



# NDAYISHIMIYE ONE YEAR ON

Has he kept his word on human rights?

The Burundi Human Rights Initiative

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June 2021



## **WHAT IS THE BURUNDI HUMAN RIGHTS INITIATIVE?**

The Burundi Human Rights Initiative (BHRI) is an independent project that aims to document the evolving human rights situation in Burundi. It intends to expose the drivers of human rights violations with a view to establishing an accurate record that will help bring justice to Burundians and contribute to restoring respect for human rights.

BHRI's publications also analyse the political and social context in which these violations occur to provide a deeper and more nuanced understanding of human rights trends in Burundi.

BHRI has no political affiliation. Its investigations cover human rights violations by the Burundian government as well as abuses by armed opposition groups.

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BHRI welcomes feedback on its publications as well as further information about the human rights situation in Burundi. Please write to [contact@burundihri.org](mailto:contact@burundihri.org) or +1 267 896 3399 (WhatsApp). Additional information is available at [www.burundihri.org](http://www.burundihri.org) or on Twitter at [http://www.twitter.com/@BHRI\\_IDHB](http://www.twitter.com/@BHRI_IDHB).

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Cover photo: President Évariste Ndayishimiye addresses prisoners and guests during a presidential pardon at Mpimba prison, Bujumbura, 26 April 2021. ©2021 Private

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## SUMMARY

Will President Évariste Ndayishimiye deliver on his promises and steer Burundi into a new era of respect for human rights? Or, as one Burundian put it, are his speeches just “words that fly away”?

This is the question facing Burundians in 2021. Some express tentative hope that after years of violent repression, their country could be at a turning point, allowing themselves a sense of cautious relief at the decrease in serious human rights violations. Others are disappointed that many practices of the ruling party have not changed and remain sceptical about the prospect of wide-ranging reforms. The overwhelming feeling is one of uncertainty. “We’re waiting. It’s too early to judge” is a common refrain.

One year on from President Ndayishimiye’s inauguration in June 2020, the Burundi Human Rights Initiative (BHRI) presents the views of a sample of Burundians from five key areas: the *Imbonerakure* (the youth league of the ruling party); the police and the intelligence service; the main opposition party, the National Congress for Freedom (*Congrès national pour la liberté*, CNL); the justice system; and the media. BHRI also offers its own analysis of positive developments and concerns in these sectors.

BHRI interviewed people in each of these areas – almost all of them based in Burundi, in different parts of country – and sought their views on the impact of President Ndayishimiye’s reforms, achievements and promises. Most of those interviewed are mid-level civil servants, party members or journalists, rather than senior representatives. The intention was to seek out the opinions of those whose voices are rarely heard, but acutely feel the impact of the president’s decisions, or lack of decisions. For security reasons, their identities remain confidential – a sign of continuing fear, despite some improvements.

The picture of progress that emerges can be confusing. Indeed, many Burundians, including some of those interviewed, don’t quite know what conclusion to draw themselves. They want to believe that the situation is improving under the new government, but have been deceived so many times in the past that they remain on their guard.

There has undoubtedly been progress over the last year, not least a noticeable decrease in serious abuses by *Imbonerakure* against their political opponents. But in the justice sector, for example, the situation has remained deplorable, with genuine reform a distant prospect. Patterns of behaviour of the police and the intelligence service have shifted, but to a limited extent: fewer serious human rights violations have been reported, but BHRI has continued to document killings and torture of political opponents in 2021. In other areas, such as the media, the president has made initial promising steps, but it will take a much bolder programme to restore an open and free environment and dispel the climate of fear.

While the overall situation in Burundi has been calmer in the first half of 2021 than in previous months, there have been several killings by unidentified perpetrators. In the most serious attack, a well-organised ambush on several vehicles near the town of Muramvya on 9 May 2021 killed around 12 people, including a military officer. On 25 May, grenade explosions in the economic capital, Bujumbura, killed and injured several people. As in previous years, dead bodies are still discovered regularly in different parts of the country, especially in Cibitoke province, where, according to a civil society organisation, 35 dead bodies were found between January and April 2021 alone. While it is difficult to investigate these cases, especially where the victims are unidentified, the government's silence surrounding these gruesome discoveries is shocking. Each time a dead body is discovered, the police give the same standard answer – “we’re launching investigations” – and move on, without ever announcing the results of their investigations.

President Ndayishimiye's speeches reflect what his domestic and international audiences want to hear: an end to violence, promises of reform, lifting of restrictions on political and civic space, a crackdown on corruption. All these issues are sure to please the crowds. Ndayishimiye and his government have sought to project a broadly benevolent image, with the slogan “*Leta Mvyeyi – Leta Nkozi*” (parent state – worker state). Many Burundians welcome these sentiments, but wonder if the president has the capacity or determination to match his words with action. They point to the fact that so far, his initiatives have remained fairly superficial, and one-off positive gestures have not been followed by deeper reforms. Nor is it clear how effective his actions will be: will he persevere in seeing them through? How will he ensure that his government does the hard work behind the scenes, once the spark of his speeches has fizzled out?

One possible threat to effective and sustainable reforms is the delicate power balance in the government. One year into his presidency, Ndayishimiye is still walking a fine line between placating hardline members of the ruling party and appealing to the broader public, as well as international donors. Some of his promised reforms may have ground to a halt because of a stand-off between officials loyal to Ndayishimiye and his agenda, and those who remain loyal to the legacy of his predecessor, the late Pierre Nkurunziza, and resist changes that may not benefit them.

The dominance of hardline members of the ruling party – the National Council for the Defence of Democracy-Forces for the Defence of Democracy (*Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie, CNDD-FDD*) – is most apparent when it comes to dealing with the legacy of the 2015 crisis. The relative calm that prevails in most parts of Burundi in 2021 should not blind observers to the government's complete failure to address the large number of killings, torture, enforced disappearances, cases of sexual violence and arbitrary arrests since 2015. Even recent political killings – for example in the months preceding the 2020 elections that brought Ndayishimiye to power – have been swept under the carpet. Ndayishimiye's government is determined to ignore the CNDD-FDD's bloody record and expects everyone else to do the same, under the mantra “let's turn the page on the past”.

The government's much-needed public emphasis on the fight against corruption should not be a distraction from ongoing impunity for other crimes. A close examination of the government's campaign reveals that its threats to crack down on wrongdoing are unevenly applied and often amount to bluster rather than real accountability. Burundians have no difficulty seeing through the double standards and diversionary tactics. International actors should not fall for the rhetoric either; they should hold President Ndayishimiye to his word, particularly on delivering justice – a theme he returns to repeatedly in his speeches. The message from Burundi's international partners should be loud and clear: the president's gestures so far are welcome, but are not proportional to the gravity of the crimes that have been committed.

Burundi is still a fragile country, that has suffered a long period of repression and brutality. Some fear violence could return if security threats increase or prior to the next national elections in 2025 and 2027.<sup>1</sup> In these circumstances, no government can be expected to turn the country around overnight. President Ndayishimiye has made the first few tentative steps, but the longer he allows problems to fester, the more difficult it will be to rectify them, and members of the old guard, with their ruthless and violent reflexes, may gradually reclaim the upper hand. President Ndayishimiye should now seize the momentum and implement wide-ranging reforms, without delay.

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<sup>1</sup> Burundi's next legislative and local elections are scheduled for 2025, and the next presidential election for 2027.

## 1. THE *IMBONERAKURE*: TWO STEPS FORWARD, ONE STEP BACK

“The *Imbonerakure* are still serving the nation to maintain security, but since the elections, something has changed.” – Member of the *Imbonerakure*

Since President Ndayishimiye came to power, the *Imbonerakure* have gone through a sudden and contentious transformation. Soon after his inauguration, Ndayishimiye told leaders of the ruling party that he was tired of hearing negative reports about *Imbonerakure* acting as self-appointed law enforcers, and said they should focus on development.<sup>2</sup>

His orders quickly spread among *Imbonerakure* across the country. For example, during a meeting in November 2020, the provincial secretary of the CNDD-FDD in Gitega warned *Imbonerakure* to remain vigilant, but leave security matters to competent authorities. A member of the youth league who attended the meeting said: “I see a change compared to the time of Nkurunziza. (Before), we had the power to arrest someone without the authorities sending us (to arrest them), and we could punish them and make them pay a fine if they made a mistake.”<sup>3</sup>

Ruling party youth in other provinces confirmed receiving similar instructions in the second half of 2020, telling them they needed to improve their image.<sup>4</sup> These instructions seem to have been issued directly by President Ndayishimiye. Even if they were later contradicted by senior party and government officials – and sometimes by the president himself – *Imbonerakure* confirmed that they trickled down to the lower ranks of the party.

For years, members of the *Imbonerakure* have been responsible for killings, beatings and arbitrary arrests, in particular of opposition members or people who refused to join the CNDD-FDD. The government used the *Imbonerakure* as its principal weapon in repressing opponents and critics.<sup>5</sup> That has changed in most provinces. “We don’t see people being beaten for belonging to an opposition party or for being absent from community work,” said an *Imbonerakure* member, referring to the area where he lives.<sup>6</sup> *Imbonerakure* often used to force people to participate in street cleaning, building administrative offices or maintaining roads.

The CNDD-FDD’s new approach towards the *Imbonerakure* has given a moment of respite, not only to political opponents, but also to ordinary citizens, particularly in rural areas. In many

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<sup>2</sup> The Burundi Human Rights Initiative, “A stranglehold on Burundi’s future”, <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

<sup>3</sup> Interview with *Imbonerakure* leader, 5 April 2021.

<sup>4</sup> Interviews with current and former *Imbonerakure* members in three provinces, 28 and 30 April and 2 May 2021.

<sup>5</sup> The Burundi Human Rights Initiative, “A façade of peace in a land of fear: Behind Burundi’s human rights crisis”, <https://burundihri.org/rep/Report-Jan-2020-Engl.pdf>, January 2020, and “The Deadly Price of Opposition”, <https://burundihri.org/english/index2.html>, June-July 2020.

<sup>6</sup> Interview with *Imbonerakure* member, 30 April 2021.



*communes*,<sup>7</sup> *Imbonerakure* have stopped carrying out night patrols and controlling checkpoints – often scenes of harassment and extortion of passers-by in the recent past.<sup>8</sup> While they continue to collaborate with the police and the National Intelligence Service (*Service national de renseignement*, SNR), many *Imbonerakure* no longer call the shots on their *collines*.

