THE ROAD AHEAD

Will Burundi bring its torturers to justice?

The Burundi Human Rights Initiative  March 2022
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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 or +1 267 896 3399 (WhatsApp). Additional information is available at burundihri.org or on Twitter at twitter.com/@BHRI_IDHB.
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2021 was not a good year for human rights in Burundi. It began with the death of a 64-year-old man who was tortured by the intelligence service and ended with the deaths of two opposition party members, both also tortured by the intelligence service. Numerous other detainees were tortured during the year, while others were forcibly disappeared or held in prolonged incommunicado detention.

In early 2022, the overall outlook for human rights remains bleak, despite President Évariste Ndayishimiye’s 2021 end of year speeches, in which he tried to revive faith in the government’s willingness to address grievances and deliver justice.

The Burundi Human Rights Initiative (BHRI) is publishing this report to remind readers of the horrific human rights violations still taking place in Burundi, despite the government’s public relations efforts, and to spur action to try to stop them. The decision by the European Union to lift restrictions on direct assistance to the Burundian government on 8 February 2022 marks the start of a new phase in Burundi’s international engagement and should be an opportunity to launch a concerted effort to improve the human rights situation.

Abductions, torture, enforced disappearances, arbitrary detention and the denial of justice have ruined the lives of thousands of people in Burundi over the years – not only the victims and their families, but also the wider society. Many Burundians are now so afraid of being arrested or abducted that they don’t dare to speak their minds for fear of being perceived as opponents 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).

This report includes detailed information about the actions of two officials responsible for particularly serious human rights violations: intelligence agent Gérard Ndayisenga and police commissioner Moïse Arakaza. At the time of writing, both officials appear to have fallen out of favour. Ndayisenga has been arrested and is in prison, in connection with his alleged involvement in the torture and death of opposition member Augustin Matata. Arakaza has been removed from his post as police commissioner of Kabezi commune, in Bujumbura province. This is therefore an opportune moment to press the Burundian authorities to hold both men accountable for the many crimes they have committed. This would be a landmark step towards ending impunity for members of the intelligence service and the police.

BHRI submitted its findings and questions in writing to President Ndayishimiye and to the minister of justice, as well as to the main perpetrators of human rights violations named in this report, before publication, with a view to incorporating their responses. None of them replied.
1. Torture and abductions: the tip of the iceberg

Ndayisenga and Arakaza are not the only officials who have perpetrated heinous acts, and the three men who were tortured to death are not isolated cases. BHRI has established the identity of more than 55 people who were tortured in 2021, on the basis of interviews with victims and other witnesses.¹ These are just the cases that BHRI investigated in detail – probably a fraction of the overall number. BHRI interviewed numerous former detainees who had been tortured by the national intelligence service (Service national de renseignement, SNR). Most of them knew other detainees who had also been tortured, some so badly they feared they might die. Several of them named SNR or police officials who participated in or sanctioned the torture, including some who have been involved in torturing detainees since at least 2015.

BHRI has built up evidence of a clear pattern, with many cases following a similar trajectory: suspected opponents – most often, but not always, members of the opposition party National Freedom Congress (Congrès national pour la liberté, CNL) – are usually abducted (rather than formally arrested according to due process) by local SNR agents or police in their area of residence, detained in the provincial SNR office and, in some cases, tortured there.

They are then often transferred to the SNR headquarters in Bujumbura, where many are tortured even more severely – lashed with electric cables or forced into stress positions and beaten – and held incommunicado for periods ranging from a few days to several months. Intelligence agents often accuse detainees of collaborating with armed groups, even in the absence of credible evidence, and torture them to extract confessions or information about other individuals. They search their phones for contacts of people with whom they have communicated, then also arrest some of these individuals.

Some families give up searching for those who have been abducted, presuming they have been killed. As the weeks or months pass, they lose hope of seeing them again or organising a dignified burial. Some detainees are eventually released, while others resurface in Mpimba central prison in Bujumbura, where they await trial on security-related charges. The injuries that some sustained from their torture at the SNR are so serious that the prison clinic is unable to give them the appropriate medical treatment. It is often only when they are transferred to prison that information about their treatment by the SNR emerges; there can therefore be a significant time lag before details come to light. Detainees’ well-founded fear of repercussions also means that their names and details of some of their cases cannot be made public.

The following four emblematic cases illustrate the patterns of torture and disappearances.²

² BHRI has reported on some of these cases in previous publications, but is drawing attention to them again because of the lack of action by the authorities many months later.
**Augustin Matata**

Augustin Matata, an active and well-known CNL member in his mid-60s, was arrested on 16 November 2021 near his home in Buringa, in Bubanza province. Local Imbonerakure pointed him out to an unidentified man in civilian clothes who arrested him and drove him away. Matata had been arrested many times in the past; this arrest turned out to be his last. He was held in an unknown location for a few days, then SNR agents took him to his house to try to force him to show them the weapons he had allegedly hidden. He was then detained at the SNR headquarters in Bujumbura, where he was so badly tortured that he was eventually transferred to hospital. He died there on 15 December. His body bore the marks of severe beatings, especially on his back and stomach.3

The worst forms of torture usually take place behind closed doors, with no witnesses. However, a co-detainee who was held at the SNR in Bujumbura at the same time as Matata caught sight of him briefly in November. He saw an SNR agent whom he recognised – and who has been cited in connection with other torture cases – and two other men in police uniform take Matata out of a cell and beat him with sticks, to try to force him to admit he had weapons.4 Another former detainee at the SNR said Matata “was beaten three times a day. It was Gérard (Ndayisenga) who beat him...They (the SNR agents) told him to reveal the names of combatants and the locations of weapons caches, and to explain why he had refused to collaborate with the ruling party... They refused to allow him medical treatment. He couldn’t eat anymore. All the skin had come off his buttocks.” After a while, Matata became so weak that he was unable to speak.5

Matata was among a larger group of CNL members who were arrested around the same period, some of whom were tortured too. They include Jean-Baptiste Mpawenayo, the brother-in-law of the CNL president Agathon Rwasa, and Stéphanie Hatungimana, a 59-year-old teacher from Ngozi who was badly beaten by the SNR in Bujumbura. The provincial police commissioner and the prosecutor in Ngozi arrested Hatungimana on 15 November at her home, without showing an arrest warrant. They took her to the SNR office in Ngozi where an SNR official questioned her and hit her legs with a truncheon. He then handcuffed and blindfolded her and drove her to the SNR headquarters in Bujumbura. There, a judicial police officer (officier de police judiciaire, OPJ) accused Hatungimana of collaborating with an armed group and possessing weapons. When she denied these allegations, the OPJ and a female police official beat her with a rod made from electric cables on her backside; co-detainees said she was in a very poor state during her detention at the SNR. On 21 December, she was taken to the prosecutor’s office in Bujumbura, along with five other detainees. She had difficulty walking and showed a magistrate the wounds from the torture, but the magistrate didn’t say anything. She was then transferred to Mpimba prison in Bujumbura.6

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3 Interviews with sources knowledgeable about the events, December 2021 and January 2022. See also “Déclaration du parti CNL consécutive au décès de ses leaders à la suite des tortures leur infligées dans les cachots du Service national des renseignements”, [https://twitter.com/BurundiCnl/status/1473302243134824451](https://twitter.com/BurundiCnl/status/1473302243134824451), 20 December 2021.
5 Interview with confidential source, 15 February 2022.
6 Interviews with confidential sources, 4, 13 and 20 December 2021, and 17 and 18 February 2022.
Rwasa contacted SNR officials who were reportedly involved in arresting and detaining his brother-in-law and other CNL members. The head of the SNR department of internal intelligence, Alfred Innocent Museremem, confirmed that the CNL members were detained at the SNR but told Rwasa not to worry, that the detainees were in good hands and had access to medical care.7

When the detainees were called to appear before a court to rule on their preventive detention, Matata was unable to attend the hearing because he had been so badly injured. Hatungimana attended, but could barely go up and down the courthouse steps.8

