Burundi

Mob Justice in Burundi
Official Complicity and Impunity
I. SUMMARY
Residents of Cibitoke commune in Bujumbura who were victims of a robbery. Several robbery victims in Cibitoke, where mob violence is frequent, told Human Rights Watch and APRODH they believed it was acceptable to kill thieves, since the police do not provide sufficient security.
Simon Ruberankiko was burned alive by his neighbors on August 1, 2009. Ruberankiko, a 54-year-old HIV-positive man sick to the point he was no longer capable of working his own fields, had slipped out at night to steal food from the fields of a neighbor. Enraged at the theft of one bunch of bananas, local residents caught him, beat him, covered him with dry grass, and set him alight. Days before, another suspected thief was burned to death only a few kilometers away. No one was arrested for either killing.

The killing of Simon Ruberankiko took place in a rural colline1 in Muyinga, one of the provinces of Burundi in which “mob justice”2 is most common. In one four-month period in mid-2009, at least nine people were killed under such circumstances in Muyinga, and a tenth nearly suffered a similar fate, making Muyinga one of the most deadly provinces for alleged criminals in Burundi.

Police made some initial efforts to investigate Ruberankiko’s murder, but quickly gave up when they received no assistance from local administrative officials, whom they believed to be protecting the mob’s ringleaders. Most such assaults—there were at least 74 killings throughout the country in 2009, and at minimum another 59 in which victims were injured—lead to no police investigations at all.

“If a thief steals, no trial is necessary. He is immediately killed.”
Eric Niyonzima’s body waits to be claimed by family members at the Roi Khaled Hospital morgue in Bujumbura. A suspected thief, he was subjected to “necklacing,” a gruesome form of public killing in which tires are placed around the victim’s neck and set aflame.
Mobs killed these individuals for a variety of alleged offenses, including adultery, petty theft, armed robbery, rape, and murder. When researchers from Human Rights Watch and the Association for the Protection of Human Rights and Detained Persons (Association pour la Protection des Droits Humains et des Personnes Détenues, APRODH) asked local residents—including some who self-identified as participants in the killings—to explain why those suspected of crimes were so frequently killed rather than turned over to the police, the responses were nearly uniform. People said they had lost faith in a police force and judicial system that have been derailed by corruption, incompetence, and inadequate resources. A frequent comment was, “When we apprehend thieves and turn them over to the police, they are freed two or three days later. So we decided to take justice into our own hands.”

The fact that mob justice is so rarely investigated, let alone punished, amounts to an implicit acceptance of this practice by state authorities. The state has an obligation under international law to provide security for all its citizens, including those who are suspected of crimes. But some officials, particularly at the local level, participate in mob justice themselves. Others turn a blind eye to it. Poorly trained, overwhelmed and under-resourced police fail to carry out investigations in many cases. Occasionally, they openly express support for those who would take justice into their own hands: a police chief in the commune of Mutaho, in Gitega province, told Human Rights Watch and APRODH that anyone who caught someone stealing at night could justifiably kill them.

Claude Nahimana shows scars from being seriously beaten by a crowd of motorcycle-taxi drivers who suspected him of stealing a motorcycle. He told Human Rights Watch, “I wouldn’t have gotten out of there alive if the police weren’t there.”

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The killings of suspected criminals detailed in this report take place in the context of a country emerging from conflict and plagued by desperate poverty. The 1993-2009 civil war destroyed infrastructure and weakened public institutions, as well as confidence in public administration. It left behind an embattled judicial system and a police force that had to be rebuilt from nothing.

Burundians expected that democratic elections in 2005 and the end of most combat in 2006 would bring about improved security, impartial justice, and a higher standard of living. Although there have been slight improvements in most Burundians’ sense of security, Burundi continues to be confronted by an explosive combination of poverty, the absence of an effective police force, the circulation of tens of thousands of small arms, and the insufficiency of economic and educational opportunities, particularly for the thousands of young ex-combatants whom the war left in its wake. These factors contribute to undiminished levels of criminality, ranging from petty theft to murder.