An *Imbonerakure* member even said he was told to hand in his weapon at a military camp. He added that some of his comrades, who thought it was a joke, were beaten when they hesitated to do so.<sup>9</sup> It is not known whether *Imbonerakure* in other areas have also been told to hand in their weapons. In the past, *Imbonerakure* have been provided with weapons and training, so that the government could rely on them to fight its enemies. In September 2020, after attacks by armed opposition groups, the national secretary of the *Imbonerakure*, Sylvestre Ndayizeye, promised more weapons distributions.<sup>10</sup>

In several provinces, governors or local administrators, most of whom were appointed after the 2020 elections, have taken a tougher stance against *Imbonerakure*. In August 2020, when the administrator of one *commune* ordered the local head of the youth league to tell his fellow members that from now on, everyone will be held accountable, the *Imbonerakure* leader said: “It was the first time that I felt fear and a feeling of accountability.”<sup>11</sup> Another member explained that he was afraid of being arrested, citing the example of the former provincial vice president of the *Imbonerakure* in Gitega, who was sentenced to four years in prison in December 2020 for murdering a thief.<sup>12</sup>

In April 2021, the governor of Ruyigi, Emérencienne Tabu, reportedly directed the provincial prosecutor to prepare arrest warrants for some of the more zealous *Imbonerakure* in her province, for illegal possession of weapons and other offences. Her husband, Lieutenant-Colonel Thaddée Butumagu, is close to Ndayishimiye and a member of his security detail.<sup>13</sup>

## **A nuanced picture**

While there are clear signs that the behaviour of *Imbonerakure* has improved across the country, a closer look at the situation in some areas reveals a different picture. In provinces such as Bubanza, Cibitoke and Rumonge, *Imbonerakure* continue to conduct night patrols and control roadblocks. Bubanza residents complained that some *Imbonerakure* have become thugs for hire, settling scores between ordinary citizens, often violently and in exchange for payment, and have continued to beat people, including CNL members (see Chapter 3).<sup>14</sup>

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<sup>7</sup> Burundi is divided into 18 provinces. Each province is divided into *communes*. Each *commune* is divided into zones, which are further divided into *collines* (hills).

<sup>8</sup> Interview with *Imbonerakure* leader, 30 April 2021 and with *Imbonerakure* member, 13 April 2021.

<sup>9</sup> Interview with *Imbonerakure* member, 28 April 2021.

<sup>10</sup> The Burundi Human Rights Initiative, “A stranglehold on Burundi’s future”, <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

<sup>11</sup> Interview with *Imbonerakure* member, 7 May 2021.

<sup>12</sup> Interview with *Imbonerakure* leader, 5 April 2021.

<sup>13</sup> Interview with person with first-hand knowledge of these events, 2 April 2021.

<sup>14</sup> Interviews with witnesses and CNL representative, Bubanza province, February and March 2021.

These provinces, which border the Democratic Republic of Congo (DRC), have experienced repeated incursions by armed opposition groups. In a security meeting in Bubanza in late 2020, a provincial police official and an SNR official called on *Imbonerakure* to step up night patrols. “Maintain security yourselves,” said the police official. “I want to see five, six, seven, eight youth on the roads and avenues at 2 and 3 o’clock in the morning. You know that armed groups from Congo often pass by here on their way to Kibira (forest). Watch out for fraud too. I know you know who the fraudsters are. Last time, I intercepted 30 *pagnes* (untailored lengths of fabric) illegally brought in from Congo, as well as the people who were carrying them. Next time, we’re going to shoot.”<sup>15</sup>

The Burundian government continues to use *Imbonerakure* to fight Burundian armed opposition groups in the DRC, or when they attack Burundi.<sup>16</sup> In August 2020, at least two *Imbonerakure* were killed in clashes with assailants who crossed from the DRC into Musigati *commune*, in Bubanza province.<sup>17</sup> In May 2021, around a dozen *Imbonerakure* from Musigati crossed into the DRC at the behest of the Burundian government to fight Burundian armed groups based there. The *Imbonerakure* chosen for the mission had fought with the CNDD-FDD during Burundi’s civil war or had previously served in the army. One of them said they were each given 100,000 Burundian francs (approximately US\$50) prior to leaving and were told they would receive a further 200,000 Burundian francs in their bank accounts.<sup>18</sup>

### No real accountability

These variations across the country were reflected in the *Imbonerakure*’s reactions to President Ndayishimiye’s repeated statements about accountability: some took them seriously, while others felt he was merely playing to the crowd. One issue they seemed to agree on: the president wouldn’t call for investigations into the many crimes committed by *Imbonerakure* before he came to power. “The president said that he can’t punish all human rights violations from the past, that he forgives and that we are in a new beginning,” said an *Imbonerakure* member.<sup>19</sup> So far, accountability for past abuses – even those committed as recently as 2019 or 2020 – remains woefully absent.

One of the few exceptions is the conviction of two *Imbonerakure* sentenced to 15 years in prison for murdering Richard Havyarimana, a CNL member in Mwaro, two weeks before the 2020 presidential elections.<sup>20</sup> A source in Mwaro said this rare conviction had a positive effect on other

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<sup>15</sup> Information from confidential sources, late 2020.

<sup>16</sup> Group of Experts on the Democratic Republic of the Congo, midterm report, <https://reliefweb.int/report/democratic-republic-congo/midterm-report-group-experts-democratic-republic-congo-s20201283>, 23 December 2020.

<sup>17</sup> The Burundi Human Rights Initiative, “A stranglehold on Burundi’s future”, <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

<sup>18</sup> Interview with *Imbonerakure* member, 3 May 2021. See also Radio Inzamba, “Bubanza : Des *Imbonerakure* déployés en RDC pour combattre des rebelles”, <https://inzamba.org/bubanza-des-imbonerakure-deployes-en-rdc-pour-combattre-des-rebelles/>, 4 May 2021.

<sup>19</sup> Interview with *Imbonerakure* member, 28 April 2021.

<sup>20</sup> The Burundi Human Rights Initiative, “Richard Havyarimana”, The Deadly Price of Opposition, <https://burundihri.org/english/index2.html#1>, June 2021.

*Imbonerakure*: “The *Imbonerakure* are calm for the moment. It’s as if they’re afraid. They didn’t understand how Rwembe (one of the two *Imbonerakure* tried for the murder) could be convicted, because he was influential and they (the CNDD-FDD) had won the elections.” When another *Imbonerakure* attacked Havyarimana’s father in May 2021 and tried to arrest him, the police prevented him from doing so. The *Imbonerakure* later still managed to arrest Havyarimana’s father, but the *commune* administrator apparently played a positive role and tried to protect him, in contrast with the negative role that the authorities played when Havyarimana was killed. Havyarimana’s father was later released.<sup>21</sup>

Despite the president’s stated intention to crack down on abuses, the risk of prosecution doesn’t seem to deter all members of the youth league. An *Imbonerakure* leader from a southern province said: “The *Imbonerakure* movement is recognised by the ruling party. How can *Imbonerakure* be brought to justice when even the prosecutor has *Imbonerakure* as guards, in addition to police?... The current president knows the work of the *Imbonerakure*. That’s why we can’t be afraid of him.”<sup>22</sup> During his tenure as secretary general of the CNDD-FDD from August 2016 until his election as president in May 2020, Ndayishimiye made little visible efforts to rein in the *Imbonerakure*.<sup>23</sup>

As explained in Chapter 4, *Imbonerakure* are more likely to be kept in detention when they have committed a crime against a fellow CNDD-FDD member, rather than against a perceived political opponent. In many other cases, they are released following pressure by party or government officials, or never arrested in the first place.<sup>24</sup> *Imbonerakure* are more likely to be disciplined by their own party than held to account through legal proceedings. *Imbonerakure* members mentioned at least three recent cases, in different provinces, in which members accused of petty crimes were beaten in the CNDD-FDD’s offices, then released. An *Imbonerakure* leader knowledgeable about one such case said: “Now, any *Imbonerakure* accused of a crime is not imprisoned, but punished straightaway in the different party offices, unless the crime was ordered by a senior party official.”<sup>25</sup>

Given the absence of real accountability, it’s unclear how long the current lull in abuses will last. One *Imbonerakure* member believed the progress was superficial: “I wouldn’t say this is a change of habit, but rather an imposition of how to behave,” he said.<sup>26</sup>

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<sup>21</sup> Interview with confidential source, 25 May 2021.

<sup>22</sup> Interview with *Imbonerakure* leader, 4 and 17 May 2021.

<sup>23</sup> The Burundi Human Rights Initiative, “Party loyalist or reformer? The man who could become Burundi’s next president”, <https://burundihri.org/rep/Report-Apr-2020-Engl.pdf>, April 2020.

<sup>24</sup> Interviews with magistrate and judge, 8 April and 15 May 2021.

<sup>25</sup> Interview with *Imbonerakure* member, 28 April 2021.

<sup>26</sup> Interview with *Imbonerakure* member, 28 April 2021.

## Frustrated ruling party youth

An *Imbonerakure* member complained that since he and others had been told to refrain from “security” activities, he had lost his main source of revenue. “They haven’t changed me, but they’ve deprived me of almost everything. It’s the same for several (*Imbonerakure*) in other provinces.”<sup>27</sup> He was not the only *Imbonerakure* who expressed frustration about losing his source of income, often obtained by extorting money from citizens during night patrols, roadblocks or arbitrary arrests. Others lost their jobs when the minister of interior, community development and public security, Gervais Ndirakobuca, alias Ndakugarika (“I will kill you”), banned them from working at bus parking lots and replaced local tax collectors, many of whom were *Imbonerakure*, with better educated CNDD-FDD members.<sup>28</sup>

As a consequence, many *Imbonerakure* have resorted to informal jobs such as motorcycle and bicycle taxi drivers, or are seen sitting idle on the streets.<sup>29</sup> Party and government officials encouraged them to integrate into cooperatives, in particular the Sangwe cooperatives which receive government loans but are almost exclusively composed of ruling party members, especially *Imbonerakure*.<sup>30</sup>

The reduced role, financial hardship and diminished clout of the *Imbonerakure* have led some members to question their loyalty to the CNDD-FDD. “The *Imbonerakure* complain and threaten to stop voting for the CNDD-FDD,” said an *Imbonerakure* member. “(*Imbonerakure*) say they secured the (election) victory for the party. They don’t understand how the same party takes their daily bread away.”<sup>31</sup> Another admitted: “I regret the work I did to ensure the new president won the elections... I spent two days without sleeping to try to influence the voting results.”<sup>32</sup> Many *Imbonerakure* were reportedly involved in irregularities around the May 2020 elections that brought President Ndayishimiye to power.

Several *Imbonerakure* hoped that Révérien Ndikuriyo, previously known as a hardliner, who was elected national secretary general of the CNDD-FDD in January 2021, would restore their status. But during his first tour of the country in his new role, Ndikuriyo seemed to reinforce the president’s message, at least in southern Burundi. In Bururi, he reportedly told CNDD-FDD members: “People didn’t vote for us in Bururi and Rumonge. Why? Because you ill-treat people... We won’t prevent you from maintaining security, but do it legally. If you see something that is not right, tell the administration or the person in charge of security.”<sup>33</sup> He repeated this message in

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<sup>27</sup> Interview with *Imbonerakure* member, 28 April 2021.