Matata’s death drew public condemnation; it was covered by Burundian media and attracted attention on social media. His funeral on 22 December was attended by a large crowd that included Rwasa and other senior CNL figures.9

Even the National Independent Human Rights Commission (Commission nationale indépendante des droits de l’homme, CNIDH), usually silent on politically sensitive cases, published a short statement referring to two unnamed cases of torture by the SNR, one of which was Matata’s; the statement was published five days before Matata died.10 In its 2021 annual report, presented to the National Assembly on 17 February 2022, the CNIDH referred to the case of “MA” and stated: “After verification, the CNIDH noted that he had been a victim of torture carried out by an SNR agent. He died as a result on the evening of 15 December 2021 at the Prince Louis Rwagasore clinic.”11

In response to a question from a journalist during a public broadcast on 29 December, President Ndayishimiye stated, presumably referring to Matata’s death: “You mentioned those who were tortured at the SNR. It’s an offence, as you know... The government of the country has arrested him (the official who tortured a detainee to death). He will face the justice system. We were all saddened by the death of that person (who was tortured)... The person who tortured him committed a serious crime and should be punished in an exemplary manner... We will never tolerate a person who tortures anyone, even if (that person) has committed an offence... The dignity of (every) person should be respected.”12

He tempered his remarks by saying that the person who died was a criminal, as if this minimised the gravity of the torture. “You understand, he was a criminal, five guns were found at his house, but he was tortured, and why was the perpetrator brought to justice? Because the government of Burundi has to protect human rights.”13

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7 Interview with CNL source, 1 February 2022.
8 Interview with CNL source, 1 February 2022.
12 End of year radio broadcast by President Ndayishimiye, 29 December 2021.
13 Ibid.
The alleged torturer to whom the president was referring was Gérard Ndayisenga, who was arrested soon after Matata’s death. Ndayisenga has a long track record of torturing and killing detainees, as described in Chapter 6 of this report. But he was not the only SNR official involved in Matata’s case. Matata said that Museremu, Alexis Ndayikengurukiye alias Nkoroka, from the SNR operations department, and SNR agent Joseph Mathias Niyonzima, alias Kazungu, also interrogated him. All three of these officials have been involved in torture and other serious human rights violations in the past. None of them have been arrested.

**Innocent Barutwanayo**

CNL member Innocent Barutwanayo, aged 38, was arrested on 16 November 2021 at his home in Kivumu, in Matongo commune, Kayanza province. Like most CNL members arrested in recent months, he was accused of collaborating with armed groups. And like many CNL members, this was not his first arrest. He had already been arrested and detained in November 2020, then released. As a demobilised combatant of the National Liberation Forces (Forces nationales de libération, FNL), he may already have been on the authorities’ radar.

A judicial police officer arrested Barutwanayo and took him to the commune (local government office) in Matongo. In the evening, SNR officials came and took him away. For three days, the SNR detained him in a house in Kayanza where they tortured him. Police working at the SNR, acting under the orders of a senior provincial SNR official, beat him repeatedly, whipped him on his backside, and kicked him on his chest and on his back as he was lying down.

After three days, the SNR took Barutwanayo to the provincial police detention centre. He was so badly injured that he couldn’t sit or stand; he could only lie down. The police took him to the hospital in Kayanza. His condition slightly improved after a few days and he was due to have an operation. But that never happened. A senior provincial SNR official, accompanied by four policemen, came to the hospital, took Barutwanayo away and drove him to the SNR headquarters in Bujumbura. A co-detainee said he was in a very poor physical state when he arrived there on 25 November 2021: “He seemed really ill. His backside was swollen and he couldn’t sit down.”

Barutwanayo died in detention at the SNR between 29 November and 3 December 2021. It is not known whether the SNR tortured him again in Bujumbura or if he died as a result of the torture in Kayanza and the fact that the SNR denied him the medical treatment he needed. The news of his death only became known after a local government official informed his family, without giving

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14 Interview with confidential source, February 2022.
16 Interviews with confidential source, 5 and 7 January 2022.
17 The FNL was an armed opposition group, formed in 1980. It turned into a political party in 2009 and changed its name to CNL in 2019.
18 Interviews with confidential sources, December 2021 and January 2022.
19 Interviews with confidential sources, December 2021 and January 2022.
20 Interview with confidential source, 23 December 2021.
them any explanation as to the cause of his death. At the time of writing, Barutwanayo’s body may still be in the morgue at the Prince Louis Rwagasore clinic in Bujumbura, as his family has been unable to afford to collect it.21

The CNIDH 2021 annual report mentions the case of “I.B.”, arrested on 16 November and handed over to the SNR in Kayanza on 17 November. It states that the CNIDH was informed that he suffered serious blows and injuries, that an SNR agent took him to the hospital in Kayanza, but that nine days later, the same SNR agent took him out of the hospital, to Bujumbura; the report concludes that the victim died from the beatings a few days later.22

BHRI has documented other cases of torture by the SNR in Kayanza in 2021. For example, in September, police arrested two men near their homes, took them to the local police detention centre, then handed them over to a local SNR official. The official beat both men severely at the provincial SNR premises, accusing them of collaborating with armed groups. The detainees were then transferred to Bujumbura, where they were tortured again at the SNR headquarters.23

Égide Sindayigaya

Égide Sindayigaya, 64, died on 25 January 2021 in a police detention centre in Rumonge province. His “fault” was that he was the brother of Déogratias Niyongabo, alias Côme, a suspected armed government opponent, whom the police had killed on 16 January. The police and the SNR accused Sindayigaya of hiding his brother from the authorities. The provincial head of the SNR in Rumonge tortured him and threatened to kill him. The SNR then transferred him to another detention centre, believed to be its headquarters in Bujumbura, where he was tortured again. He was eventually handed over to the police who refused to transfer him to hospital, despite his serious injuries.24

Sindayigaya’s death was so shocking that several Burundian media covered it. Then, after the initial attention, the case was forgotten, like most cases of torture and deaths in custody. More than one year on, the authorities are not known to have made any effort to investigate Sindayigaya’s death, despite the availability of detailed information. To BHRI’s knowledge, they have not arrested or tried anyone in connection with Sindayigaya’s torture, despite the documented involvement of the head of the SNR in Rumonge province at the time, Michel Ndikuriyo, among others.25

Two of Sindayigaya’s neighbours, who were also tortured by the police, were sentenced to 10 years in prison on 28 July 2021 for failure to render assistance to persons in danger; the prosecution had

21 Interviews with confidential source and source knowledgeable about these events, 5 January, 1 February and 1 March 2022.
23 Interviews with sources knowledgeable about these events, 24 and 25 January 2022.
25 Ibid. Ndikuriyo is currently the provincial head of the SNR in neighbouring Makamba province.
accused them of not informing the authorities about Déogratias Niyongabo’s presence in the area. The two men maintained their innocence and were supported by several local leaders.26

**Élie Ngomirakiza**

Élie Ngomirakiza, the CNL representative in Mutimbuzi commune, Bujumbura province, was abducted by men in military uniform on 9 July 2021, taken away in a military vehicle and never seen again. Like Augustin Matata, he was a former FNL combatant; the two men were reportedly friends. Both were active and well-known figures in the CNL.

Several sources stated that military from the 212th battalion, headed by Lt. Col. Aaron Ndayishimiye, were responsible for Ngomirakiza’s abduction. It is believed that Ngomirakiza was killed and buried in the Rukoko forest.27

Eight months later, there is still no information about what happened to Ngomirakiza. In the weeks following his abduction, the military opened an investigation into human rights violations committed by Lt. Col. Aaron Ndayishimiye and his alleged role in Ngomirakiza’s abduction; the outcome of that investigation is not known. Neither the military nor civilian judicial authorities have issued any statement about investigations into the case or their attempts to find out what happened to Ngomirakiza.

This official silence – even on a well-publicised case such as this – illustrates the government’s indifference and complete disregard for the impact of enforced disappearances on the victims’ relatives and friends. It also typifies the government’s refusal to acknowledge any responsibility and its willingness to let perpetrators off the hook.