No reliable statistics on mob justice in Burundi existed before 2008, when the United Nations mission in Burundi—which had taken note of the problem of mob justice and investigated certain cases from its arrival in the country in 2004—began to systematically gather data on such killings and beatings. In spite of the lack of data, however, most Burundian observers suggested to Human Rights Watch and APRODH that mob justice was rare before Burundi’s 1993-2009 civil war, and that the phenomenon appeared to become more prominent during and after the war. The war desensitized the population to violence, they said. Because the end of war has not brought about a rapid establishment of the rule of law, and because the judicial system remains corrupt and under-resourced, Burundians who are victims of crime expect neither protection from the police, nor justice from the courts, and often prefer to use force to protect themselves. In this context, mob justice has become standard practice in much of the country.

President Pierre Nkurunziza has denounced mob justice, but mixed signals from Burundi’s top authorities diminish his message, including the population’s vivid memory of open encouragement of mob justice by former president Domitien Ndayizeye, who held power from 2003 to 2005. Within the current administration, national police spokesperson Pierre Channel Ntarabaganyi has commended the public for using force to protect themselves. In this context, mob justice has become standard practice in much of the country.

This report documents two principal ways in which mob justice and the government’s response to it constitute human rights violations. First, state officials play a direct role in some killings and beatings; they directly contribute to them, for instance, by forming untrained “security committees” permitted to operate at the margins of the law; or they stand by and allow mob justice to occur. Second, in almost every case documented by Human Rights Watch and APRODH, police and judicial investigations into incidents of mob justice were inadequate or non-existent.

According to Burundian and international law, victims of crimes have a right to redress, which includes government investigations and access to justice, while suspected perpetrators of crimes have a right to due process and a fair trial. In many cases, Burundi provides neither. When suspected criminals are murdered, their families are denied justice by the failure to prosecute those responsible, creating a cycle of violence and impunity. The state, in the cases discussed in this report, has variously condoned, abetted, or failed to investigate the murders of alleged criminals.

The factors that contribute to mob justice, particularly those related to the functioning of the police and judicial system, also raise serious human rights concerns. The Burundian government has taken insufficient steps toward creating a police force and judicial system that can begin to restore the public’s confidence. Some reforms are underway, and Burundi has successfully solicited significant support from donors to improve and modernize both institutions, but misuse and corruption diminish the effectiveness of donor support.

Human Rights Watch and APRODH recommend that the government put an end to impunity for perpetrators of mob justice, who should be held accountable like others responsible for serious crimes rather than having their actions justified away. The government, with the support of national and international organizations, should also undertake a broad popular education campaign aimed at both improving public understanding of the criminal justice system and discouraging mob justice. Donors should examine their support to the police and justice sectors, and take measures to ensure that corruption and mismanagement do not prevent resources from reaching the Burundian people and improving public security.

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1 Colline is literally the French term for “hill.” In Burundi, a colline is the smallest administrative unit, with about 10,000 residents.

2 Mob justice” is used here to refer to the beating or killing of a suspected criminal by a crowd, generally consisting of civilians. The word “lynching” is also sometimes used to describe this phenomenon in Burundi. There is no one standard French term in Burundi for the phenomenon; expressions used include “la justice populaire”, “la vindicte populaire,” and “le lynchage.”
LÉOCADIE IRANKUNDA

Léocadie Irankunda is a subsistence farmer and mother of three children—pregnant with a fourth—in Buraza, Gitega province. On July 21, 2009, she provided shelter for the night to Cyprien Habonimana, a man from the colline in which she was raised before being married. That night, the home of one of Irankunda’s neighbors was robbed.

Habonimana was suspected of the robbery. He was caught in front of a local bar, and residents began beating him with clubs. One resident said approximately 2,000 people arrived to take part in or witness the beating.

While Habonimana was being beaten, other residents, including a member of the elected colline council (who is also an appointed mushingantahe), went to the home of Irankunda, whom they suspected of complicity in the robbery. They shut her husband into his house, where he said he was kept “like a prisoner,” while Irankunda was “arrested.”

Members of the mob struck Irankunda in the head with a machete and with stones; her vagina was cut with a knife; and her right hand was set on fire. She ultimately lost consciousness.

A communal official eventually arrived and was able to contact the police and put an end to the assault, although he himself was hit in the process. He took Irankunda and Habonimana to the hospital, where Habonimana died from his injuries, including club wounds and burns, the following day.