<sup>28</sup> Interview with *Imbonerakure* leader, 30 April 2021.

<sup>29</sup> Interviews with *Imbonerakure* members, 13 and 28 April 2021.

<sup>30</sup> Interviews with *Imbonerakure* member, 28 April 2021, with former *Imbonerakure* member, 2 May 2021, and with sources in the cooperative sector, February 2021.

<sup>31</sup> Interview with *Imbonerakure* member, 5 April 2021.

<sup>32</sup> Interview with *Imbonerakure* member, 28 April 2021.

<sup>33</sup> Interview with *Imbonerakure* leader present in the meeting, Bururi province, April 2021.

Rumonge province and in his home province of Makamba, where he told CNDD-FDD members to stop ill-treating CNL members who defeated them on several *collines* during the elections.<sup>34</sup>

Incursions by armed opposition groups in the south and west of the country in August and September of 2020 (see Chapter 2) showed the limits of these changes, as *Imbonerakure* were again given a free pass to arrest and beat suspected armed group collaborators or opponents.<sup>35</sup> A leader of the youth league in an area affected by the insecurity said that they had received new instructions – contradicting the earlier ones – to organise night patrols, and confirmed that they continued to do so, even after the threat of attacks had dissipated. “Without the *Imbonerakure*, how do you think the situation in (this area) would be?” he said. “We helped the police, and now there is total peace. Those who weren’t killed have been imprisoned.”<sup>36</sup>

As a result, a local leader of the youth league in a southern province believed little had changed. “The leaders of the *Imbonerakure* are still the same,” he said. “And I’m sure no government will suspend the *Imbonerakure*, because we have a great role in society.”<sup>37</sup>

Some Burundians suspect the situation could change again after local CNDD-FDD elections, scheduled to begin in mid-June 2021, when new party leaders may be appointed. Several ruling party leaders, such as Prime Minister Alain Guillaume Bunyoni, have their own networks within the party and its youth league. A CNDD-FDD member said: “If the new regime succeeds in changing (provincial leaders), we can have hope, but I don’t have any hope if Bunyoni is (still) there, because he (was) president Nkurunziza’s right-hand man.”<sup>38</sup>

Other *Imbonerakure* members hoped that the 2025 and 2027 national elections would bring them back to the forefront: “I find that these moments are not easy for us, (but) they will need us during the electoral period,” one of them said.<sup>39</sup>

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<sup>34</sup> Interviews with CNDD-FDD members present in these meetings, Makamba and Rumonge provinces, April and May 2021.

<sup>35</sup> The Burundi Human Rights Initiative, “A stranglehold on Burundi’s future”, <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

<sup>36</sup> Interview with *Imbonerakure* leader, 4 and 17 May 2021.

<sup>37</sup> Interview with *Imbonerakure* leader, 30 April 2021.

<sup>38</sup> Interview with CNDD-FDD member, 18 April 2021.

<sup>39</sup> Interview with *Imbonerakure* member, 28 April 2021.

## 2. THE POLICE AND INTELLIGENCE SERVICE: ANTI-CORRUPTION DRIVE MASKS SERIOUS HUMAN RIGHTS VIOLATIONS

*“The president’s speeches frighten us because in (the SNR) they translate into reality.”*

– SNR agent

### A drive to purge certain SNR agents

Not long after President Ndayishimiye appointed Ildephonse Habarurema as head of the SNR in 2020, Habarurema met SNR officials and started with a warning: he didn’t want to hear about agents involved in theft or terrorising and extorting money from people.<sup>40</sup>

This was a far cry from how the SNR had been managed in the past. Under their previous bosses, SNR officials were some of the most feared men in the country, killing, arresting and gruesomely torturing scores of suspected opponents. Some SNR agents used their reputation to extort money or huge ransoms from vulnerable detainees and their families; others were involved in illicit trade and trafficking of goods. Their superiors either looked the other way or were actively involved in these practices.

President Ndayishimiye gave Habarurema the green light to crack down on corrupt practices by SNR agents, but not, it seems, on politically motivated human rights violations. Ndayishimiye has allowed some of the architects of the political repression during the 2015 demonstrations against Nkurunziza’s third term to take up senior positions in the SNR, including Alfred Museremu, head of the department of internal intelligence since 2020, and Alexis Ndayikengurukiye, alias Nkoroka, who works in the SNR operations department. Both men have been involved in serious human rights violations since 2015.<sup>41</sup>

An SNR official said that it had been a “nightmare” since Ndayishimiye started his anti-corruption efforts. Poorly paid SNR officials were afraid to pad their salaries through corruption. He said that by early April 2021, more than 12 SNR agents had been arrested and were in police custody or prison, spreading fear among their colleagues.<sup>42</sup>

One of the first to be removed from his position in early 2021 was Gérard Ndayisenga, a veteran official with a brutal reputation who had been the provincial head of the SNR in multiple provinces,

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<sup>40</sup> Interview with SNR official, 3 April 2021.

<sup>41</sup> The Burundi Human Rights Initiative, “A stranglehold on Burundi’s future,” <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020. See also “Enquête de l’APRODH sur la composition, les abus, les responsabilités, impunité au Service national de renseignement du Burundi/Organe cité dans les violations des droits humains”, <https://www.focode.org/574/>, 25 August 2016, and Ndondeza, “Disparition forcée de Savin Nahindavyi, Officier du SNR”, <https://ndondeza.org/declaration-du-focode-n0052017-du-16-mars-2017/>.

<sup>42</sup> Interview with SNR official, 3 April 2021.

most recently in Mwaro. In March 2018, when Habarurema was the chief advisor at the SNR, Ndayisenga earned a spot on his blacklist when he was accused of beating and arresting gold traders from Habarurema's home *commune* of Muyinga. Habarurema drove to Muyinga, freed the traders, and helped remove Ndayisenga from Muyinga.<sup>43</sup>

More recently, in October 2020, Ndayisenga led an operation in which six CNL members and a policeman were arrested after they had been duped into going to Mwaro province. Ndayisenga, armed with a pistol, ordered police and SNR agents to arrest the CNL members. They tied their hands, blindfolded them and drove them to Bujumbura where they were transferred to another vehicle. They were then driven to the Rusizi River in Cibitoke province where their blindfolds were removed, and they could see armed men guarding them. It is believed most of the men were killed; their bodies have not been found.<sup>44</sup>

Ndayisenga has been linked to several other serious human rights violations, including the beating of two CNL members in January 2021 and arbitrary arrests of opposition members in Bujumbura province in 2019 and 2020. There are allegations that he was involved in the killing and torture of soldiers after an attack on a military camp in Muyinga province in January 2017.<sup>45</sup>

After Ndayisenga's removal from his position in Mwaro, other SNR officials were arrested or called to the SNR headquarters in Bujumbura for questioning. Joe Dassin Nduwimana (often referred to as Nkezabahizi), an SNR agent in Mutimbuzi *commune*, Bujumbura province, who had been linked to multiple human rights violations, was among them. His arrest, along with that of the driver of SNR agent Joseph Mathias Niyonzima, alias Kazungu, and other SNR agents in Bujumbura town and Makamba province, sent a ripple of concern through the SNR. It was the first time in recent memory that so many powerful SNR agents had been arrested or removed from their positions in quick succession.<sup>46</sup>

Ndayishimiye even allowed the SNR, which reports directly to the president, to arrest a powerful businessman with strong ties to the CNDD-FDD who was believed to be untouchable under

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<sup>43</sup> For information on Ildephonse Habarurema and Gérard Ndayisenga, see The Burundi Human Rights Initiative, "A stranglehold on Burundi's future", <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

<sup>44</sup> Interviews with sources knowledgeable about the events, 29 January and 10 February 2021. See also SOS Médias, "Mwaro : sept individus sont introuvables après être arrêtés par les renseignements", <https://www.sosmediasburundi.org/2020/10/16/mwaro-sept-individus-sont-introuvables-apres-etre-arretes-par-les-renseignements/>, 16 October 2020.

<sup>45</sup> Interview with source knowledgeable about the arrests, 9 and 10 March 2021; Ligue Iteka, "Rapport trimestriel de la Ligue Burundaise des Droits de l'Homme « ITEKA », [http://ligue-iteka.bi/wp-content/uploads/2019/01/BULLETTIN\\_ITEKA\\_IJAMBO\\_ENG\\_145.pdf](http://ligue-iteka.bi/wp-content/uploads/2019/01/BULLETTIN_ITEKA_IJAMBO_ENG_145.pdf), 14 to 20 January 2019; Fédération internationale pour les droits humains (FIDH), "Le Burundi au bord du gouffre : retour sur deux années de terreur", [https://www.fidh.org/IMG/pdf/burundi\\_rapportconjoint\\_juin2017\\_fr\\_final\\_vweb.pdf](https://www.fidh.org/IMG/pdf/burundi_rapportconjoint_juin2017_fr_final_vweb.pdf), June 2017.

<sup>46</sup> Interviews with SNR sources, 14 and 15 January and 3 April 2021. Minister of interior, community development and public security Ndirakobuca has used Niyonzima as an intermediary and enforcer to hide his involvement in crimes in previous years. Niyonzima has been involved in killing government opponents and burying their bodies. See The Burundi Human Rights Initiative, "A stranglehold on Burundi's future", <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

Nkurunziza: Vénérand Kazohera was arrested by the SNR in January 2021, questioned, then released.<sup>47</sup>

The reasons behind these arrests remain unclear. Unconfirmed reports cite corruption, embezzlement or alleged involvement in illegal business or trafficking. Other sources say they may be the result of internal score settling. The arrests also allow Ndayishimiye and Habarurema to use corruption as a pretext to remove SNR agents for other reasons. Their dismissal casts Ndayishimiye in a positive light in the eyes of Burundians and international actors, giving the impression he is serious about weeding out low and mid-level corrupt agents. However, the arrests have angered some senior SNR agents who are unhappy with Habarurema's leadership.

### **The government's silence on torture and killings**

Ndayishimiye and Habarurema have allowed torture to continue at the SNR. In late 2020 and early 2021, SNR provincial officials regularly sent detainees accused of collaborating with the armed opposition to their headquarters in Bujumbura where they were tortured. In contrast, in several provinces, including Muyinga, Makamba and Bubanza, the new provincial SNR heads appointed after the 2020 elections are not known to have been involved in serious human rights violations since taking up their posts.