2. **A resurgence of abuses by Imbonerakure**

In parallel with these developments, in parts of the country, members of the youth league of the ruling party, the *Imbonerakure*, have reverted to their old habits.28 The situation seems to vary depending on the local context: while in some communes, major incidents of violence have not been reported, in others, *Imbonerakure* have threatened, attacked and ill-treated opposition party members once again – replicating behaviour that characterised the 2020 election period. In some cases, *Imbonerakure* have colluded with police, SNR or local government officials in the arbitrary arrest, ill-treatment or abduction of CNL members, among others. In other cases, they appeared to

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26 Information from private source, February 2022.
28 There were frequent violent attacks by *Imbonerakure* against their political opponents before, during and after the 2020 elections. In the second half of 2020, these incidents decreased after President Ndayishimiye and other officials ordered the *Imbonerakure* to refrain from political violence. See The Burundi Human Rights Initiative, “Ndayishimiye one year on: has he kept his word on human rights?”, [https://burundihri.org/rep/Report-June-2021-Engl.pdf](https://burundihri.org/rep/Report-June-2021-Engl.pdf), June 2021.
act on their own initiative, but were not held to account by the authorities. Some officials tried half-heartedly to rein them in, but others actively shielded them from arrest and prosecution.

Sometimes, *Imbonerakure* are tacitly given the green light to attack opponents. On 14 May 2021, *Imbonerakure* in Bubanza province beat a CNL member so badly that he died. They caught the victim – a homeless man nicknamed Rasta, who used to volunteer in the local CNL office –, accused him of stealing corn and beat him repeatedly. Rasta was found dead the following day. Two days before the attack, during a security meeting, a former local official and CNDD-FDD member had said: “You see that these days, there are a lot of cases of criminality. From now on, if you catch a thief, beat or kill him.” Another CNDD-FDD official prevented arrest warrants from being served to the five *Imbonerakure* allegedly involved in the attack. To date, none of the five *Imbonerakure* – all of whom are known in the local area – have been arrested.29

CNL members are often blamed and punished when they clash with *Imbonerakure*, regardless of the circumstances of the incident. On 13 January 2022, Jean-Pierre Ndacayisaba, the CNL representative in Giharo *commune*, Rutana province, was sentenced to 10 years in prison on charges of attempted murder – a judgment confirmed by the court of appeal of Makamba on 24 February. A group of *Imbonerakure* arrested and beat him severely on 12 August 2021, after he and two of his brothers had clashed with a large group of *Imbonerakure* the previous night. The trial was repeatedly postponed because local ruling party officials failed to persuade witnesses who had been present at the altercation to testify against Ndacayisaba. These officials also reportedly pressed Ndacayisaba to leave the CNL in exchange for his release, which he refused to do. None of the *Imbonerakure* were arrested.30

Even seemingly innocuous comments can result in detention. In June 2021, in Gisozi *commune*, in Mwaro province, police detained a CNL member for several days after he spoke up in a meeting about security in his local area, and said that *Imbonerakure* were involved in criminality, a recurrent problem.31

In several provinces, *Imbonerakure* have organised training sessions and marches, which often resemble paramilitary activities and create fear among the population. Local party officials have usually condoned or supported these activities. However, in at least one instance, they used the same violent methods they typically employ against opponents, this time to punish one of their own. In December 2021, the local head of the CNDD-FDD and the head of its youth wing in Nyanza-Lac beat a local *Imbonerakure* leader in the local party offices because he had organised paramilitary trainings.32

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30 Interviews with sources knowledgeable about these events, 29 August, 16 September and 9 November 2021, and 2 February 2022.
31 Interview with source knowledgeable about these events, 15 October 2021.
32 Interview with source knowledgeable about these events, December 2021.
On 15 January 2022, the secretary-general of the CNDD-FDD, Révérien Ndikuriyo, addressing a meeting of CNDD-FDD members in Ruyigi, publicly incited *Imbonerakure* to pursue their mission to enforce security in their areas. Firing them up in defiance of earlier directives from the president to curb their powers, he said that no one had dared cause trouble on New Year’s Eve, as *Imbonerakure* had been present at every bar, every place of worship and every gathering. He also implied that *Imbonerakure* could be sent to other countries for unspecified security duties.

3. **Continuing clampdown on freedom of expression: the imprisonment of Tony Germain Nkina**

Freedom of expression remains severely curtailed in Burundi and suspected political opponents and other perceived critics are systematically silenced. A few positive gestures in 2021, including the release of two human rights defenders, Germain Rukuki and Nestor Nibitanga, and limited overtures to the media, have not been followed by sustained improvements. In early 2022, independent, critical civil society is still almost non-existent inside Burundi, and most of the Burundian human rights defenders living in exile since 2015 do not feel it would be safe to return.

In case there was any doubt about the prevailing attitude towards human rights defenders, in September 2021, the court of appeal of Ngozi upheld the conviction and five-year prison sentence of lawyer and former human rights defender Tony Germain Nkina.

Nkina is a lawyer in Kayanza province and a former member of the Association for the Protection of Human Rights and Detained Persons (*Association pour la protection des droits humains et des personnes détenues*, APRODH), a leading human rights organisation in Burundi until the government banned it in 2015. He was arrested on 13 October 2020 in Kabarore *commune*, in Kayanza province, where he was visiting a client in the course of his professional work as a lawyer. He was charged with collaborating with armed groups, tried and sentenced to five years in prison by the high court in Kayanza in June 2021 – a judgment confirmed by the court of appeal of Ngozi on 29 September, despite the lack of credible evidence to substantiate the charges.

To BHRI’s knowledge, Nkina is the only (former) human rights defender currently in prison in Burundi. His continued imprisonment after an unfair trial stains the image that the government is trying to portray of Burundi as a rights-respecting country.

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34 See Télé Renaissance, “*Les Imbonerakure agissent en lieu et place des membres des corps de sécurité*,” [https://www.youtube.com/watch?v=0EhnEaTEDkk](https://www.youtube.com/watch?v=0EhnEaTEDkk), 25 January 2022.

It is not only former human rights defenders or members of opposition parties who are targeted for their perceived criticism of the government. Ordinary citizens have also been arrested. On 1 November 2021, a man in Bururi province forwarded a message to a WhatsApp group which criticised the government for killings, disappearances and arbitrary arrests of opponents, and stated that eventually, people would become tired of these abuses and resort to violence. When a senior provincial official in the WhatsApp group reacted, the man immediately deleted the message and apologised, saying he had forwarded it accidentally. The next morning, police and SNR agents arrested the man and his friend who administered another WhatsApp group where the message had previously circulated. The provincial head of the SNR, Rénovat Ntungicimpaye, questioned the two men about the message, then transferred them to the provincial police detention centre, where they were held for 10 days, then released.36

4. Promises and more promises

There is a jarring contrast between the rhetoric and the reality in Burundi. While the president publicly delivers positive messages and vows that state agents responsible for human rights violations will be brought to justice, he has been unable or unwilling to rein in most of the perpetrators, allowing enforced disappearances and torture to continue. While he insists that the justice system is independent and legal processes will be followed, scores of people are abducted and detained secretly, in blatant contempt of the law, and convicted in unfair trials. The justice system – the cornerstone of any lasting reform – continues to do the bidding of the ruling party, which unashamedly uses it as a tool to crush its opponents.

The 2020 elections that brought President Ndayishimiye to power had created a moment of genuine hope. “Give him time”, “changes can’t happen overnight”, said those who wanted to give him the benefit of the doubt. But more than a year and a half later, despite some initial positive gestures, patterns of human rights violations remain entrenched.37 Certain aspects have even worsened over the past year, as hardliners in the ruling party, the SNR and the security forces pursue their strategy of violent repression, regardless of the president’s pronouncements. Some observers continue to view Ndayishimiye as a moderate reformist who has so far been unable to sideline hardliners, but others believe that deep down, the president, himself a product of the CNDD-FDD, favours loyalty to his party over lasting reforms. They see him as someone who hesitates to challenge hardliners in the party and allows them to crush dissent, while he tries to project a positive image to the outside world.

