



The Kira Hospital saga

An example of the failings of Burundi's justice system

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The struggle to control the resources of Kira Hospital in Bujumbura has laid bare the fundamental problems with the justice sector in Burundi. It shows the lengths to which some senior state officials will go to further their financial interests, including manipulating the justice system and riding roughshod over people's rights and over Burundi's laws and constitution.

This case presents a test for President Évariste Ndayishimiye who has attempted to reassert his authority in recent months: will he insist that independent judicial proceedings are followed, as he has promised in numerous speeches, or will he protect the powerful officials involved by doing nothing?

At least two senior state officials are involved in the Kira Hospital case: Charles Ndagijimana, a board member of the hospital and a former judge, and Alfred Innocent Museremu, the former head of the department of internal intelligence at the National Intelligence Service (SNR). Their involvement seems motivated by greed, and they have deployed numerous tactics to try to gain control of the hospital's assets, whether for themselves or on behalf of others who may be pulling the strings.

On 1 April 2022, SNR agents arrested Kira Hospital's director, Dr Christophe Sahabo, and the chair of the board, Dr Jean-David Pillot, a French national. The two men were in conflict with the hospital's public shareholders, some of whom accused Sahabo of mismanagement. Pillot was released the next day and was later allowed to leave the country.

Sahabo, however, was detained at the SNR for six weeks, without access to his lawyers or family, with the exception of one person who was only allowed to bring him food. Under pressure, he signed his resignation letter. He was finally brought before a magistrate on 16 May, charged with several economic crimes and transferred to Mpimba prison, in Bujumbura.

Despite widespread negative publicity of Sahabo's detention, neither President Ndayishimiye nor any senior government official condemned it. Ndayishimiye only said, on 10 May, that he was following the case and wanted to know what happened to the Burundian state's shares in the hospital.

Links with state officials

After Sahabo was put to one side, Ndagijimana, who is also the head of the *Société d'assurances du Burundi* (SOCABU) – an insurance company that has both public and private shareholders – replaced Pillot as chair of the board. However, some private shareholders of Kira Hospital objected and removed Ndagijimana on 8 September, reinstating Pillot and Sahabo.

Contrary to Ndayishimiye's claim that the government owns 70% of the shares in the hospital, the majority of shareholders are believed to be from the private sector. They submitted formal complaints against Ndagijimana to SOCABU and to the courts.

This apparently angered Ndagijimana, a ruling party loyalist and former president of the Constitutional Court. Under his presidency, the Constitutional Court rubberstamped the contested third term of late President Pierre Nkurunziza in 2015, an illegal move, according to a [2021 judgment](#) by the East African Court of Justice. Ndagijimana was rewarded with lucrative positions in return for the veneer of legality he had offered Nkurunziza and the ruling party. In September 2020, the government appointed him as administrator of SOCABU, representing the Burundian state on the company's board. He has close ties to the SNR and played a key role behind the scenes in the events that followed Sahabo's arrest.

Ndagijimana travelled to Switzerland with Museremu in April 2022 to obtain information on Kira Hospital's Swiss shareholders. In July 2022, Museremu was removed from his powerful position as head of internal intelligence at the SNR for unknown reasons; according to some sources, Ndayishimiye may have lost confidence in him. Museremu has committed and overseen numerous human rights violations, particularly against government opponents, at the SNR and, before that, at the police.

On 27 September, Joseph Mathias Niyonzima, alias Kazungu, another notorious SNR agent who has been involved in torture, killings and other serious human rights violations for several years, arrested Sahabo's younger brother, Étienne, at his office and drove him to the SNR. The public attention to the case may have saved him from the fate of his brother, and he was quickly transferred to the prosecutor's office.

A few hours later, Mathias Nduwimana, alias Athia, an SNR agent in Bujumbura, accompanied by Kazungu and a dozen policemen, arrested Sahabo's lawyer, Sandra Ndayizeye, at her house on the outskirts of the city. Ndayizeye and Étienne Sahabo were questioned about their role in the general assembly meeting that removed Ndagijimana as chair of the board and reinstated Dr Sahabo and Dr Pillot. They were then transferred to a police detention centre. The next day, they were sent to Mpimba prison. On 30 September, a shareholder of Kira Hospital, Joseph Bakanibona, was also arrested and detained. The bar association of Bujumbura [denounced](#) the disregard of legal safeguards during Ndayizeye's arrest and interrogation, and demanded her immediate and unconditional release.

Senior state officials in Burundi have a long history of interfering in judicial cases, often with a view to punishing political opponents or shielding collaborators from prosecution. Few of these cases make international headlines. But this time, the stakes are higher. The interference of several senior officials in a delicate case involving international investors could negatively affect the country's image. Ndayizeye's

arrest sparked private discussions among senior members of the ruling party, the CNDD-FDD; some of them worried that her arrest could discourage investors, while others were resigned to the fact that nobody can oppose the interests of Burundi's most powerful officials.