Irankunda spent approximately six weeks in the hospital. She is still in pain and has suffered loss of memory; her husband says she sometimes gets lost in the fields. Irankunda has filed charges against those who beat her, but has not yet seen justice.

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Léocadie Irankunda and her husband.
On September 10, 2009, a group of Batwa was returning to Giheta at around 5:30 a.m. from a family gathering in a neighboring commune. One of them described the subsequent events:

We were coming back from the party [when] the people at Bihororo carried out an ambush at the river with machetes. We were afraid and ran. There were about 30 of them at first, and also about 30 of us, including women and children. The people chased us and intercepted us. Many more people joined and we couldn’t flee anymore. They started to beat us. It was almost the whole village who was there. For several days there had been thefts, and they suspected us. [...] We were tied up and beaten. [...] One of our group was killed. He arrived last, and saw that others had already been beaten. He asked why, and they started to beat him too. He ran and they chased him. When they brought him back 20 minutes later, he was almost a cadaver. [...] I have headaches now and I can’t carry anything on my head.

The man who was killed was an 18-year-old named Jean Bukuru. Other beating victims included a 12-year-old boy and a 17-year-old girl. Bukuru’s mother, who was also beaten, watched him die before her eyes; she told Human Rights Watch and APRODH, “I saw my son being killed. There was nothing I could do other than cry. There was nothing anyone could do.”

See page 57.
Jean Bukuru’s mother.
Donatien Manirazika was beaten by a mob in the presence of local officials. Behind him are his wife and young child.
“The provincial police commissioner arrived with the judicial police officer. I couldn’t see well because I had been hit with a rock in the eye, but I heard people saying, “If we don’t kill him now, he’ll press charges against us or get vengeance.” Someone, I don’t know who, threw a big rock. I lost consciousness and woke up in the hospital.”

Donatien Manirakiza

DONATIEN MANIRAKIZA

On September 5, 2009, an armed robbery took place at Muhindo colline in Gisuru commune, Ruyigi province. The following morning, local residents confronted two off-duty police officers who were suspected of the robbery. Residents disarmed the police officers and began beating them, dragging them toward the Gisuru police brigade. As the crowd grew, the beating became more severe.

Police heard gunshots fired into the air by a communal worker who hoped to put an end to the beatings, and arrived from the nearby brigade along with other officials. Although they found the two victims in agony, the officials did not help them; instead, they dispatched the communal vehicle to look for additional suspects. One witness said, “The two police were dying and no one tried to take them to the hospital.” The Gisuru police chief began interrogating the dying victims in front of the angry crowd, walking to the road periodically to see if the vehicle was coming back. When it returned, the two were dead.

In the vehicle was Donatien Manirakiza, a former FNL combatant, and another suspect, whom had apparently been denounced by the dying victims. Manirakiza said he had been arrested and tied up with his arms behind his back and a rope around his neck.

According to Manirakiza,

* I saw two corpses on the ground, and a crowd of police, soldiers, and civilians ....

The police chief and army chief started interrogating me. They asked if I knew the two victims, and showed me their badges. I said I knew one of them because he had worked at a position near where I lived. While they asked me questions, other people kept beating me with sticks and throwing rocks.... I heard people saying, “If we don’t kill him now, he’ll press charges against us or get vengeance.” Someone, I don’t know who, threw a big rock. I lost consciousness and woke up in the hospital.

After the killing of the two police officers and the beating of Manirakiza, national police spokesperson Pierre Channel Ntarabaganyi “thank[ed] the population for getting involved in maintaining the public order and security.”

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“He was my last child left. I had five. All the others died in childhood.”

Cayega’s mother
CAYEGA AND JEAN-MARIE NDIREGUHEKA

On the night of May 11, a bicycle was stolen from a shed belonging to Véronique Nyandwi, at Rusange colline, close to the center of Kinyinya. Nyandwi, afraid she would be accused of complicity in the theft, sent someone to alert the chef de colline in Muvumu, just across the road. That evening, a “security committee,” which residents described as being composed as “young, strong men,” set out to catch the thieves and retrieve the bicycle.