President Ndayishimiye and his government have been trying to polish their public image, in an attempt to shed the bloody reputation of President Pierre Nkurunziza’s government. Under Ndayishimiye, and with his apparent blessing, some of the worst human rights violators are trying

36 Interviews with sources knowledgeable about the events, 27 November and 4 December 2021.
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to reinvent themselves as champions of good governance, hoping to sweep their past crimes under the carpet. The most striking case is that of Gervais Ndirakobuca alias Ndakugarika (“I will kill you”, in Kirundi), the minister of interior, community development and public security, who is spearheading the government’s fight against corruption. But behind the public relations exercise, the repression remains extremely harsh and the tactics have barely changed: while overt killings by the security forces have decreased since the height of the 2015 crisis, the behaviour of the SNR and many individuals in the CNDD-FDD towards suspected opponents today is strikingly similar to their behaviour before Ndayishimiye came to power.

Occasionally, there is a public outcry when an egregious case is exposed through the media. Then the president makes another speech: more promises, more warnings to those who commit abuses. This was notably the case after he acknowledged Augustin Matata’s death in December 2021 and promised that those responsible would be brought to justice.

In the same broadcast, the president also admitted, for the first time – albeit in vague terms – that some security officials had been responsible for abductions. However, he played down the magnitude of the problem and the extent to which abductions are organised from the top down, giving the impression it was the work of a few individuals: “(The journalist) talked about those who have been abducted... We are going after that group and some have already been arrested. We found that among them, there were some (officials) responsible for security... The government of the country and the judicial police are there to deal with that and we are continuing to look for them.”

Previously, he and other government officials had either flatly denied reports of disappearances and abductions, or advanced implausible explanations as to why certain individuals had gone missing. To BHRI’s knowledge, no security officials have so far been prosecuted for their role in abductions.

Ndayishimiye also returned to the theme of justice – a subject he had highlighted exactly a year earlier. In his broadcast on 29 December 2021, he stated: “Justice is a question that (concerns) all Burundians and we are trying to find a solution... We can’t say that justice was good in the country. No, things had become bad.” He promised a series of actions to speed up cases, ensure the implementation of judgments and release detainees who were not accused of murder. In some parts of the country, some pre-trial detainees have already been released, and magistrates have started to sift through cases of other prisoners who may qualify for release. However, prisoners charged with offences related to state security are excluded in advance from release under these measures. Most political prisoners fall into this category and face blanket charges such as “endangering internal state security” or “collaboration with armed groups”. These cases are among

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39 End of year radio broadcast by President Ndayishimiye, 29 December 2021.
40 In a public broadcast on 30 December 2020 and in his January 2021 New Year’s speech, the president had underlined the importance of the justice system in protecting human rights and stated that the government was “busy eradicating impunity so that nobody is above the law”.
41 End of year radio broadcast by President Ndayishimiye, 29 December 2021.
those that experience the most acute problems in terms of unfair trials and lack of independence of the judiciary.

Ndayishimiye also said that murderers “should be treated humanely, because even after committing an offence, the person remains a human being (...) We Burundians have sinned. We have committed serious crimes. Let’s be human and put vengeance to one side.”

People listening to these speeches had heard these kinds of promises many times before. Every time, hopes had been raised, then dashed again. Would anything be different this time? Would the arrest of Gérard Ndayisenga, viewed as untouchable for years, signal a willingness by the authorities to finally start holding perpetrators to account? Or would these events soon be forgotten, as has been the case in the past?

5. A weak international response

The gravity of the current human rights situation in Burundi demands urgent action. Yet most international responses have been weak, at best. The European Union (EU), the US and other governments and international bodies are aware of these worrying trends, but most have either stayed silent or opted to cultivate a closer relationship with the Burundian government, with human rights often taking a back seat. Privately, diplomats may express concern about ongoing human rights violations, but most appear reluctant to voice these concerns strongly to their Burundian counterparts, let alone express them publicly.

The decision by the US government in November 2021 to lift individual sanctions against several Burundian officials – including some who have committed or ordered serious human rights violations and retain senior positions in the government – was a further signal that perpetrators of serious crimes can get away with them if they hold out for long enough. The EU, on the other hand, renewed the individual sanctions it had imposed in 2015. However, on 8 February 2022, it lifted restrictions on providing direct support to the Burundian government – despite continuing human rights violations and the Burundian government’s failure to deliver on most of the commitments set out by the EU in 2016.

During the 2015 crisis in Burundi, Western governments invested significant effort in trying to restore basic human rights protections. Those efforts appear to have dwindled, despite the

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42 Ibid.
The road ahead

persistence of many of the same patterns of repression, even if there is less overt state violence than in 2015. A member of Burundian civil society expressed disappointment with the perceived lack of engagement by diplomats in recent months: “Today I don’t see the democracy or press freedom that they (diplomats) said they wanted to protect in 2015. It’s as if for them, the problem was Nkurunziza. If people are killed and imprisoned (under) Évariste (Ndayishimiye), it doesn’t matter.” His view was echoed by other civil society activists who said they could not understand the international silence in the face of such serious human rights violations in 2021; some expressed dismay at the EU’s decision to resume direct cooperation with Burundi.

The EU’s decision marks a turning point in Burundi’s relations with international actors, effectively welcoming Burundi back into the fold after more than five years of semi-isolation. It was greeted with joy by the Burundian government, with President Ndayishimiye declaring on Twitter: “I welcome the wise decision of the EU and its member states... to lift with immediate effect the economic sanctions against my country. Burundi is willing to cooperate with all partners. Together, anything is possible.” The new phase of EU-Burundi relations will be a test of the willingness and sincerity of both parties to pursue wide-ranging human rights reforms, both in the short term and the long term.

The Burundian government’s goodwill, however, cannot be taken for granted, as only two months earlier, it made it clear that it would not accept any formal scrutiny of its human rights record. In December 2021, the foreign minister categorically rejected any cooperation with the UN Special Rapporteur on Burundi – despite it being a much weaker mechanism than the Commission of Inquiry that it will replace – and announced that the Special Rapporteur would not be granted access to Burundi. In his public broadcast on 29 December, President Ndayishimiye also rejected international oversight of the human rights situation in Burundi – with reference to the creation of a Special Rapporteur on Burundi – and said: “The main thing is that in Burundi, we know human rights are respected.”

These defiant statements fundamentally call into question the Burundian government’s commitment to human rights reform and to constructive international partnerships in the field of human rights. If the EU, the US and other governments want to see real human rights improvements in Burundi, and show the Burundian public that they remain engaged, they should adopt a bolder approach and be prepared to address politically sensitive issues.

BHRI urges the EU, in particular, to seize the momentum following its decision to lift restrictions on direct cooperation and to insist on concrete action on the cases and concerns featured in this

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46 Conversation with member of civil society, 24 January 2022.
48 https://twitter.com/GeneralNeva/status/1491118711948087296, 8 February 2022.
50 End of year radio broadcast by President Ndayishimiye, 29 December 2021.
The Burundi Human Rights Initiative

report – especially during its ongoing political dialogue with the Burundian government. This dialogue may be one of the last chances to place human rights at the centre of the new relationship between the EU and Burundi – not only in a theoretical sense, but in terms of tangible results leading to longer term change.

6. Gérard Ndayisenga: “We are not torturing anymore. Now we are killing.”

From humble beginnings, Gérard Ndayisenga rose through the ranks to become one of the most brutal members of the SNR, accumulating a grisly record of torture, killings and other acts of extreme violence.