Early in Ndayishimiye's first year in power, police and SNR agents arbitrarily arrested scores of CNL members, brutally beating many of them, especially following incursions by armed groups in August and September 2020, during which armed assailants killed at least 16 people, including several CNDD-FDD members.<sup>48</sup>

As Ndayishimiye was playing down concerns about these incursions,<sup>49</sup> security forces were ramping up operations. Members of the police unit known as the Mobile Rapid Intervention Group (*Groupement mobile d'intervention rapide*, GMIR) were involved in beating suspected combatants. Senior police officials, including Thaddée Birutegusa, the former regional police commissioner for the southern region, threatened to starve residents in Burambi *commune* in Rumonge province if they refused to denounce attackers.<sup>50</sup>

In January 2021, police and intelligence agents in Rumonge province tortured or killed several people suspected of having links with armed groups. Police arrested and later shot dead Déogratias Niyongabo, alias Côme, and Protais Niyungeko, both of whom they suspected of being members of an armed opposition group. BHRI documented the case of Égide Sindayigaya who died in detention

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<sup>47</sup> Interview with source knowledgeable about the events, 6 January 2021.

<sup>48</sup> The Burundi Human Rights Initiative, "A stranglehold on Burundi's future", <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

<sup>49</sup> Public radio show with President Ndayishimiye in Gitega, 25 September 2020.

<sup>50</sup> The Burundi Human Rights Initiative, "A stranglehold on Burundi's future", <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.



in January 2021 after SNR agents tortured him, as well as more than a dozen other torture cases since the May 2020 elections.<sup>51</sup>

Even more recently, in April 2021, several CNL members were arrested on accusations of collaborating with the armed opposition or other acts of violence. BHRI documented the cases of three CNL members who were taken to the SNR headquarters in Bujumbura, where they were tortured. In one case, SNR agents blindfolded and gagged the detainee, tied his hands behind his back and whipped him with electrical cables. Intelligence agents then put a knife to his throat and a gun to his head, threatening to kill him if he didn't reveal information about his suspected links with armed opposition groups.<sup>52</sup> In another case, SNR agents blindfolded a CNL member and beat him multiple times with what he said felt like a pipe or a rod. They attempted to force him to implicate a group of men in the killing of CNDD-FDD member. "As long as you refuse to tell us (about) these... people, we will beat you on the head and kill you," they said. The detainee replied: "Go ahead, I can't accuse people I don't know." Before releasing him, a senior SNR official told him he was innocent and apologised for holding him at the SNR, explaining that investigations "happen like this."<sup>53</sup>

Ndayishimiye has remained silent about these killings and torture. His numerous statements on justice and ending impunity do not seem to apply when police kill or torture suspected armed opponents or when they arbitrarily arrest political opponents who are later tortured by the SNR.

Yet in an address at a police training school in Bubanza on 11 June 2021, Ndayishimiye implicitly alluded to human rights violations by the police. He exhorted the police to act with neutrality, to play the role of mediators and to defend the rights of all Burundian citizens. "Someone who violates human rights, whether he's big or small, we don't want any such person to have a place in this country," he said. He warned that he would not take responsibility for violations they commit under his watch: "I won't accept that tomorrow, they say Ndayishimiye's government protected killers because they were from the same family, ethnic group or province. I'm instructing you as your commander-in-chief, because I would be the one responsible."<sup>54</sup>

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<sup>51</sup> The Burundi Human Rights Initiative, "Rumonge: torture and killings in the name of security" <https://burundihri.org/rep/Rumonge-Engl.pdf>, March 2021, and "A stranglehold on Burundi's future", <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

<sup>52</sup> Interview with confidential source, 27 and 28 May 2021.

<sup>53</sup> Interview with confidential source, 28 May 2021.

<sup>54</sup> Extracts from speech by President Ndayishimiye at Mitakataka (Bubanza), <https://www.youtube.com/watch?v=QmCU9aiG8OE>, 11 June 2021. See also Présidence, "Le Chef de l'État demande aux forces de l'ordre de jouer le rôle de vrai médiateur", <https://www.presidence.gov.bi/2021/06/11/le-chef-de-letat-demande-aux-forces-de-lordre-de-jouer-le-role-de-vrai-mediateur/>, 11 June 2021, and SOS Médias, "Évariste Ndayishimiye refuse de cautionner tout écart des policiers", <https://www.sosmediasburundi.org/2021/06/12/bubanza-évariste-ndayishimiye-refuse-de-cautionner-tout-ecart-des-policiers/>, 12 June 2021.

## Anti-corruption and the police: piecemeal results

In February 2021, Gervais Ndirakobuca, the powerful minister of interior, community development and public security, started speaking out regularly on anti-corruption efforts. He abruptly replaced tax collectors in Bujumbura and later across the country, and in April he fired local government accountants in all *communes* as part of the anti-corruption campaign.<sup>55</sup>

As the minister responsible for overseeing the police, Ndirakobuca also turned his attention to corrupt practices in the police force. This was a shot across the bow for policemen who, for many years, have routinely extorted money from residents to augment their low salaries.

Some police in Bujumbura have been the target of these anti-corruption efforts. A policeman from Bujumbura said that shortly after Ndayishimiye's election, five traffic policemen were searched and found to have extorted a significant amount of money from passing vehicles. The information, including the amount they allegedly extorted, was circulated in a text message to other police.<sup>56</sup> The note was clear: if you steal, we'll embarrass you.

Anti-corruption measures are much needed in Burundi, one of Africa's most corrupt countries.<sup>57</sup> But the campaign may also be a way to rebrand and polish the image of Ndirakobuca, Ndayishimiye, and, more generally, the Burundian government. It is ironic that Ndirakobuca, a senior official responsible for some of the worst human rights violations committed in Burundi in the last several years, is now spearheading efforts to clean up corruption.<sup>58</sup>

The reactions by police to the government's anti-corruption efforts have been mixed. Some applaud efforts to punish corrupt policemen and abusive behaviour, while others are unhappy with the crackdown. Some consider it a double standard: they feel lower-level police are being used as scapegoats, while senior government officials, such as minister Ndirakobuca, Prime Minister Bunyoni and Prime Niyongabo, chief-of-staff of the National Defence Force, who have allegedly been involved in lucrative illicit business for years, are too powerful to be held to account.

Ndayishimiye's political survival depends in part on not upsetting the delicate web of relationships in the CNDD-FDD or alienating powerful political figures or rivals. It is politically safer, however, for him to allow the arrest of low-level policemen and other officials and hold them up as examples of wrongdoing. Using Ndirakobuca as the front man for the anti-corruption campaign and

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<sup>55</sup> See Iwacu, "Destitution des comptables communaux : une mesure décriée", <https://www.iwacu-burundi.org/destitution-des-comptables-communaux-une-mesure-decreee>, 19 April 2021; "Détournements des fonds : l'exécutif hausse le ton mais...", <https://www.iwacu-burundi.org/detournements-des-fonds-lexecutif-hausse-le-ton-mais/>, 29 March 2021; and "Percepteurs de taxes et impôts : les anciens remerciés pour corruption", <https://www.iwacu-burundi.org/percepteurs-de-taxes-et-impots-les-anciens-remercies-pour-corruption>, 22 February 2021.

<sup>56</sup> Interview with police official, 30 April 2021.

<sup>57</sup> Burundi ranks 165<sup>th</sup> out of 180 countries on Transparency International's 2020 Corruption Perceptions Index. <https://www.transparency.org/en/countries/burundi>.

<sup>58</sup> For further information on Ndirakobuca, see The Burundi Human Rights Initiative, "A stranglehold on Burundi's future," <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020.

leveraging his fearsome reputation aligns with the CNDD-FDD's belief that intimidating wrongdoers into improving their behaviour is a more effective strategy than using the justice system to hold them accountable.

Beyond Ndirakobuca's public finger wagging and firing of civil servants, the anti-corruption rhetoric hasn't been put into action consistently or evenly across the country. In some provinces, traffic police have continued pocketing bribes from commercial and private vehicles, raking in piles of cash even when drivers hadn't broken the law.<sup>59</sup> In other areas, the behaviour of police initially improved after Ndirakobuca scared them, but after a while, they returned to their old habits.

The corruption is well organised. For example, a truck driver from an eastern province said he pays 10,000 Burundian francs (approximately US\$5) each day to each group of traffic police he encounters. Depending on the route, he may pay two groups, a daily total of 20,000 Burundian francs. If he pays each group, they don't stop him for real or fabricated offences. If he doesn't pay, he risks a fine of 100,000 Burundian francs (approximately US\$50) for "faulty loads". "All the (police) teams work in the same way," he said. "It's a well-known system."<sup>60</sup>

Other forms of egregious personal enrichment by police, however, may have stopped or slowed, and some residents are starting to gently challenge some corrupt practices by security officials. When Nkurunziza was president, police often used to round up youth working illegally on the streets in Bujumbura. They took them to the police detention centre known as the BSR (*Bureau spécial de recherche*) and released them only after they had paid a bribe.

In contrast, in December 2020, when a policeman at the BSR needed money, he attempted to arrest young people working illegally, but they refused to get in the police vehicle, alleging they were living in "*Leta Nkozi, Leta Mvyeyi*" (the worker state, the parent state), a slogan adopted by Ndayishimiye's government.<sup>61</sup>

Despite these improvements, the question remains: will scare tactics and a handful of arrests be enough to frighten policemen and SNR agents into a long-term behaviour change and stop corrupt practices?

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<sup>59</sup> Interview with truck driver, 19 May 2021.

<sup>60</sup> Interview with truck driver, 19 May 2021.

<sup>61</sup> Discussion with police official, 30 April 2021.

### 3. THE CNL: A DECLINE IN ABUSES, BUT WILL IT LAST?

“Nothing has changed. (The only changes) are through speeches, words, but when it comes to accomplishments, nothing.” – CNL member

Members of the main opposition party, the CNL, have seen a change in how they are treated by *Imbonerakure*, CNDD-FDD officials or the security services. The number of CNL members arbitrarily arrested, tortured, killed or disappeared has decreased. Many of those previously arrested have been released.

Despite this improvement, incidents of killing, torture, arbitrary arrests and harassment of CNL members have been reported in 2021. BHRI documented the following cases, among others.

- On 13 May 2021, a group of *Imbonerakure* beat a CNL member in Bubanza province. They accused him of stealing corn from a field, but an eyewitness said that as *Imbonerakure* kicked, punched and beat the man with sticks, they insulted him because he was a CNL member, calling him a dog because he had refused to join the CNDD-FDD before the May 2020 elections. They threatened to pull out his teeth. After the beating, *Imbonerakure* members took him to a local school and left him outside where he spent the night. The next day, the *chef de colline* (a local government official) took him to a health centre where he received minimal care and was told to leave because he couldn't pay. He died a short time later. The *chef de colline* was arrested, then quickly released. No *Imbonerakure* have been arrested.<sup>62</sup>
- On 5 April 2021, in Rusaka *commune*, Mwaro province, unidentified armed men killed the son of Athanase Mpawenayo, the CNDD-FDD *commune* secretary, and his domestic worker. The following day, Salvator Budigoma, the CNL secretary in Rusaka, was arrested by SNR agents and later tortured at the SNR headquarters in Bujumbura. He had been missing for more than a month before he turned up in Mpimba prison on 11 May.<sup>63</sup> BHRI documented several other cases of torture of CNL members at the SNR headquarters in Bujumbura in late 2020 and early 2021.<sup>64</sup>
- In March 2021, four members of the *Imbonerakure* kicked and beat a CNL member and his friend in Rutana province. They said they were ordered to kill the CNL member because of his role during the 2020 electoral campaign. After the two men were taken to a hospital, a local CNDD-FDD leader ordered a medical worker to stop treating them. Rather than

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<sup>62</sup> Interviews with witnesses and police officials, April 2021.