The group of youth identified two young men, Cayega and Jean-Marie Ndireguheka, as suspects. According to Cayega’s mother, “They came at night and threatened to burn our house down if we didn’t say where Cayega was. [...] There were many people. The yard was full of youth, and some were drunk.”

The youth security committee and other residents, including at least one official, a nyumbakumi, appeared to be trying to solicit a confession from the two men and determine where the bicycle was hidden. The group took them to a small wood just across the road. There, the beatings continued until the two men were dead. Their bodies were dumped in a hole in the ground and covered with dirt.

Months later, despite promises from administrative authorities to arrange for the Red Cross to exhume the bodies and give them a dignified burial, they remained in the common grave. Cayega’s mother, pointing out the common grave, said sadly, “He was my last child left. I had five. All the others died in childhood.”

Administrative officials attempted to cover up the killings, not alerting the police for a week. The police, in turn, failed to carry out thorough investigations.

See page 87.
Emmanuel Ngenzebuhuro’s father repairs umbrellas for a living. He says he would have paid back what his son had stolen.
EMMANUEL NGENZEBUHORO

Emmanuel Ngenzebuhoro, a 19-year-old domestic worker, was visiting his father in Butaganzwa, Ruyigi province, when he was caught by a crowd who suspected him of having stolen 60 kilograms of beans. Ngenzebuhoro was beaten to death; his body was thrown in the river and was never recovered.

A soldier who attempted to stop the beatings provided testimony to the police, resulting in five arrests. But the suspects were released without charges three days later. Ngenzebuhoro’s father told Human Rights Watch, “I don’t know why they were freed; they probably corrupted the police. The police didn’t explain why they freed them.” The soldier who had provided testimony was transferred to another position shortly thereafter, and no authority made an effort to track him down. Ngenzebuhoro’s father lamented, “My nephew suggested I take the affair to Ruyigi—but I am afraid that if I do continue with the dossier, those people could come and eliminate me.”

See page 86.
“When I went to find out what had happened, my brother’s body was already being eaten by dogs.”

Audifax Ndayizeye’s brother
Interviews with the family members of victims illustrate the difficulty in filing complaints. Audifax Ndayizeye was killed in Buterere, Bujumbura Mairie, in September 2009. A demobilized FNL combatant, he had been suspected in the frequent thefts that took place in his neighborhood. After a neighbor was killed in the course of a robbery on September 17, residents alleged that Ndayizeye was responsible. Four neighbors went to his house on the following day, tied him up, beat him to death in a nearby clearing, and set his body on fire. Police and local authorities left the burned body exposed for an entire day. A brother who lives across town said that when he arrived the next day to find out what had happened, “the body was already being eaten by dogs.”

Audifax Ndayizeye’s wife said that after the killing, she continued to be harassed and threatened by neighbors. She explained, “They think I have things my husband stole.” Although she could name the people who had “arrested” her husband, initiated the beating, and purchased the gasoline to burn his body, she was afraid to report this to the police. The police, several of whom arrived while the beating was underway, initiated no independent investigation.

See page 63.
Gratien Masabarakiza’s mother, wife, and child.
A member of the colline council was allegedly among those behind the killing of Gratien Masabarakiza, a suspected potato thief, in Ruyigi commune in August 2009. According to two witnesses, a neighbor noticed on August 24 that potatoes had been stolen from his fields the previous night. He and other men formed a group to investigate. The following day, four men, including a colline council member, went to Masabarakiza’s house, where they carried out an illegal search. Masabarakiza fled while they were searching his house. They chased him down a hill and into a valley, rallying the population, until a huge crowd formed and killed Masabarakiza. Three men were arrested and charged with murder, and although they were provisionally released, the dossier remains open. However, the colline council member had not been arrested or charged as of February 2010.

Masabarakiza’s wife said that the accused had paid to be freed, and that on their release, they bragged about having killed her husband. His mother said, “I would have been ready to plant extra potatoes next season to give back to the victim of the theft. But they can’t bring me my son back.”
II. RECOMMENDATIONS

TO THE MINISTRY OF PUBLIC SECURITY AND THE NATIONAL POLICE OF BURUNDI

• Publicly clarify that acts of mob justice are illegal and will be prosecuted to the fullest extent of the law, resulting in prompt, thorough and impartial investigations and arrest of perpetrators, particularly “ringleaders.”