Ndayisenga grew up in Kayanza province. During Burundi’s civil war – which lasted from 1993 to 2009 –, he was a civil servant in the agriculture department in Gitega, but also served as an informant for the Forces for the Defence of Democracy (Forces pour la défense de la démocratie, FDD), the armed wing of the CNDD, one of the main opposition groups at the time. In 2008, he left the agriculture service and became a full-time SNR informant in Gitega. In 2013, he worked as an SNR agent in Karusi province and was later arrested and imprisoned for alleged theft. He was released after about one year and later worked for the SNR in Bujumbura, earning a reputation for his hostility towards those who opposed President Nkurunziza. He eventually went on to become the provincial head of the SNR in Muyinga, Bujumbura and Mwaro provinces.

Torture after the Camp Mukoni attack

Around two weeks after Ndayisenga was appointed provincial head of the SNR in Muyinga, unidentified armed men attacked the town’s military base, Camp Mukoni, on 24 January 2017. The attack, confirmed at the time by the governor of Muyinga, was later denied by the military spokesperson, Gaspard Baratuza, who said that an armed robbery had been thwarted by soldiers on patrol and that five suspects had been apprehended.

Ndayisenga played a prominent role in the crackdown against those suspected of participating in the attack. Military officials arrested at least 15 soldiers, officers and sub-officers from military camps in Muyinga, Cankuzo, Ngozi, Kirundo and Gitega immediately after the attack, as well as several civilians; others were arrested in the following weeks and months.

Soldiers suspected of involvement in the attack were driven to Muyinga from multiple military camps on 25 January 2017. When they arrived in Muyinga, Ndayisenga blindfolded and handcuffed some of them and forced them to lie down in the back of an SNR vehicle. He covered them with a

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51 The CNDD and the FDD later joined to form a political party, the CNDD-FDD, which is the ruling party in Burundi today.

52 Discussions with sources familiar with Ndayisenga’s past, January 2022.

The road ahead

tarpaulin and drove them to a forest on the outskirts of Muyinga town where four or five policemen were waiting, including André Nitegeka, a police official in Muyinga who worked closely with Ndayisenga.

Ndayisenga took each soldier away from the vehicle. He showed some of them the decapitated head of François Nkurunziza, the administrator of Camp Mukoni. He handed Nkurunziza’s head to a soldier and asked him to identify it. “I held it for a moment, just enough time (for a policeman) to show me (Nkurunziza’s) identity card,” the soldier said. “(Ndayisenga) told me that if I didn’t answer (his questions) correctly, I would suffer the same fate.”

Ndayisenga asked the soldiers who was responsible for the attack on Camp Mukoni and beat them with electric cables. He put stones in the mouths of some soldiers – presumably to prevent them from screaming. To at least one soldier, he read the names of soldiers from a list and asked him if he knew them. When the soldier said he didn’t, Ndayisenga, Nitegeka and the other policemen tortured him with sticks, iron bars and pliers. “Each time I said ‘no, I don’t know him’, I was violently beaten,” the soldier said. “At one point, I started vomiting blood, and they thought I was going to die.”

One soldier described how he was then blindfolded and taken from the forest to the provincial SNR office. When he asked Ndayisenga for something to drink, Ndayisenga replied: “We are parents; we can’t give you something to drink and give you nothing to eat.” The soldier was brought an empty tomato sauce tin containing faecal matter. “They stamped on my cheeks with their boots so I would open my mouth. I forced myself to keep my mouth closed. To get me to open my mouth, they squeezed my testicles so I would yell and they could put a stick (with the faecal matter on it) into my mouth. Finally, I had to scream.”

During a separate torture session of a soldier suspected of involvement in the Mukoni attack, Ndayisenga cut a soldier’s head with a knife, accusing him of opposing President Nkurunziza and colluding with military officials who opposed the CNDD-FDD. Some of the soldiers arrested in connection with the Mukoni attack were members of the former Burundian Armed Forces (Forces armées burundaises), known as ex-FAB, often viewed as opponents by the CNDD-FDD.

Some of the soldiers overheard Ndayisenga say to someone on the phone that he was going to “dress them in a red beret” (kill them). The person with whom he was speaking told him to take

54 Information from confidential source, 16 February 2017.
55 Information from confidential sources, 16 February 2017.
56 Information from confidential sources, 16 February 2017, and confidential document.
57 On 13 May 2015, a group of military officers attempted a coup d’état against President Nkurunziza, after he announced his bid for a controversial third term; they were defeated by forces loyal to Nkurunziza. Nkurunziza was elected president for another five years. He died unexpectedly in 2020.
58 Information from source present during the events, 10 January 2022. To dress in a red beret (habiller en béret rouge) is a code for killing, used by some CNDD-FDD members. The origin of the expression is unknown.
The soldiers back to the town of Muyinga. Ndayisenga, who was visibly angry, told the policemen who were assisting in the torture: “Since we didn’t kill them, hit them so they become disabled.”

The torture sessions left all the soldiers with serious injuries. Twelve civilians, seven soldiers and one policeman stood trial at the high court of Muyinga on 26 January 2017. Two of the soldiers were unable to stand because of their injuries and were lying on the floor. Others had visible wounds. One of them, who vomited blood into a bucket during the hearing, asked for the trial to be postponed because of his grievous physical state; he told the judge he had been tortured and asked for a lawyer. He was so weak his voice could barely be heard. The judge ignored his request and the court tried the defendants en flagrance (an accelerated procedure for trying people caught in the act). They were denied legal representation and the judge handed down long prison sentences.

To BHRI’s knowledge, Ndayisenga was never punished for torturing the soldiers. In fact, he continued to pursue individuals he suspected of involvement in the Mukoni attack, including a former ex-FAB soldier whom he arrested in April 2017. He initially told the former soldier to give him money and threatened to kill him if he didn’t. Ndayisenga then left the former soldier’s house, returned with a group of policemen and arrested him.

They took him to the SNR office in Muyinga where Ndayisenga and policemen beat him with electric cables. A judicial police officer at the SNR also beat him while taking down his statement and asked for several hundred dollars to release him.

After beating him, Ndayisenga and the police officers blindfolded him and drove him in the direction of Ruvubu forest, which straddles Muyinga and three other provinces. En route, Ndayisenga received a phone call. He told the former soldier: “If it wasn’t for this person (on the phone), I was going to kill you and that’s my loss.”

Ndayisenga dropped the former soldier off at the police detention centre, but later returned, saying he wanted to kill him. A policeman at the detention centre asked a justice official to create a case file so that the former soldier could be sent to prison to put him out of Ndayisenga’s reach. He was

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59 Information from source present during the events, 10 January 2022.
60 The high court in Muyinga sentenced 18 defendants to 30 years in prison and the appeal court of Ngozi upheld the ruling. During a separate trial at the high court in Muyinga on 4 August 2017, five other soldiers were sentenced to 7 years and 6 months, and two were acquitted. The appeal court upheld or increased most of their sentences. Twenty-one soldiers appealed to the Supreme Court, which, at the time of writing, had only heard the case of one of them, who was acquitted. Another soldier withdrew his appeal and was later released during a presidential pardon. For further details, see Human Rights Watch, “Justice in Burundi: Torture First, Prosecute Later”, https://www.hrw.org/news/2017/02/03/justice-burundi-torture-first-prosecute-later, 3 February 2017; Fédération internationale pour les droits humains, “Intensification d’exécutions, de tortures et de détentions de militaires tutsi”, https://www.fidh.org/fr/regions/afrique/burundi/intensification-d-executions-de-tortures-et-de-detentions-de, 9 February 2017; and Radio Inzamba, “Muyinga : Attaque du camp de Mukoni : 4 ans sans verdict pour les militaires accusés”, https://inzamba.org/muyinga-attaque-du-camp-de-mukoni-4-ans-sans-verdict-pour-les-militaires-accuses, 17 July 2021.
61 Interview with source knowledgeable about these events, 18 January 2022.
62 Interview with source knowledgeable about these events, 18 January 2022.
later transferred to prison and sentenced to 3 years and 9 months’ imprisonment – a sentence increased to 15 years on appeal.63

**Ndayisenga: a man defined by greed and cruelty**

Ndayisenga’s viciousness wasn’t limited to those accused of involvement in the Mukoni attack. In June 2017, he arrested a man who worked for an intergovernmental organisation for talking to a person who often travelled to Rwanda.64 Ndayisenga grabbed the man and told him to give him everything he had in his pockets. Then policemen accompanying Ndayisenga threw him in the back of their vehicle and sat on him as they drove to a compound that the SNR used in Muyinga.