Disregarding the law and trampling the right to defence

As the head of the *Conseil supérieur de la magistrature* (Superior Council of the Judiciary), the country's top institution overseeing the justice system, Ndayishimiye is tasked with guaranteeing the independence of the judiciary. But when it comes to Dr Sahabo's case, he has shown no interest in upholding that responsibility. His inaction speaks volumes about his true desire or determination to reform the justice system. It may be politically beneficial for him to publicly denounce malfeasance and fire a few corrupt magistrates, playing to Burundian and international audiences, but delivering equitable justice and holding people to account becomes too sensitive when the interests of powerful individuals are involved – even when the main actors include a prominent doctor and a well-connected lawyer (Ndayizeye's father, Domitien Ndayizeye, is a former president of Burundi). International actors have continued to put their faith in Ndayishimiye's goodwill to initiate judicial reforms, mostly in vain so far.

President Ndayishimiye has stated publicly that only people suspected of serious offences, such as murder or rape, should be held in pre-trial detention – a principle enshrined in Burundian law. But Dr Sahabo has been held in pre-trial detention for over six months, and his brother and lawyer also spent several days in prison.

The arrests of Dr Sahabo's brother and lawyer were based on the testimony of two Kira Hospital shareholders, who said they had been forced to sign the minutes of the meeting on 8 September that removed Ndagijimana and reinstated Dr Sahabo; at least one of them was threatened. The prosecutor also accused Ndayizeye of speaking out on her client's behalf, even though she is entitled to do so and this does not constitute an offence.

On the day his brother and lawyer arrived in Mpimba prison, the SNR transferred Dr Sahabo to Ruyigi prison, 160 km from Bujumbura where his family resides. This is a common tactic to make it more difficult for prisoners to have regular contact with their family or lawyers. On 4 October, Ndayizeye wrote a letter to Dr Sahabo, revoking her services. Other lawyers involved in the case were also questioned by the prosecutor and received anonymous threats, prompting them to withdraw their contract with the hospital's main shareholders. Ndayizeye and the other lawyers also withdrew the complaints against Ndagijimana.

The desire of lawyers to extricate themselves from this case as quickly as possible, presumably for their own safety, raises serious concerns. After all that has taken place, other lawyers may hesitate to take up Dr Sahabo's case, effectively undermining his right to defence and to appoint a lawyer of his own choosing.

Following these concessions, Sandra Ndayizeye, as well as Étienne Sahabo and Joseph Bakanibona, were provisionally released on 7 October, under strict conditions: the prosecutor warned them not to hinder investigations or “create a scandal” and prohibited them from leaving the country or Bujumbura. Silence

is a condition of their freedom. Meanwhile, Dr Sahabo remains in prison, awaiting his trial. The saga continues.

Political tensions

The Sahabo case comes at a time of political tensions. On 2 September, Ndayishimiye accused an unnamed opponent in his ranks of preparing a coup d'état to remove him from office, and he threw down the gauntlet: "Who can threaten a general with a coup d'État? Let him take me on. In God's name, I will defeat him." At the time, nobody knew if this was Ndayishimiye's typical bluster or whether there was a genuine threat against him. But when he removed Alain Guillaume Bunyoni, the prime minister, and Gabriel Nizigama, his chief of staff, a few days later, his actions spawned suspicion about who else was on the chopping block. It appeared that Ndayishimiye had moved to take back control of the party from hardliners who opposed him.

Ndayishimiye's success in ousting Bunyoni may have temporarily strengthened him, but longstanding tensions in the party, largely played out behind closed doors, remain unresolved. Ndayishimiye is confronted with a challenge that has dogged him since he became president in 2020: should he ignore the crimes of powerful state officials who have been stalwarts in the CNDD-FDD and remain faithful to their bonds established over many years? Or should he assert himself and allow the justice system to hold them accountable? His promotion of the hardline former minister of interior, public security and community development Gervais Ndirakobuca to replace Bunyoni as prime minister indicates that as long as they support him, he's not yet ready to break ties with officials involved in serious crimes. Ndirakobuca, a former senior SNR and police official, has [close links with Kazungu](#).

A dysfunctional and powerless justice system

The Sahabo case shines a spotlight on the rot that has been eating away at Burundi's justice system for years. Meanwhile, President Ndayishimiye maintains his pretence of upholding the independence of the judiciary. Only five days before Ndayizeye's arrest, he told the United Nations General Assembly: "Fair justice for all is now a reality, and human rights... are respected throughout Burundi."

Ndayishimiye's performance at the UN didn't fool Burundians. They hear a drumbeat of increasingly embarrassing breaches of the law linked to the Sahabo case (among others), undercutting the president's hollow rhetorical façade. Despite his high-profile moves to oust certain hardliners in the CNDD-FDD, Ndayishimiye's unwillingness or inability to act to uphold the law in the Sahabo case highlight the limits of his power. By simply watching from the sidelines, he is protecting those who are manipulating the justice process.

Many observers wonder in whose interest it is to turn a commercial dispute into a major criminal and legal headache. If there is evidence that Dr Sahabo, his lawyer or anyone else involved in the case broke any laws, their alleged actions should be investigated impartially. The SNR has a legal mandate to monitor corruption and investment projects. But in practice it rarely executes this mandate in accordance with the

law, preferring more brutal tactics to obtain information or to punish those who fall out of favour, with little concern for the facts.

In Burundi, it is powerful state officials, rather than investigators or judges, who decide who is arrested and who is let off the hook in cases that could affect their interests. They decide who gets to do business and who doesn't. No magistrate would dare stand in their way, despite the president's assurance that nobody is above the law. The Sahabo case has proven that rather than being a tool to uphold the law, the justice system is used by those who wield power to further their personal interests.