, places of residence and positions in the youth league or CNDD-FDD hierarchy. A witness heard one of the Imbonerakure, who is also a local administrative official, boast to onlookers: “We’re allowed to kill, no problem. We’ll say he ran away and hit a tree” – a comment that illustrates the defiance of Imbonerakure who know they will not be held to account for their actions. Local residents tried to call for help, and the head of another hill told the Imbonerakure to let Nyabenda go, but the Imbonerakure continued beating him.

A group of at least 10 Imbonerakure and other CNDD-FDD members, accompanied by the head of Burenza hill (a local government official), then took the five men they had beaten to the local detention centre in Nyamugari. Nyabenda was in such pain he could barely walk; the Imbonerakure had to push him and lift him to make him move forward while he screamed. Witnesses who saw him soon after his arrest said that his chest was covered in wounds and that he complained of severe pains in his chest and stomach.
The policemen at the detention centre knew nothing about the incident and asked the Imbonerakure if there was an arrest warrant for the men they wanted to detain. The Imbonerakure replied that they didn’t need a warrant and ordered the police to lock up the five men. A witness said: “An Imbonerakure... came with the keys to the cell and opened it to lock (them) up. There were two policemen in post there, but they didn’t know what was going on.” This conduct is typical of the way some Imbonerakure illegally arrest people and take the law into their own hands, bypassing the police.

Two days later, Nyabenda and Ndagijimana left the detention centre; according to one source, they were supposed to go and collect money to pay for their release. Corruption in the justice system is rife and bribery is often the easiest way to secure someone’s release. The other three detainees were transferred to a detention centre in Marangara commune, then released.

Although Nyabenda was seriously injured, he didn’t dare go to the hospital in case he was re-arrested. Eventually, as his condition worsened, a friend took him to Kiremba hospital in Ngozi on 1 November. He died there six days later, on 7 November. The death certificate states that he died as a result of blows to his body.

Some of the other detainees beaten on 13 October also suffered long-term effects from their injuries after their release. One of them said that the beatings had left him unable to work in his field or to lift heavy bags three months after the incident.

Local residents mentioned that the head of the Imbonerakure in Burenza, Déo Nahimana, held a grudge against Nyabenda from a past incident, in which Nyabenda had witnessed him slapping another man and stealing his phone and money in Nyabenda’s bar. The man had reported the case to the authorities, with Nyabenda’s support, and Nahimana was made to pay a fine.

Even after his death, Imbonerakure harassed and threatened Nyabenda’s family and friends. On the night of his burial, Imbonerakure damaged Nyabenda’s house where the mourning ceremony was taking place; they smashed the roof tiles and broke the windows and door. Witnesses recognised and named at least five of them, including Havyarimana and others who had taken part in the fatal attack on Nyabenda.

Instead of arresting the alleged culprits, the authorities arrested 17 CNL members who had been at Nyabenda’s house that night – one woman and 16 men, including the head of the CNL in Marangara commune. They accused them of attacking Havyarimana’s house, which had allegedly been damaged too, and charged them with attempted murder and destruction of property. Some local residents claimed the attack on Havyarimana’s house had been staged as a pretext to arrest the CNL members.

On 27 November 2019, Nyabenda’s wife wrote to the prosecutor of Ngozi, Alfred Franck Ngomanziza, asking him to investigate the death of her husband, issue a summons for five named Imbonerakure and ensure her safety. The prosecutor told her to wait and promised to contact her.

Seven months on, she has still not received a reply to her letter or heard back from the prosecutor, who is not known to have opened a case file on Nyabenda’s murder. None of the Imbonerakure cited by witnesses...
as involved in beating him or attacking his house have been arrested. Instead, the 17 accused of attacking Havyarimana’s house remain in prison, awaiting judgment in their trial.

The Burundi Human Rights Initiative (BHRI) wrote to national government officials requesting information on action taken in relation to Nyabenda’s murder; they did not reply. BHRI also wrote to the prosecutor of Ngozi province with additional questions about the alleged perpetrators. The prosecutor thanked BHRI for its “very useful letter”, but did not respond on the substance of the case.

In the run-up to the May 2020 elections, tensions between the CNL and the CNDD-FDD were high in Ngozi, the home province of both the CNL leader Agathon Rwasa and outgoing President Pierre Nkurunziza, who died suddenly on 8 June. Rwasa held his first election campaign rally in Ngozi on 27 April 2020. *Imbonerakure* have committed numerous abuses against CNL members in Ngozi in late 2019 and in the first half of 2020. Dozens of CNL members were arrested in the province during the pre-election period.

Évariste Nyabenda is not the only CNL member to have been beaten to death in Ngozi province. On 10 November 2019, Nestor Nsengiyumva, a CNL member from Gashikanwa commune, was beaten at a bar in Kinyovu, in Nyamurenza commune, by two groups of *Imbonerakure*. Witnesses said the *Imbonerakure* accused him of violating an order by local authorities in Nyamurenza prohibiting CNL members from other communes from travelling there to open their local headquarters. However, Nsengiyumva had not come to Nyamurenza for that purpose: he had stopped off at the bar after his motorcycle broke down nearby. The *Imbonerakure* threatened the man with whom Nsengiyumva was having a drink, warning him he should disappear by the time they counted to three. After first beating Nsengiyumva in the bar, they then took him outside, beat him along the way, then dumped him in a wooded area near the border between Gashikanwa and Nyamurenza. He died in Ngozi hospital the next day.

In the moments before his death, Nsengiyumva named at least four *Imbonerakure* who had beaten him. Eyewitnesses named several others. In December, Nsengiyumva’s relatives filed a complaint with the office of the prosecutor general at the court of appeal in Ngozi, which issued a summons for some of the *Imbonerakure* alleged to have beaten Nsengiyumva, but to date, none of them have been arrested.

For further information about the series, read “The Deadly Price of Opposition”.

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