There, they forced him to lie face down on the ground in the compound of a former government office while they beat him for hours with electric cables on his back, thighs and backside. As Ndayisenga watched from a balcony, he looked through the detainee’s personal items that had been seized. When he came across his cheque book, he said: “Look, this dog has an account in dollars! You have money in the account?” When the man told him he would rather die than give him money, and that the balance would go to his children, Ndayisenga told the policemen to intensify the beating.65

Behind the scenes, the detainee’s international colleagues frantically attempted to persuade influential members of the CNDD-FDD to call Ndayisenga so he would not harm him. A diplomat contacted a senior government official and asked him to intervene. The government official called the provincial police commissioner in Muyinga, who in turn called Ndayisenga and told him that the detainee “should not have any problems. It’s an order that comes from high up”. Ndayisenga handed the detainee to the police but instructed them that he should have no contact with anyone outside the detention centre.66

Nevertheless, Ndayisenga resisted signing off on his release, a common practice when an SNR official hands someone over to a police detention centre. He told a government official in a phone call that he found recordings of Humura (an exiled Burundian radio station that was operating from Rwanda) on the detainee’s phone along with several Rwandan phone numbers. The government official responded: “Gérard, let me ask you a question. When we are sitting together, I hear you listening to Humura. Where do you find it? We both have family members in exile. If my relatives

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63 This former soldier’s case, along with those of others accused of participating in the Mukoni attack, is still pending at the Supreme Court, almost five years on. Interviews with individuals familiar with the case, 18 and 31 January 2022. See also Radio Inzamba, “Muyinga : Attaque du camp de Mukoni : 4 ans sans verdict pour les militaires accusés”, https://inzamba.org/muyinga-attaque-du-camp-de-mukoni-4-ans-sans-verdict-pour-les-militaires-accuses/, 17 July 2021.
64 The Burundian government has accused Rwanda of harbouring and supporting members of the Burundian armed opposition, particularly since the failed coup d’état in 2015. Some authorities therefore suspect people who have links with Rwanda of being government opponents.
65 Interview with source knowledgeable about these events, 30 October 2021.
66 Interview with source knowledgeable about these events, 30 October 2021.
are in exile in Rwanda, are we going to stop talking with them? They call us and we talk.” Ndayisenga hung up on him.67

The detainee later escaped from Muyinga with the help of senior government officials.

Over the following months, Ndayisenga focused his wrath on other people who he suspected had ties to Rwanda. He allegedly told a businessman from Muyinga whom he arrested in January 2018: “We are not torturing anymore. Now we are killing.”68

Ndayisenga’s time in Muyinga ended when he ran afoul of Ildephonse Habarurema, then a military advisor in the President’s office and now the head of the SNR, who is originally from Muyinga. Gold traders from Habarurema’s home commune of Muyinga accused Ndayisenga of beating and arresting them in March 2018. Habarurema drove to Muyinga and freed the traders. The incident allegedly angered Habarurema, and Ndayisenga was transferred to Bujumbura province soon afterwards.69

**Bujumbura province: Ndayisenga’s victims still missing, years later**

As the provincial head of the SNR in Bujumbura province from approximately June 2018 to April 2020, Ndayisenga supervised the notorious SNR agent in Mutimbuzi commune, Joe Dassin Nduwimana (often referred to as Nkezabahizi).70 Nduwimana in turn collaborated with Imbonerakure to arrest and detain CNL members. Ndayisenga, or SNR agents who worked under him, would often pick up CNL members and drive them to unknown locations where they ill-treated or tortured them. Some of these CNL members have never been seen again. They included the following three men whom Nduwimana arrested or abducted in 2019:71

- Jérémie Ndayitwayeko, arrested on 13 May 2019 on Muyange colline (hill) in Mutimbuzi
- Égide Mpawenimana, abducted on 9 July 2019 in Mutimbuzi
- Élie Bizimana, arrested on 4 March 2020 on Tenga colline in Mutimbuzi

According to CNL officials, all three men were still missing in early 2022. The UN working group on enforced or involuntary disappearances wrote to the Burundian government in February 2021 to

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67 Interview with source knowledgeable about these events, 30 October 2021.
70 Nduwimana was arrested in January 2021 and detained in Mpimba prison. It is unclear what he was accused of or if he was tried. Unconfirmed reports claim that he was released in December 2021.
71 The lines between arrests and abductions have become blurred in recent years, with individuals often led away and forced into vehicles believed to belong to the SNR without any form of due process. When arrests do occur, police rarely produce arrest warrants or follow legal procedures.
inform it of 12 cases of enforced disappearances, which included these three. No information is available about any investigation by the Burundian authorities into these cases.\textsuperscript{72}

**Mwaro: laying a trap for CNL members**

The SNR transferred Ndayisenga to Mwaro province in April 2020. One incident there showed the lengths to which he would go to abduct and forcibly disappear CNL members.

SNR agents or collaborators had apparently been following CNL members in Kiganda commune, Muramvya province, in early October 2020 and concocted a plan to lure them to neighbouring Mwaro, by inviting them to a workshop in a hotel in the provincial capital.\textsuperscript{73}

Shortly after six CNL members arrived in Mwaro on 8 October 2020, eyewitnesses said that Ndayisenga, accompanied by policemen and other unidentified individuals, burst into the hotel. Waving a pistol, he yelled at the CNL members: “Get down on the ground, dirty dogs!” Policemen tied their arms behind their backs, blindfolded them, loaded them into the back of a pick-up truck and drove them away. A man who was in the room before Ndayisenga arrived at the hotel was overheard saying: “We’ve been following these people for months. It’s an operation that has been planned for a long time. Those in charge of (this hotel) were informed. The people arrested are criminals.”\textsuperscript{74}

The policeman guarding the CNL members in the pick-up threatened them. “It’s finished for you,” he said. “You (the CNL) will no longer be able to speak.” At some point in the journey, the CNL members were transferred to the cabin of another vehicle.\textsuperscript{75}

The group arrived at night at what was likely the Rusizi River, in Rugombo commune, Cibitoke province. The men guarding them took off the CNL members’ shoes and blindfolds and made them kneel in a line. They were still tied up. Each person was guarded by at least two armed men, some of whom wore military uniforms. One of the CNL members begged them not to kill them with a knife but to shoot them instead. It is believed most of the six men were killed; their bodies have not been found.\textsuperscript{76}


\textsuperscript{75} Interview with source knowledgeable about the events, 10 February 2021. See also Ndondeza, “Disparition forcée de 5 militants du parti CNL originaires de la commune Kiganda : Martin Bukuru, Sigismond Mpawenimana, Gervais Nteziryayo, Arcade Nimubona et Philibert Ndayiragije”, \url{https://ndondeza.org/cnl-kiganda/}, 15 May 2021.

\textsuperscript{76} Interview with source knowledgeable about the events, 10 February 2021.
In October 2020, Ndayisenga also tortured two men, Mélance Ndikumana and Révérien Ninteretse, who were accused of killing Mélance’s stepbrother in Kayokwe commune. When he took them to the provincial police detention centre, both men had serious injuries on their buttocks and near their mouths. They said they had been interrogated and tortured by Ndayisenga and his aides in the provincial SNR office. A few days later, after other detainees raised the alarm about Ndikumana’s deteriorating health, the police transferred him to a nearby hospital, where he died that night. Ninteretse died of an unrelated illness in January 2022 after his release from prison.  

Ndayisenga also arrested two CNL members in Mwaro in January 2021, one of whom he beat with a rod on his feet, back, arms and backside. He threatened to kill the man and accused him of forming a rebel group and working with senior opposition military officials. He took him to the SNR headquarters in Bujumbura where SNR agents tried to force him to admit he was a rebel. An SNR agent beat him while a man believed to be a judicial police officer took down his statement.