• Issue an order to all police officers that all criminal suspects are entitled to a thorough investigation of their case.

• Issue a statement to local administrative officials that the police will be monitoring the role of local administrative officials in instances of mob justice, and it will arrest those who are complicit in or attempt to cover up acts of mob justice.

• Discipline or prosecute as appropriate all police officers, regardless of rank, who fail to take all feasible and appropriate measures to protect criminal suspects from mob violence.

• Improve police coverage and effectiveness in responding to crime in areas where mob justice is more prevalent, particularly in rural or underserved areas of Burundi.

• Strengthen community policing and police familiarity with communities by decreasing the frequency of transfers of police officers from one location to another.

• Ensure that police are appropriately compensated for their work, that they have the tools and resources they need to engage in effective policing, and that police staffing is continually monitored.

• Monitor the use of police vehicles and communications equipment to ensure they are being used for policing functions and not for personal or other improper use. Mark police vehicles so that any misuse can be easily identified.

• Use the Inspectorate General of the Ministry of Public Security, the Police Anti-Corruption Brigade, and information from nongovernmental organizations (NGOs) to identify police officers suspected of corruption, particularly the soliciting of bribes in exchange for freeing persons in custody. Carry out thorough investigations of such police officers. Those implicated should be appropriately disciplined, including by dismissal, and those charged with corruption should be prosecuted in the Anti-Corruption Court.
TO THE MINISTRY OF JUSTICE AND THE OFFICE OF THE ATTORNEY GENERAL
(PARQUET GÉNÉRAL)

- Issue a statement to police and local officials that all credible allegations of criminal offenses should be promptly, thoroughly and impartially investigated, whether or not a complaint has been filed, and that all suspects have a right to due process in the criminal justice system.
- Investigate acts of mob justice, and prosecute suspected perpetrators, including in cases in which police do not initiate investigations.
- Prosecute as appropriate police officers and administrative officials who are complicit in or attempt to cover up acts of mob justice.
- Work with administrative officials to plan and execute a public education campaign aimed at reducing the incidence of mob justice by informing the public about criminal procedure, the role of victims and witnesses in advancing investigations, and the right to due process.
- Use the Inspectorate of Justice and the Police Anti-Corruption Brigade to investigate magistrates suspected of corruption, including the soliciting of bribes in exchange for freeing criminal suspects. Prosecute such magistrates as appropriate before the Anti-Corruption Court.
- Monitor the use of Ministry of Justice and Parquet vehicles to ensure they are being used for judicial purposes and not for personal or other improper use.
- Use Supreme Court training missions to provincial courts and tribunals as a mechanism for educating magistrates about their responsibility to prosecute mob justice.

TO THE COUNCIL OF MINISTERS AND THE PARLIAMENT

- Establish a commission consisting of judicial, police, and administrative officials to develop a national strategy to respond to mob justice. The national strategy should incorporate public education campaigns, strategies for ensuring the enforcement of relevant laws, mechanisms for improved collaboration and communication between police and judicial personnel, and relevant legal reforms.
- Ensure that the draft bill reforming the Criminal Procedure Code provides clarifications concerning the police responsibility to investigate crimes.
RECOMMENDATIONS

TO LOCAL ADMINISTRATIVE OFFICIALS (INCLUDING COMMUNAL ADMINISTRATORS, CHEFS DE ZONE OR SECTOR, CHEFS DE COLLINE OR QUARTIER, NYUMBAKUMIS, AND LOCAL COUNCIL MEMBERS) AND BASHINGANTAHE

• Do not assault or otherwise ill-treat criminal suspects.
• Take all necessary measures to discourage and deter mob justice.
• Assist the police and judicial officials in investigations of mob justice.
• Work closely with police to establish functional systems for coping with crime, particularly in rural areas where policing and judicial mechanisms are insufficient.
• Work in conjunction with judicial authorities to educate the public about the criminal justice process.
• Assist, where possible, access of constituents to the justice system, such as by transporting victims and witnesses of crimes to the communal and provincial police and the courts.