<sup>63</sup> Information from private sources, May 2021. See also Iwacu, “Sécurité/Mwaro : Un écolier de 15 ans et un domestique tués par des malfaiteurs”, <https://www.iwacu-burundi.org/securite-mwaro-un-ecolier-de-15-ans-et-un-domestique-tues-par-des-malfaiteurs/>, 6 April 2021.

<sup>64</sup> For further information, see The Burundi Human Rights Initiative, “Rumonge: torture and killings in the name of security,” <https://burundihri.org/rep/Rumonge-Engl.pdf>, March 2021.

arresting the *Imbonerakure* involved in the beating, intelligence and local government officials continued to threaten the CNL member.<sup>65</sup>

### **CNDD-FDD “system” still intact**

CNL members say incidents such as these reinforce their belief that “the system” – shorthand for the CNDD-FDD’s entrenched, informal power structures – is still in control, even if some wanted to give President Ndayishimiye the benefit of the doubt.

A CNL leader quoted a Burundian proverb to illustrate that “the system” will not change overnight: “A tree trunk doesn’t turn into a crocodile just because it’s in the water.”<sup>66</sup> Other CNL members fear that Ndayishimiye’s promises to end impunity and hold perpetrators accountable are empty rhetoric.

“The population wants (Ndayishimiye’s) rhetoric to be matched by concrete action,” said another CNL member. “Nothing has changed. (The only changes) are through speeches, words, but when it comes to accomplishments, nothing.”<sup>67</sup>

A local CNL leader said that while he supports Ndayishimiye’s pledges to end impunity, implementing those pledges will “run into many obstacles”. He added that powerful officials who publicly support Ndayishimiye’s call to end impunity and corruption are themselves involved in illegal acts and immune from scrutiny because of their positions and the fear they inspire.<sup>68</sup>

“We believe Neva’s (Ndayishimiye’s) speeches in which he insists on the importance of political tolerance and promises to put an end to impunity,” said a CNL official. “We trust them. We believe he’s a man of his word. But if he’s the only one who is good in the (CNDD-FDD) system, he won’t succeed. It’s the entire system that has to change.”<sup>69</sup>

CNL members’ reluctance to believe the CNDD-FDD’s rhetoric about reforms is influenced by years of mistrust, betrayal and deception between the two parties. Those feelings intensified prior to the 2020 elections when several CNL members were killed, tortured or forcibly disappeared, and multiple CNL party offices were vandalised or destroyed.<sup>70</sup> After the elections, which many CNL officials believe their party won, CNL members were frustrated that almost all positions in the administration and state-owned companies were given to ruling party members.<sup>71</sup> Under former

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<sup>65</sup> Interview with confidential source, 28 May 2021.

<sup>66</sup> Interview with CNL official, 1 April 2021.

<sup>67</sup> Interview with CNL official, 31 March 2021.

<sup>68</sup> Interview with CNL official, 1 April 2021.

<sup>69</sup> Interview with CNL official, 25 March 2021.

<sup>70</sup> See The Burundi Human Rights Initiative, “A stranglehold on Burundi’s future,” <https://burundihri.org/rep/Report-Dec-2020-Engl.pdf>, December 2020, and “A façade of peace in a land of fear,” <https://burundihri.org/rep/Report-Jan-2020-Engl.pdf>, January 2020.

<sup>71</sup> Interviews with CNL officials in three provinces, 30 March, 1 and 12 April 2021.

president Nkurunziza, some positions were given to opposition party members, despite the animosity between them and the ruling party.

### **Ndayishimiye's cold shoulder to the CNL**

While some hoped Ndayishimiye would open his government to the opposition, he quickly slammed the door shut and appointed CNDD-FDD hardliners to key positions. The CNL was squeezed out and left with very little bargaining power.

The CNL's plight was not helped by a succession of armed attacks in late 2020. The government's rhetoric hardened, and CNL members found themselves swept up in a wave of arrests of suspected collaborators of armed groups, even if no evidence was provided that they supported the attacks. At a CNDD-FDD event to mark the "week dedicated to the heroes for the struggle for peace and democracy" (sometimes known as the Week of the Combatant) in November 2020, President Ndayishimiye encouraged *Imbonerakure* to step up night patrols against "enemies": "Haven't you heard those who say that the *Imbonerakure* are bad because they do patrols? Know that (those who say that) are the enemy. They call you enemies to discourage you... I want to tell you *Imbonerakure* who are here, *shirira*."<sup>72</sup> Even if President Ndayishimiye did not specifically refer to the CNL in his speech, the CNDD-FDD has persistently called political opponents "enemies" and questioned their loyalty to the country.

In February 2021, however, Ndayishimiye struck a more conciliatory tone and attempted to calm CNDD-FDD members' antagonistic attitudes towards the political opposition. "If you see ruling party members not doing the right thing, you should point it out so that we can check ourselves and get back on track," he said, referring to the role of opposition members. "I call on all ruling party members not to treat the opposition like co-wives (second-class citizens), but like one of you, and one who gives good advice."<sup>73</sup>

The leader of the CNL, Agathon Rwasa, told the East African newspaper in February 2021 that the situation for opposition parties had deteriorated under the current government. "There is no political space currently despite the comments made by the president and we cannot talk about political space when we are still prohibited from conducting meetings," he said. "Compared with the previous regime, I think it's getting worse rather than getting better. The president himself, after he was sworn in, said there will be no room for opposition."<sup>74</sup>

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<sup>72</sup> *Shirira* is an expression in Kirundi often used by CNDD-FDD leaders to fire up their members. See also extracts from President Ndayishimiye's speech during the Week of the Combatant, <https://www.youtube.com/watch?v=XXwyUL5aAJE&feature=youtu.be>, 17 November 2020.

<sup>73</sup> The East African, "Opposition sceptical of Burundi president's sincerity", <https://www.theeastafrican.co.ke/tea/news/east-africa/opposition-sceptical-of-burundi-president-s-sincerity-3276890>, 2 February 2021.

<sup>74</sup> The East African, "Opposition sceptical of Burundi president's sincerity", <https://www.theeastafrican.co.ke/tea/news/east-africa/opposition-sceptical-of-burundi-president-s-sincerity-3276890>, 2 February 2021.

## **A veneer of calm, until the next elections?**

Despite Rwasa's claims, CNL members in many provinces celebrated their party's second anniversary in February 2021 unhindered. Over the last year, they have also held meetings across the country without interference from *Imbonerakure* or local officials.

In some provinces, however, such as Bubanza, Makamba, Mwaro and Kayanza, local and provincial officials have obstructed CNL celebrations and other events, and told the CNL to obtain permission before holding meetings.<sup>75</sup> For example, a CNL member said one *commune* administrator made CNL members feel like "dangerous people" who are "enemies of the country" and should be closely followed.<sup>76</sup>

A CNL member in another province said that even if they could hold meetings, members were still afraid. "(The fear) shows in the level of participation in party meetings, the fear of wearing party uniforms. (Members are) worried about being followed."<sup>77</sup>

When a CNL member in another part of the country was asked if he was more relaxed now that CNL members were treated better by the CNDD-FDD, he responded: "Relaxed how? *Imbonerakure* continue to harass our members and make them join the CNDD-FDD by force," he said, growing exasperated. "(The CNDD-FDD) are (more) tolerant, but not 100 percent. There are zealous CNDD-FDD members who still want to show that the CNL shouldn't exist, who don't want to see us meet."<sup>78</sup>

It may be too early to determine if the current attitude adopted by CNDD-FDD, the *Imbonerakure* and the security forces towards the CNL will last. Some fear that the situation might deteriorate again with the next elections, scheduled for 2025 and 2027.

"The regime stays the same. Only the times change," said a CNL leader from a western province. "If today I sleep peacefully in my house, that won't be the same when elections come. As elections near, everything falls apart, everything changes, people are hunted down. Then after the elections, it's calm again."<sup>79</sup>

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<sup>75</sup> Interviews with CNL members from Bubanza, Makamba and Mwaro provinces, 30 March, 12 April and 16 May 2021. See also Twitter: <https://twitter.com/BurundiCnl/status/1391250306143592449?s=20>

<sup>76</sup> Interview with CNL member, 12 April 2021.

<sup>77</sup> Interview with CNL member, 12 April 2021.

<sup>78</sup> Interview with CNL official, 30 March 2021.

<sup>79</sup> Interview with CNL official in western province, 25 March 2021.

#### 4. JUSTICE: OBEYING THE RULING PARTY RATHER THAN THE LAW

*“Our country is full of leaders who are in the habit of not respecting the law... A prosecutor respects the provincial secretary of the ruling party instead of respecting the law.”*

– Magistrate in a prosecutor’s office

In 2021, the Burundian justice system remains profoundly dysfunctional, as well as politically and financially corrupt. “There is no change in terms of the independence of the justice system,” said the president of a court. “We’re working in a sector that is already rotten. It will take a long time to get out of this situation.”<sup>80</sup>

President Ndayishimiye has made numerous speeches promising to end impunity and ensure respect for the law, intensifying these messages in the first half of 2021. Several justice officials, however, doubted that these promises would have much impact, largely because there are no processes in place for their implementation; they described them as political speeches or moves to attract external support.<sup>81</sup> One judge said they were just “words that fly away, without any action.”<sup>82</sup>

Some tried to search for positive signs. One lawyer said the situation was “at a crossroads between positive development and the status quo”; he had hoped for improvements after the president’s speeches, but had not noticed any changes on pressing concerns, such as arbitrary detentions and corruption.<sup>83</sup> A judge said that the president’s promises had raised hopes, but “everyone was disappointed, even judges and magistrates who are members of the ruling party.”<sup>84</sup>

##### **The CNDD-FDD, the judiciary’s puppet master**

Unlike in other sectors, where many officials and senior civil servants who served under the previous government were replaced after the 2020 elections, very few judges, heads of jurisdictions or prosecutors have been replaced so far.

This has led to an acceptance of the status quo and continuation of flawed practices, inherited from the era of President Nkurunziza, such as constant meddling by politicians, CNDD-FDD or security officials seeking to influence the outcome of cases.

“You can’t talk about positive changes when decisions by justice officials are always thwarted by certain administrative officials,” complained a magistrate. “Before giving a legal opinion on certain

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<sup>80</sup> Interview with president of a court, 15 April 2021.