**Bujumbura city: a pattern of torture at the SNR headquarters**

In early 2021, Ndayisenga was transferred to the city of Bujumbura. The reason for his redeployment is not clear, but it occurred during a period when several other SNR agents were arrested or removed from their positions, allegedly because of accusations of embezzlement and illicit trade.

It is not known what official position, if any, the SNR gave Ndayisenga in Bujumbura, but in late 2021, his name resurfaced in connection with the torture of at least two CNL members arrested in a northern province and a member of an armed group arrested in the south. All three detainees were later sent to Bujumbura. In some of these cases, Ndayisenga collaborated with other well-known SNR officials, such as Museremu, Alexis Ndayikengurukiye, alias Nkoroka, and Joseph Mathias Niyonzima, alias Kazungu, in the torture of detainees.

After his arrest, the first CNL member was taken to the SNR provincial office where an SNR official whipped him on his backside, legs and feet, and ordered policemen to beat him too until he revealed information about the armed opposition group Resistance for the Rule of Law-Tabara (Résistance pour un État de droit-Tabara, RED-Tabara). They accused him of “recruiting for a rebel movement”.

When the detainee was transferred to the SNR office in Bujumbura, SNR agents claimed he was the representative of RED-Tabara in Kayanza. Ndayisenga asked him whether he was from Mugamba, a commune in Bururi province seen as an opposition stronghold. After the detainee said he wasn’t, Ndayisenga kicked him in the ribs and back and told him he was a criminal.

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77 Interviews with sources knowledgeable about the events, 4, 18 and 21 February 2022.  
78 Interviews with sources knowledgeable about the events, 9 and 10 March 2021.  
79 Interview with source knowledgeable about the events, 25 January 2022.
Police arrested the second CNL member in late 2021 and accused him of recruiting for a “rebel movement”. He was taken to a police detention centre, then to the SNR provincial office where he was beaten several times. SNR agents then transferred him to their headquarters in Bujumbura where they accused him of working with RED-Tabara.\(^{80}\)

When he arrived at the SNR, three notoriously brutal SNR agents beat him over five days. The CNL member was first taken to the office of Ndayikengurukiye, alias Nkoroka, who hit him and told him to write down a list of RED-Tabara collaborators. When he said he knew nothing about them, Ndayikengurukiye made him lie on his stomach and hit him.

Museremu, the head of internal intelligence at the SNR – and one of the most powerful men in the agency – asked the CNL member with whom he had been in contact, then ordered him to lie on his stomach and beat him.

Ndayisenga, however, was responsible for some of the most brutal torture, lashing the victim’s back with an electric cable. As he hit him, he said that the CNL should be eliminated where he lived. “(Ndayisenga) hit me on the kidneys. I couldn’t stand up because of that. I was urinating a lot of blood (after the beating),” said the CNL member. The beatings left the detainee with serious wounds on his backside; months after the torture, he is unable to sit down. “My only offence was that I don’t have the same political opinions (as they do),” he said.\(^{81}\)

Ndayisenga also hit a detainee, who was a member of an armed group, with an electric cable, after blindfolding him and putting something in his mouth. He interrogated him about the armed group’s internal organisation and why he had decided to join them. He beat the man on parts of his body where he had already been injured during previous torture sessions.

Ndayikengurukiye beat the same detainee and asked him whether he knew suspected members of the armed group who had been arrested. Every time the detainee said he didn’t know them, he was beaten again. Ndayikengurukiye told the detainee: “You are with me, Nkoroka, now. To escape from me, you will really have to pray hard.” In the presence of Ndayikengurukiye, Niyonzima, alias Kazungu, threatened to kill the detainee.\(^{82}\)

**Will Ndayisenga face justice?**

Despite his long and bloody record spanning several years, Ndayisenga was only arrested in December 2021, in relation to the torture and death of Augustin Matata. In early March 2022, he was in Mpimba prison in Bujumbura, awaiting trial on charges of assault and battery resulting in death.

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\(^{80}\) The CNL has repeatedly denied links to RED-Tabara. See, for example, [https://twitter.com/BurundiCnl/status/1487028595784654856?s=20&t=Qf5kTxhsWbvX0iiD6JVLAlA](https://twitter.com/BurundiCnl/status/1487028595784654856?s=20&t=Qf5kTxhsWbvX0iiD6JVLAlA), 28 January 2022.

\(^{81}\) Interview with source knowledgeable about the events, 25 January 2022.

\(^{82}\) Interview with source knowledgeable about these events, February 2022.
Ndayisenga’s arrest is noteworthy. The test will be whether he remains in prison and is prosecuted in credible proceedings – not only in relation to his alleged role in Matata’s torture and death, but also for the many other crimes he committed, including those described in this report.

Some Burundians are sceptical about the prospect of him being brought to justice because senior members of the SNR, some of whom are from his home province of Kayanza, have protected him, and others like him, for so long. A man who was tortured by Ndayisenga said he thought his arrest was just for show. He didn’t think he would stay in prison or that he would be punished, because, he believed, Ndayisenga had been asked to do what he did by senior officials.83

The authorities now have a chance to prove the sceptics wrong and deliver on the president’s promises. They should also investigate the role of more senior intelligence officials, such as Museremu and Ndayikengurukiye, in the torture and death of Matata, as well as other torture cases.

7. Moïse Arakaza: pursuing his violent mission in Kabezi

In late August 2021, a new police commissioner arrived in Kabezi commune, in Bujumbura province: the notorious Moïse Arakaza alias Nyeganyega.

Kabezi is viewed by some CNDD-FDD members as a stronghold of the political opposition, particularly of the CNL. Arakaza’s previous posting – Mugamba commune, in Bururi province – was also perceived as favourable to the opposition, due in part to the large Tutsi population and the presence of members of the former Burundian army (ex-FAB).

In the eight months he spent as police commissioner of Mugamba, Arakaza had terrified many people there, particularly suspected opponents. He had collaborated with and received payment from the SNR, in addition to his official police functions, and had handed detainees over to the SNR headquarters, where some were tortured.

In a report published in November 2021, BHRI documented how he arbitrarily arrested, tortured and extorted money from numerous suspected opposition members and their families in Mugamba between January and August 2021. He is also believed to have encouraged the extrajudicial killing of a young man, Bernardino Baserukiye, by the police on 30 June 2021.84 Residents of Mugamba were therefore hugely relieved when they heard about his redeployment.

Arakaza wasted no time importing his brutal treatment of suspected opponents to Kabezi. He was on a mission to punish all those he viewed as hostile to the ruling party. True to form, soon after he arrived, he told local officials that he knew there were many CNL members and Tutsis there, as he

83 Interview with a man tortured by Ndayisenga, 10 January 2022.
had fought in that area during Burundi’s civil war.\textsuperscript{85} A local resident said the situation in the area became more tense after Arakaza arrived, and some CNL members and Tutsis sometimes went to spend the night in neighbouring \textit{communes} because they no longer felt safe in Kabezi.\textsuperscript{86} A number of house-to-house searches organised by Arakaza (see below) heightened their fears.