TO THE UNITED NATIONS INTEGRATED OFFICE IN BURUNDI (BINUB) AND UN AGENCIES IN BURUNDI, INCLUDING THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) AND THE UNITED NATIONS DEVELOPMENT PROGRAM (UNDP)

• Identify the regions most affected by mob justice, and target police and judicial officials in those regions for training and assistance in improving public security and administration of justice.
• Contribute to efforts by Burundian and international nongovernmental organizations and Burundian media outlets to carry out popular education campaigns against mob justice.
• Use BINUB police advisors to train the Burundian police in properly responding to mob justice. Ensure that trainings of police include components addressing the obligation of police to investigate all serious crimes, whether or not a complaint has been filed, and the obligation to accord suspected criminals who are victims of violent crime the same protections as all other citizens.
• Improve monitoring of the use of any funds or other resources (including vehicles and communications equipment) dispensed to the National Police of Burundi to ensure that these resources are used appropriately and not for private use. Condition further material support on the establishment of effective monitoring mechanisms.
• Monitor activities carried out by institutions that have the capacity to investigate corruption, including the Anti-Corruption Prosecutor’s Office (Parquet), the Anti-Corruption Court, the Inspectorate General of the Ministry of Public Security, and the Justice Inspectorate, to ensure that funds and resources provided to these institutions are properly managed and attain results.
• Fast-track the establishment of a proposed hotline, similar to “911”, that allows residents to make free phone calls to the police.
TO BILATERAL DONORS TO BURUNDI’S POLICE AND JUSTICE SECTORS, INCLUDING THE NETHERLANDS, BELGIUM, FRANCE, THE UNITED KINGDOM, SWEDEN, AND THE EUROPEAN UNION

• Provide targeted support for logistics, accommodations, and resources for police working in rural and peripheral urban areas where mob justice frequently occurs. Ensure that any funds and other resources donated to the police reach these rural and peripheral areas.

• Improve monitoring of the use of any funds and other resources (including vehicles and communications equipment) dispensed to the National Police of Burundi to ensure that these resources are used appropriately and not for private use. Condition further material support on the establishment of effective monitoring mechanisms.

• Ensure that support for the police and justice sectors includes a significant component dedicated to strengthening and ensuring the independence of the Inspectorate General of the Ministry of Public Security and the Justice Inspectorate.

• Support the work of nongovernmental organizations working in Burundi on corruption, budget monitoring, and transparency in the use of donor funds for Burundi’s police force and government at all levels.

• Ensure that trainings of police include components addressing the obligation of police to investigate all serious crimes, whether or not a complaint has been filed, and the obligation to accord suspected criminals who are victims of violent crime the same protections as all other persons.
Mob Justice in Burundi
Official Complicity and Impunity

In 2009, at least 75 Burundians were killed by angry mobs who suspected them of crimes, ranging from petty theft to murder.

Such killings rarely result in investigations, amounting to an implicit acceptance of mob justice by state authorities. State officials have been involved in some incidents of killings and beatings; they have contributed to them directly, for instance, by forming untrained “security committees” permitted to operate at the margins of the law; or they have stood by and allowed mob justice to occur.

When researchers from Human Rights Watch and the Association for the Protection of Human Rights and Detained Persons (APRODH) asked local residents why they so often took justice into their own hands, respondents said they had lost faith in a police force and judicial system that have been derailed by corruption, incompetence, and inadequate resources.

When it comes to suspected criminals, the Burundi state has failed to abide by its obligation under international law to provide security for all citizens. Although President Pierre Nkurunziza has denounced mob justice, mixed signals, including from police officials who have attempted to justify the practice, have undermined his message.

Human Rights Watch and APRODH are calling on the government to end impunity for perpetrators of mob justice, who should be held accountable like others responsible for serious crimes. The government should undertake a broad popular education campaign aimed at improving public understanding of the criminal justice system and discouraging mob justice. Finally, the government should address the failings in the police and judicial system that contribute to such killings.

Léocadie Irankunda was beaten unconscious by a mob, including a local official, who accused her of theft. She shows the scars on her head and the torn blouse she was wearing when she was assaulted. The mob killed her suspected accomplice, Cyprien Habonimana.

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