<sup>81</sup> Interview with magistrate, April 2021; interviews with lawyers, 6 April and 14 May 2021.

<sup>82</sup> Interview with judge, 15 May 2021.

<sup>83</sup> Interview with lawyer, 3 May 2021.

<sup>84</sup> Interview with lawyer, 6 April 2021.



cases, magistrates ask political or police officials for their opinion.”<sup>85</sup> A judge said it was a chaotic situation “where no one knows where their power ends and the next person’s power begins.”<sup>86</sup>

Guaranteeing the independence of the judiciary is one of the principal functions of the *Conseil supérieur de la magistrature* (Superior Council of the Judiciary), the country’s top institution overseeing the justice system.<sup>87</sup> The president and the minister of justice are both members of this body, but to date, it appears to have done little or nothing to address the lack of independence of the justice system.

Many judicial officials are unhappy about this situation, but feel helpless. “We can’t complain because they’ll tell us we’re from the opposition,” a judge explained. “We can’t say anything.”<sup>88</sup>

Afraid of losing their jobs or suffering personal repercussions, prosecutors and judges often anticipate the instructions they expect to receive – especially when powerful government officials or members of the intelligence services are involved – and make pre-emptive decisions that reflect those individuals’ wishes. There are exceptions, when a prosecutor or a judge may attempt to make decisions based on evidence (or lack of evidence), but these decisions can easily be overruled.

President Ndayishimiye’s public statements underlining the independence of the justice system could provide encouragement to prosecutors or judges to apply the law, regardless of political considerations. But to date, justice officials have not been willing to test how far they can go in resisting political pressure. Years of manipulation of the justice system for political or personal ends have resulted in a passive and compliant judiciary. Direct orders from political or security officials are seen as normal, even expected.

A judge cited a civil case in early 2021 in which the implementation of a court judgment was blocked by an influential CNDD-FDD parliamentarian, as well as the provincial governor – both of whom called the president of the court and told him to temporarily suspend the execution of the judgment. Three months later, it had still not been executed.<sup>89</sup>

In another case from early 2021, a staff member in a prosecutor’s office was told to release a detainee accused of a common crime, after his boss received instructions from a top level national judicial official. The detainee was released, but was then re-arrested, allegedly following pressure from people acting on behalf of the victim of the crime. Both the victim and the alleged perpetrator had close links to influential people in the CNDD-FDD, who had each intervened on their behalf –

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<sup>85</sup> Interview with magistrate, April 2021.

<sup>86</sup> Interview with judge, 20 April 2021.

<sup>87</sup> Loi organique du No.1/02 du 23 janvier 2021 portant modification de la loi organique No.1/13 du 12 juin 2019 portant organisation et fonctionnement du Conseil supérieur de la magistrature, [https://www.assemblee.bi/IMG/pdf/N%C2%B02\\_du\\_23\\_janvier\\_2021.pdf](https://www.assemblee.bi/IMG/pdf/N%C2%B02_du_23_janvier_2021.pdf), 23 January 2021.

<sup>88</sup> Interview with judge, 6 April 2021.

<sup>89</sup> Interview with judge, 20 April 2021.

hence the contradictory instructions. The CNDD-FDD parliamentarian mentioned above also waded in, unhappy about the initial decision to release the detainee.<sup>90</sup>

“It isn’t justice that decides, it’s the ruling party,” said a judge. He gave the example of a court hearing to rule on the detention of a defendant, in early 2021. Two of the judges were prepared to release the defendant and asked the prosecution for evidence that the defendant might flee the country. The presiding judge told them not to ask those sorts of questions and blocked the release, because he had received a message from a senior official in the ministry of justice warning him not to release the defendant.<sup>91</sup>

In other instances, however, state agents, including members of the security forces, have been tried and convicted for murder and other common crimes.<sup>92</sup> These are usually lower-level officials; prosecutions of senior officers are rare.

Some interferences are dictated purely by financial interest. A prosecuting official said that in his province, instances of political interference had become rarer in 2021. This could be a reflection of the recent decrease in the number of political cases, while many cases from the election period – particularly against CNL members – had been dropped for lack of evidence. But he said that the head of the *Imbonerakure* and the police commissioner in his province still took an active interest in potentially lucrative cases, with the police commissioner personally contacting the prosecutor about cases from which he might derive some financial benefit.<sup>93</sup>

Rampant corruption has plagued the Burundian justice system for many years, leading to what one lawyer described as “a crisis of values”.<sup>94</sup> In addition to interferences by officials hoping to gain financial advantage, it often affects the order and the manner in which cases are dealt with. If a case brought by an ordinary citizen is in competition with a case involving a powerful or rich individual, it stands little chance of being processed in a reasonable time. A lawyer complained that judges “want to work for whoever gives them money” and said a judge had admitted privately that they prioritised cases in which someone “gave something” to motivate them.<sup>95</sup>

Several judicial officials pointed to the process for recruiting prosecutors and heads of jurisdictions as one of the main causes of the lack of independence; they believed that nothing would change as long as officials were recruited according to their political affiliation. A magistrate said: “We work as we did before... from the local courts (*tribunaux de résidence*)<sup>96</sup> up to the highest court of justice, appointments are decided by the CNDD-FDD. That’s no longer a secret.”<sup>97</sup>

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<sup>90</sup> Interviews with two staff members of a prosecutor’s office and a lawyer, April 2021.

<sup>91</sup> Interview with judge, 15 April 2021.

<sup>92</sup> See, for example, SOS Médias, “Cibitoke : un policier condamné à la perpétuité”, <https://www.sosmediasburundi.org/2021/05/18/cibitoke-un-policier-condamne-a-perpetuite/>, 18 May 2021.

<sup>93</sup> Interview with official in prosecutor’s office, 6 April 2021.

<sup>94</sup> Interview with lawyer, 3 May 2021.

<sup>95</sup> Interview with lawyer, 3 May 2021.

<sup>96</sup> The *tribunaux de résidence* are local courts that handle civil cases and certain categories of lesser criminal offences.

<sup>97</sup> Interview with magistrate, April 2021.

Some believe the problem has been compounded by the apparent lack of influence of the minister of justice, Jeanine Nibizi. The minister is reportedly close to President Ndayishimiye, but one judicial official described her as a mere figurehead, and several said that she seemed absent. A judge expressed disappointment in the lack of new policies: “The minister of justice is just there. She doesn’t do anything. She doesn’t enact reforms.”<sup>98</sup> Despite the minister’s stated intention to speed up trials, a lawyer said that the system had actually slowed down, attributing this in part to the minister’s inability to work around incompetent or corrupt officials.<sup>99</sup>

## **Promises and pardons**

The long delay in the implementation of a presidential pardon for thousands of prisoners was often cited as an example of the dysfunctional nature of the justice system and of possible divergences within the government. The decree, signed by President Ndayishimiye on 5 March 2021, should have been implemented with immediate effect,<sup>100</sup> but it wasn’t until late April that prisoners began to be released. According to the minister of justice, the delay was due to errors in the compilation of the lists of prisoners to be released.<sup>101</sup>

The releases themselves were broadly welcomed, although a lawyer pointed out that many of these prisoners should never have been in prison in the first place, as so many cases lacked concrete evidence.<sup>102</sup> Presidential pardons are not new in Burundi, but the number of prisoners released on this occasion was comparatively high. The presidential decree stated that 5,255 prisoners would benefit from these measures; more than 2,600 had been released by the end of April 2021.<sup>103</sup> Other prisoners were released in the following weeks; exact figures were unavailable at the time of writing.

President Ndayishimiye, accompanied by the minister of justice, personally attended the ceremony at Mpimba prison in Bujumbura, where more than 900 prisoners were released. In his speech, he reminded justice officials that imprisonment should be the exception: “Let’s put a stop to this habit of saying ‘I will imprison you’”, he declared, and warned the judicial police not to detain innocent people to make money. “The government doesn’t terrorise. The government punishes according to the law. You should not imprison anyone without a motive.” He said trials should be accelerated and nobody should spend more than three months in pre-trial detention.<sup>104</sup>

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<sup>98</sup> Interview with judge, 6 April 2021.

<sup>99</sup> Interview with lawyer, 14 May 2021.

<sup>100</sup> Décret no.100/041 du 05 mars 2021 portant mesures de grâce, <https://www.presidence.gov.bi/2021/03/08/decret-no-100-041-du-05-mars-2021-portant-mesures-de-grace/>, 5 March 2021.

<sup>101</sup> See Radio France Internationale, “Burundi: La grâce de plus de 5200 détenus se fait attendre”, <https://www.rfi.fr/fr/afrique/20210310-burundi-la-gr%C3%A2ce-pr%C3%A9sidentielle-de-plus-de-5200-d%C3%A9tenus-se-fait-attendre>, 11 March 2021.

<sup>102</sup> Interview with lawyer, 3 May 2021.

<sup>103</sup> ACAT-Burundi, “Rapport sur le monitoring des violations des droits de prisonniers, période du mois d’avril 2021”, <https://www.acatburundi.org/rapport-sur-le-monitoring-des-violations-des-droits-des-prisonniers-pour-avril-2021/>, April 2021.

<sup>104</sup> Speech by President Évariste Ndayishimiye at Mpimba prison, <https://www.youtube.com/watch?v=RXJ3R1p26v8>, 26 April 2021.

Some police and CNDD-FDD officials, however, were not so happy about the releases, illustrating a continuing presumption of guilt on the part of some authorities. One local police commissioner accused those released through the presidential pardon of being behind the armed attacks in May 2021, claiming they were “still rebels”.<sup>105</sup> Journalists and civil society organisations reported that several prisoners who benefited from the presidential pardon were rearrested soon after their release.<sup>106</sup>

### “No one is above the law”

In his speech at Mpimba prison, the president reaffirmed his commitment to delivering justice in an even-handed way and to ending impunity. “Whether you are in a (political) party or not, whoever you are, you will be punished for the offence you committed. People have to understand that.” He went on to say that “politics never replaces justice” and thanked judicial bodies for “beginning to realise that no one is above the law.”<sup>107</sup> He reiterated this message in a speech in Bururi province on 18 May, where he told local government officials: “I will only rest when the rights of every Burundian are respected... I will never tolerate corruption or injustice.”<sup>108</sup>

This principled stance is still a far cry from the reality in Burundi: most senior government, security and ruling party officials remain untouchable, while members of the opposition are frequently and disproportionately arrested and detained (see Chapter 3). Judges, magistrates, prosecuting officials and court officials confirmed that prosecutions of state agents or CNDD-FDD members for murder, torture or ill-treatment of detainees, particularly of political opponents, remain extremely rare; they claimed CNDD-FDD members were usually only brought to justice when they had allegedly committed an offence against a member of their own party.<sup>109</sup> A magistrate mentioned a case from early 2021 in which the provincial head of the CNDD-FDD had intervened to prevent the prosecutor’s office from arresting *Imbonerakure* members who had beaten someone.<sup>110</sup>

In his speech at Mpimba, President Ndayishimiye played down concerns about political arrests: “I would like to tell you that an offence is apolitical. If someone believes they are a political prisoner, let them write to me and tell me which political (issue) is the cause of their detention and they will be released... I will consult the Criminal Code to find out if they have been detained because of politics or because (they committed) an offence. Some people don’t know the difference.” He made a similar comment about journalists, warning them that if they had committed an offence, they should not claim they were detained because of their journalism.<sup>111</sup>

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<sup>105</sup> Interview with local police commissioner, 20 May 2021.