\section*{Working hand in hand with the \textit{Imbonerakure}}

Arakaza collaborated closely with the local head of the \textit{Imbonerakure} in Kabezi, Jean Berchmans Nkuriyuburundi, in arresting and ill-treating suspected opposition members. “Berchmans and Nyeganyega are very close,” said a resident of Kabezi. “When Nyeganyega says ‘arrest that person’, he (Berchmans) goes and does it straightaway. They’re often seen drinking together.”\textsuperscript{87}

A resident of Kabezi said that the level of violence by \textit{Imbonerakure} noticeably increased after Arakaza arrived, following a period of relative calm after the 2020 elections. Arakaza allowed Berchmans and other \textit{Imbonerakure} to arrest or abduct anyone they claimed posed a threat and provided them with police uniforms, Motorola walkie-talkies and weapons. Several residents of Kabezi confirmed that many \textit{Imbonerakure} wore police or military uniforms and carried firearms and other weapons during night patrols and searches.\textsuperscript{88}

Arakaza held several meetings with \textit{Imbonerakure} in which he incited them to hunt down CNL members. In a meeting in October 2021, he told \textit{Imbonerakure} that he had come to Kabezi to deal with opponents. In the presence of his direct superior, provincial police commissioner Déo Bigirimana, and the provincial head of the SNR at the time, Émile Cimpaye, Arakaza said there was no need to send CNL members to the SNR; instead, they should be put in sacks and drowned in nearby Lake Tanganyika. Bigirimana and Cimpaye made comments indicating that they supported the general plan to go after CNL members.\textsuperscript{89} In the following days, \textit{Imbonerakure} arrested several CNL members and handed them over to Arakaza. He beat the detainees several times a day and tried to extort money from them. The detainees were released about two weeks later.

In November, Arakaza led a search operation by \textit{Imbonerakure} on Mubone colline. Large numbers of \textit{Imbonerakure}, many in military uniform and some carrying guns, clubs or spears, went from house to house in the early hours of the morning, checking residents’ identity cards and \textit{cahiers de ménage} (an administrative requirement for every household to list who is in the house on any given date). During the search, the \textit{Imbonerakure} arrested several people and took them to the administrative centre of Kabezi. They also looted food from the houses and crops from the fields.\textsuperscript{90}

\begin{flushleft}
\textsuperscript{85} Interviews with confidential sources, 3 December 2021. Arakaza is a former combatant of the FNL, whose stronghold was in Bujumbura province until their demobilisation.
\textsuperscript{86} Interview with confidential source, 3 December 2021.
\textsuperscript{87} Interview with confidential source, 3 December 2021.
\textsuperscript{88} Interviews with confidential sources, December 2021.
\textsuperscript{89} Interview with confidential source, 3 December 2021.
\textsuperscript{90} Interviews with confidential sources, 3 and 4 December 2021.
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Police and hundreds of Imbonerakure – some of them armed and wearing military or police uniforms – conducted another large house-to-house search on Gakungwe colline on the night of 5-6 November and arrested several more people. After the search, Arakaza addressed a large gathering of Imbonerakure at a school in Gakungwe and said that all CNL members should be killed. Several police officers, including some of Arakaza’s superiors, were present.\(^\text{91}\)

Another meeting in Gakungwe on 27 November further illustrated the close relationship between Arakaza and the Imbonerakure. Arakaza repeated in the meeting that he didn’t want to see any CNL members in the area and told Imbonerakure they could use every means at their disposal to harm them. Berchmans told the Imbonerakure to follow Arakaza’s instructions; he said that they had Arakaza’s support and they should take this opportunity to show their strength. The provincial head of the SNR at the time, Émile Cimpaye, was present at the meeting.\(^\text{92}\)

**Torture and death threats**

Arakaza treated detainees in Kabezi with the same brutality as he had treated detainees in Mugamba. He arbitrarily arrested people without any evidence that they had broken the law, singling out suspected opposition members or sympathisers; he tortured them and extorted large amounts of money from them in exchange for their release. He also used violence against people who were not involved in political activities, but had angered him for other reasons, and threatened to kill them when they dared to stand up to him.

“I have seen Nyeganyega beat people,” said a witness. “Sometimes he beats people himself. Other times, he orders Imbonerakure to beat them. In his office, he has several sticks made of eucalyptus wood. He uses these to beat people. He also uses an electric cable.”\(^\text{93}\)

In a particularly serious case in November, Arakaza tortured and threatened to kill a CNL sympathiser. A group of around 20 Imbonerakure, led by Berchmans, forced their way into the man’s house in the middle of the night, arrested him, beat him with a machete, slapped him and kicked him. They tried to force him to admit he had weapons and accused him of being in contact with Burundian radio stations in exile (which the ruling party views as close to the opposition). They took him to Arakaza; Berchmans told Arakaza that the man was a CNL supporter. Arakaza hit the man, forced him onto the ground and kicked him in the head and on other parts of his body. He repeatedly threatened to kill him, warning him he would cut his throat and strangle him.

Arakaza, accompanied by Berchmans and two other Imbonerakure, one of whom had a gun, drove the detainee to the police detention centre, where Arakaza kicked him again, mocked him and hurled crude insults at him. The man was so weak from his injuries that he couldn’t stand up; his

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\(^{91}\) Interviews with confidential sources, 3 and 4 December 2021, and information from confidential source, 8 November 2021.

\(^{92}\) Interview with confidential source, 3 December 2021.

\(^{93}\) Interview with confidential source, 3 December 2021.
face was swollen. After four days, a policeman took the detainee out of the cell and led him to Arakaza, who hit him repeatedly again, punched him on the head and insulted him. Arakaza then released the detainee and followed him in a vehicle as he left, insulting and threatening him again.\textsuperscript{94}

**Overstepping the mark?**

In early December 2021, less than four months after he arrived, Arakaza was removed from his duties as police commissioner of Kabezi. By 1 February 2022, he had been moved to a post in the police intelligence department at the regional police headquarters in Makamba province (his province of origin), although he was also spending time in Bujumbura.

What was the final straw that prompted Arakaza’s removal from Kabezi? Several residents said he had simply gone too far – not so much in relation to his ill-treatment of opposition supporters, which appeared to have the backing of senior provincial police and SNR officials, but in his behaviour towards local officials and other residents of Kabezi. His actions also may have angered senior CNDD-FDD members from Kabezi, some of whom privately opposed some of his actions.\textsuperscript{95}

Arakaza extorted money from motorcycle taxi drivers. Sometimes this took the form of fines, for example when he found that the drivers’ documents had expired or that they weren’t wearing helmets, but he also demanded money from drivers who had not committed any offence and arrested and beat some of them. The amounts he extorted from them varied. Some drivers had to pay around 20,000 Burundian francs (around 10 US dollars) every week. Others paid one-off sums of between 100,000 and 140,000 francs (around 50 to 70 US dollars). Arakaza seized the motorcycles of those who wouldn’t or couldn’t pay and the drivers could only retrieve them from the police station after paying a fine of between 300,000 and 500,000 Burundian francs (around 150 to 250 US dollars).\textsuperscript{96} On 2 December, Arakaza chased a motorcycle driver who had refused to pay. Pursuing him in his vehicle, he caused the motorcycle to crash and the driver died.\textsuperscript{97}

Arakaza also publicly insulted, threatened and refused to take orders from the administrator of Kabezi, Espérance Habonimana (the most senior local government official in the commune). During an argument, he threatened to shoot her; he said that she couldn’t do anything against him, that he had shot someone before (in Bururi province) and nothing had happened to him. In another incident, he threatened to rape Habonimana if she continued interfering or complaining about his behaviour.\textsuperscript{98} These incidents caused several people to complain about Arakaza to the provincial authorities.

\textsuperscript{94} Interviews with confidential sources, 9 and 17 December 2021, and information from a source knowledgeable about the events, 8 November 2021.
\textsuperscript{95} Interview with confidential source, 4 December 2021.
\textsuperscript{96} Interviews with confidential sources, 3 December 2021 and 17 January 2022.
\textsuperscript{97} Interviews with confidential sources, 3 and 4 December 2021 and 17 January 2022.
\textsuperscript{98} Interviews with confidential sources, 4 and 9 December 2021.
Residents in Kabezi were overjoyed at the news that Arakaza had left the area. “I was very happy,” said one resident. “Almost everyone was happy. His victims were celebrating. People will be able to live in peace again.” It is not known whether the authorities are considering arresting or bringing charges against Arakaza, or whether they simply decided to transfer him to a post where he would be less visible. Typically, the government moves officials with a well-known track record in human rights violations from one position or from one part of the country to another to take them out of the spotlight, but stops short of arresting or prosecuting them. This enables senior officials to redeploy individuals such as Arakaza as necessary for more violent missions, once public attention has died down.

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99 Interview with confidential source, 9 December 2021.