<sup>106</sup> Ligue Iteka, “Bulletin hebdomadaire n°268 du 31 Mai au 6 Juin”, <https://ligue-iteka.bi/wp-content/uploads/2021/06/Bulletin-ITEKA-N-IJAMBO-268.pdf>, 7 June 2021.

<sup>107</sup> Speech by President Évariste Ndayishimiye at Mpimba prison, <https://www.youtube.com/watch?v=RXJ3R1p26v8>, 26 April 2021.

<sup>108</sup> See <https://twitter.com/NtareHouse/status/1394592798742138880>.

<sup>109</sup> Interviews with judge, 15 May 2021, and official in prosecutor’s office, 8 April 2021.

<sup>110</sup> Interview with magistrate, 8 April 2021.

<sup>111</sup> This can be interpreted as a reference to the four journalists of Iwacu newspaper who were arrested in October 2019 and sentenced to two and a half years in prison for trying to report on an armed group attack (see Chapter 5).

The president's comments are clearly contradicted by a number of political arrests since he has been in power, including of high-profile government critics. For example, Fabien Banciryanino, an outspoken former member of parliament, was arrested in October 2020 and charged with endangering internal state security, rebellion and slander. In May 2021, he was found guilty of the first two charges and sentenced to one year in prison.<sup>112</sup>

Despite the president's reassuring words, many people are still too fearful to complain about the absence of justice in political or sensitive cases. The trials of a few *Imbonerakure* (see Chapter 1) have set important precedents, but haven't yet restored public confidence in the justice system.

In non-political cases, some people may have become emboldened to speak out in recent months. For example, residents in Makamba province openly denounced corruption by a police commissioner and magistrates in a meeting with the minister of justice on 13 April. Unusually, in this instance the minister of justice asked the prosecutor to immediately open a case into the alleged corruption by the police commissioner. She warned corrupt magistrates that they would be fired and reminded them of their duty to remain independent by upholding the law: "There are family members of ministers, of generals in the army and police, parents of an administrator... will you deliver justice to the most powerful or will you respect the law?", she asked them.<sup>113</sup>

In most cases, however, people still contend with the overwhelming inertia of the justice system. The number of arbitrary arrests may have decreased in 2021, but it is still extremely difficult for those who were arbitrarily detained in previous months or years to get out of prison, even when there is no clear evidence against them. Some have spent prolonged periods in pre-trial detention; others have been convicted in unfair trials. An unknown number of people remain in prison after completing their sentence or even after being acquitted.

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<sup>112</sup> See Human Rights Watch, "Entrenched repression of civil society, media", <https://www.hrw.org/news/2021/05/26/burundi-entrenched-repression-civil-society-media>, 26 May 2021.

<sup>113</sup> Extract of speech by minister of justice Jeanine Nibizi in Makamba province, 13 April 2021.

## 5. THE MEDIA: GIVING IN TO (SELF) CENSORSHIP OR RISING FROM THE ASHES?

*“The government has censored us once and for all, and we’ve understood. We can’t expose ourselves to those dangers anymore.”*– Radio journalist

In 2021, it can be hard to believe that Burundi had some of the most dynamic and bold media in the region until 2015, with journalists routinely investigating human rights violations and malfeasance by the government. No subject was out of bounds; journalists felt free to criticise the government and took it upon themselves to hold it to account. In comparison, today, most journalists working in Burundi – with a few exceptions, such as the independent newspaper Iwacu – confine themselves to reporting on innocuous subjects, taking care not to offend the ruling party. They operate timidly, muzzled by a combination of crude state censorship and self-imposed caution.

“(President) Nkurunziza died at a time when the government had almost total control over the media,” said the head of a media outlet. “Then, Neva (President Ndayishimiye) arrived. Since then, I feel we can breathe a bit... After five years of repression, we have to weigh up every sentence, every word, but we manage... I have the impression things are thawing a little.”<sup>114</sup>

### **“Self-censorship can be more deadly than censorship”<sup>115</sup>**

In 2021, almost all journalists working in Burundi exercise a degree of self-censorship. Some do not even attempt to report on politically sensitive subjects or topics that might be interpreted as critical of the government. Others, faithful to their journalistic instincts, seek out information but don’t dare use it, or are advised not to by their colleagues.

Even some of the more daring journalists say much of the information they collect is never published or broadcast. “We see and hear things we want to report on, but can’t from inside Burundi,” said one reporter. “I don’t feel free... There are some subjects I can’t cover, even if I have all the information.”<sup>116</sup>

High level corruption is top of the “red list” of subjects for many journalists. “People can be killed for a matter of a few francs, so imagine for a big corruption case involving billions,” said the same reporter.<sup>117</sup> A senior journalist said he and his colleagues hesitated to look into corruption because they knew their investigations were likely to lead them to the involvement of senior government officials: “Journalists understand this instinctively.” Before 2015, journalists could cover

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<sup>114</sup> Interview with head of media outlet, 19 April 2021.

<sup>115</sup> Interview with independent journalist, 16 April 2021.

<sup>116</sup> Interview with independent journalist, 23 April 2021.

<sup>117</sup> Interview with independent journalist, 23 April 2021.

allegations of corruption more easily because they worked as a pack: “Many media were covering those stories, so there was safety in numbers... Now we automatically adjust.”<sup>118</sup>

A journalist working for a nominally independent radio station expressed fears for his security: “If I hear about a case of a detainee tortured by a policeman, I can try to investigate it, but because I’m afraid of the consequences, sometimes I let it drop. A good journalist is a living journalist, as they say... We absolutely avoid certain subjects, especially those that directly involve senior officials.” He said that whenever sensitive information leaked into the public domain, government officials automatically suspected that journalists were the source, even if the information had come from elsewhere.<sup>119</sup>

This self-censorship has its roots in the events of 2015, which continue to influence the behaviour of journalists and have left deep scars on the media landscape in Burundi. The independent media bore the full force of the violent repression in 2015. Within a few days of the failed *coup d’état* in May 2015, most of Burundi’s independent media had been destroyed and many of their journalists driven into exile; the majority have not returned.<sup>120</sup>

“The 2015 context is always in our heads. We think everything through four times before taking action,” said one journalist.<sup>121</sup> “2015 was a terrible turning point,” said another experienced independent journalist. “After the failed coup, everything was lost in just 48 hours. We started hearing: ‘this journalist has left’, ‘that journalist has left’... It became a desert in less than 48 hours... These were the people we used to see every day. Suddenly they were all gone... We realised it was a new landscape for journalism. The CNDD-FDD had taken advantage to wipe the slate clean. All the hatred that had accumulated rose to the surface... The media was emasculated.”<sup>122</sup>

The events of 2015 have even affected the state media, some of which used to report on sensitive subjects in the past and tried to maintain a minimum of balance and objectivity. Now, coverage is uniformly predictable and heavy self-censorship is the norm – a “daily reality”, in the words of one journalist, who said self-censorship was so pervasive that their editors didn’t even need to censor the information they submitted: “I know the type of information we have to provide, in line with our editorial policy. Often, we agree beforehand... I don’t waste time investigating or writing up a lot of information.”

The same journalist cited politics, security and human rights abuses by officials or by *Imbonerakure* as examples of subjects he would not cover. He laughed at the idea that he might have reported on

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<sup>118</sup> Interview with senior independent journalist, 19 April 2021.

<sup>119</sup> Interview with radio journalist, 23 April 2021.

<sup>120</sup> For a chronology of repressive measures against the media and civil society during this period, see Human Rights Watch, “April 2015-June 2020: A Chronology of Repression of Media and Civil Society in Burundi”, <https://www.hrw.org/news/2021/05/26/april-2015-june-2020-chronology-repression-media-and-civil-society-burundi>, 26 May 2021.

<sup>121</sup> Interview with independent journalist, 16 April 2021.

<sup>122</sup> Interview with senior independent journalist, 19 April 2021.

clashes between armed groups and the Burundian security forces: “How could I work on that? Which radio station would broadcast it? None of the radio stations talked about that, and yet the shooting was going on. We won’t be seeing freedom of the press in our country any time soon.” He had not been threatened because he took the necessary precautions: “I put all the secret information to one side. I can’t be threatened because I stay within the bosses’ directives. I do what they want, that’s all.”<sup>123</sup>

### **The president’s olive branch to the media**

The first sign of a shift in the president’s attitude towards the media was the release of four Iwacu journalists who had been serving a two-and-a-half-year prison sentence since their arrest in October 2019. The journalists were pardoned by the president and released on 24 December 2020.<sup>124</sup>

Then in late January 2021, the president launched a charm offensive towards the media, under the slogan “*Jamais sans les médias*” (Never without media). In a much-publicised meeting with media representatives, he outlined his vision for journalism in Burundi, reaffirmed his commitment to a free press and said he supported a review of some of the restrictions on the media.<sup>125</sup>

In February, Bonesha FM, one of the radio stations that had been forced to close in 2015, was allowed to reopen, but so far, its broadcasts have a limited reach. The media regulation body, the National Communication Council (CNC), lifted its suspension of the readers’ comments forum of Iwacu’s website (the forum had been suspended in April 2018).<sup>126</sup> It also promised to allow access to Iwacu’s website in Burundi – blocked since October 2017 – but at the time of writing, the website is still inaccessible; it can only be accessed through a mirror website set up to circumvent the restriction.

The CNC has since allowed the pro-government online news outlet Ikiriho to reopen, and on 16 June, it announced that the British Broadcasting Corporation (BBC) could apply for an authorisation to resume its broadcasts.<sup>127</sup> Ikiriho and the BBC were both suspended in 2018.

Yet the CNC is always quick to bring journalists to heel as soon as they venture into sensitive territory. It frequently summons editors to reprimand them for alleged bias, lack of patriotism, or for publishing stories that would undermine the president’s efforts.<sup>128</sup> In early 2021, at least one

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<sup>123</sup> Interview with journalist working for state media, 8 April 2021.

<sup>124</sup> Iwacu, “Urgent : libération des quatre journalistes d’Iwacu”, <https://www.iwacu-burundi.org/urgent-liberation-des-quatre-journalistes-diwacu/>, 24 December 2020.

<sup>125</sup> “Jamais sans les médias: S.E Evariste Ndayishimiye se prononce en faveur d’une reconsidération par le CNC de certaines mesures de restrictions”, <https://www.presidence.gov.bi/2021/01/28/jamais-sans-les-medias-s-e-evariste-ndayishimiye-se-prononce-en-faveur-dune-reconsideration-par-le-cnc-de-certaines-mesures-de-restriction/>, 28 January 2021.

<sup>126</sup> See Iwacu press release, “Fermeture de l’espace de dialogue sur le site internet d’Iwacu”, <https://iwacu.global.ssl.fastly.net/communiqué-de-presse-fermeture-de-l-espace-de-dialogue-sur-le-site-internet-diwacu/>, 11 April 2018.

<sup>127</sup> Communiqué de presse du Conseil national de la communication du 16 juin 2021.

<sup>128</sup> Interview with independent journalist, 16 April 2021.



media outlet was threatened with closure and scolded not only by the CNC but by officials from the president's office. While this pressure may not be as heavy-handed as in the past, it is wearing, and makes journalists nervous.

The president's initial positive steps were further offset on 2 February, when a Supreme Court judgment sentencing seven exiled journalists *in absentia* to life imprisonment was made public. Dated 23 June 2020, the judgment convicted the seven journalists – part of a group of 34 defendants accused of involvement in the failed *coup d'état* in May 2015 – of attempting to overthrow the government, among other charges. The decision to publish this judgment seven months after it was handed down severely undermined the president's public relations drive towards the media. Some journalists and other observers interpreted this mixed message as a sign of lack of consensus within the government. "I think some people want to change things, but others are holding them back," commented an independent journalist.<sup>129</sup> Other sources reported that some senior government officials were unhappy about the president's initiative to relax restrictions on the media.

Three exiled radio and television stations – Radio publique africaine (RPA), Radio Inzamba and Télé Renaissance, whose leaders were among those convicted by the Supreme Court – took a further hit a few weeks later. All three had been broadcasting from Rwanda since 2015. Following an apparent *rapprochement* between the Rwandan and Burundian governments, whose relations have been tense for several years, Rwandan intelligence officials informed the directors of the three stations that their media outlets could no longer operate from Rwanda. The three stations were forced to suspend their broadcasts, without notice, on 24 March. The decision was taken in response to repeated requests by the Burundian government, which views these stations as part of the opposition.<sup>130</sup> All three stations have since resumed their online broadcasts.

In other respects, President Ndayishimiye has been keen to turn the page on attacks against the media – as he has done with almost every other aspect of the 2015 crisis – and has tried to distance himself from the previous government's tense relations with the media. In a radio broadcast on 20 March 2021, a journalist asked him whether he felt happy, fearful or angry talking to the media. The president replied: "The fact that you have come (here) makes me think you want to inform the population, which is why I welcome you here at the presidency... In the past, journalists were like people who were supposed to clash with the country's institutions... At that time, when leaders saw a journalist, they thought he was not coming to do any good... which is why they were afraid of them and even ran away from them."<sup>131</sup> Such comments could be interpreted as an implicit acknowledgement that mistakes had been made in the past and needed to be rectified.

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<sup>129</sup> Interview with independent journalist, 16 April 2021.

<sup>130</sup> Interviews with confidential sources, March and April 2021.

<sup>131</sup> Comments by President Ndayishimiye on "Ku nama", Radio Isanganiro, 20 March 2021.

Although the president talked of “embarking on a new page in Burundi’s history” in relation to the media,<sup>132</sup> he has not recognised the severity or the long-term impact of the 2015 attacks on journalists. Nor has there been any progress in delivering justice for some of the horrific human rights violations against journalists since 2015, such as the enforced disappearance of Iwacu journalist Jean Bigirimana in July 2016, the killing of national radio and television cameraman Christophe Nkezabahizi and several members of his family by police in October 2015, or the torture of Esdras Ndikumana, former correspondent of Radio France Internationale and Agence France-Presse in Burundi, by the intelligence service in August 2015.<sup>133</sup>

### **Reactions to the president’s moves**

Journalists voiced mixed reactions to the president’s initiatives. “When the president said all those nice things about the media, everyone clapped,” said one journalist, referring to the president’s meeting with media representatives. “The president’s eyes were sparkling. Everyone was smiling. We couldn’t believe it. But almost all the media that were suspended remain suspended, including the BBC and Voice of America.<sup>134</sup> The only promise he kept was in relation to Bonesha. Promises, promises. They invented this slogan ‘Never without media.’ It’s just a public relations thing.”<sup>135</sup>

Even a journalist working for a state media outlet was sceptical; he believed that these initiatives were intended to mislead the public and said there was no media freedom in Burundi.<sup>136</sup> An independent journalist described the president’s speeches as “pure manipulation... How can you talk about freedom when we’re not free to cover all subjects?”<sup>137</sup>

Another independent journalist described the dialogue between the government and the media as a significant step forward, but said: “There is still some way to go. Journalists don’t take anything at face value. We wait for concrete facts. We’re still waiting... The words are clear, but the implementation is not visible on the ground.”<sup>138</sup> Others said they were staying on their guard, aware that these small gains could easily be reversed.

A more positive view was offered by a journalist working for a state media outlet: “I think there have been remarkable changes in the work of journalists since Neva has been in power. He uses conciliatory language and makes it known that (journalists) are not social renegades but contribute

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<sup>132</sup> See “Jamais sans les médias: S.E. Evariste Ndayishimiye se prononce en faveur d’une reconsidération par le CNC de certaines mesures de restrictions”, <https://www.presidence.gov.bi/2021/01/28/jamais-sans-les-medias-s-e-evariste-ndayishimiye-se-prononce-en-faveur-dune-reconsideration-par-le-cnc-de-certaines-mesures-de-restriction/>, 28 January 2021.

<sup>133</sup> For details of these cases, see Commission of Inquiry, “Rapport final détaillé de la Commission d’enquête sur le Burundi” (A/HRC/36/CRP.1), paragraphs 252-255, 328-332 and 523-524, <https://www.ohchr.org/fr/hrbodies/hrc/coiburundi/pages/coiburundi.aspx>, 18 September 2017.

<sup>134</sup> The government suspended broadcasts by the BBC and Voice of America in May 2018.

<sup>135</sup> Interview with independent journalist, 16 April 2021. The slogan “Never without media” is a pun on President Ndayishimiye’s nickname, Neva.

<sup>136</sup> Interview with journalist working for state media, 8 April 2021.

<sup>137</sup> Interview with radio journalist, 12 April 2021

<sup>138</sup> Interview with radio journalist, 23 April 2021.

to the development of the country... (but) we can't say that everything is whiter than white. Freedom is always relative... in the world of journalism." He thought the president was keen to create a different image from that of his predecessor and to seduce media professionals.<sup>139</sup>

### **Access to information from the government**

Access to information from official sources has long been difficult for Burundian journalists, particularly since 2015 when most government officials adopted an overtly hostile attitude towards the media.

Some journalists commented positively on the fact that in 2021, some of the newly appointed provincial or local government officials were more accessible than their predecessors. While some still refused to speak to journalists, others were willing to answer questions, even if they didn't provide useful answers. "It wasn't like this under Nkurunziza," said one journalist. "Neva has initiated a different approach... There's a new trend. The authorities want to sell the government's new doctrine of *Leta Mvyeyi* (the parent state)."<sup>140</sup>

Nevertheless, access to information remains a problem. One journalist talked of "total non-access to statistics"; he believed some government officials didn't understand the purpose of the media or the value of journalism. "When we cover a sensitive subject, they chase us away or stop us beforehand." Even access to official statistics was a problem, with some officials blocking access to public data.<sup>141</sup>

### **Broader impact on freedom of expression**

To date, the government's small steps towards opening up the media landscape don't appear to have had a far-reaching impact on the population.

Before 2015, Burundians all over the country routinely contacted the media to report abuses or other information. Alongside civil society organisations, the radio stations that were closed by the government in 2015 were among the first port of call for residents seeking redress for a perceived injustice. Victims, witnesses and other ordinary citizens were unafraid to speak on the record, even on camera. With the void left after the events of 2015, and the repression that followed, people were afraid to contact journalists, and some were threatened for talking to the media.

Some radio correspondents noticed that since around February or March 2021, some people occasionally contacted the media, for example if they had a dispute with a local official. However, most journalists said there was still widespread fear among the population, and it was difficult to find people willing to be interviewed. "When I go to do an investigation, people just look at each

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<sup>139</sup> Interview with journalist working for state media, 6 April 2021.

<sup>140</sup> Interview with independent journalist, 23 April 2021.

<sup>141</sup> Interview with local correspondent of a radio station, 21 April 2021.

other and say they don't want to talk," said one journalist. "Sometimes I can go home with nothing. People are scared... They're afraid of being arrested... They tend to run away from journalists."<sup>142</sup>

### **What future for the media in Burundi?**

An independent journalist said he sometimes despaired at the poor state of the media in Burundi in 2021: "There are several smaller radio stations, but they work for the government or the CNDD-FDD... All they do is talk to the authorities (without seeking alternative viewpoints). There are some community radio stations that are nominally independent, but they never talk to government critics, even on non-political subjects. All they do is report on music and football. It's as if all that ever happens in Burundi is music and football."<sup>143</sup>

Another experienced journalist criticised some of the newer online media that limit themselves to entertainment, culture and lighter subjects. He felt journalists had a responsibility to keep pushing the boundaries and should seize the opportunity to do so under the new government. He believed the media could play an important role in demanding accountability on behalf of the population:

"Some media... only report on positive things and act like public relations companies. The government may be ready to tolerate a certain level of press freedom... We can reclaim a bit of our past freedom... The public needs more than public relations; they need journalism that challenges... We have to keep moving forward, even slowly... Otherwise, what's the point of everything we've been through?"<sup>144</sup>

The radio and television stations that are still in exile are unlikely to be able to operate in Burundi in the near future, unless they are willing to sacrifice their independence and submit to censorship. Their recent difficulties in Rwanda are an ongoing illustration of the way they are still viewed by the Burundian government. Yet these stations continue to provide important information to people inside Burundi, many of whom listen to their online broadcasts, even if they are often perceived as close to the opposition.

Looking into the future, journalists expressed mixed feelings about the likelihood of a broader relaxation of restrictions in 2021, as captured by one reporter: "I'm crossing my fingers. We've been through worse than this in the past. Things may improve very slowly. It feels like there may be a new wind, but I have doubts too... They promise us things, but then what?... The machine hasn't been properly oiled yet. So we have to wait and hope."<sup>145</sup>

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<sup>142</sup> Comment by radio journalist, 30 April 2021.

<sup>143</sup> Interview with independent journalist, 16 April 2021.

<sup>144</sup> Interview with senior independent journalist, 19 April 2021.

<sup>145</sup> Interview with independent journalist, 16 April 2021.