



BURUNDI

“We’ll Tie You Up and Shoot You”

Lack of Accountability for Political Violence in Burundi

HUMAN
RIGHTS
WATCH



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Glossary of Terms and Acronyms

APRODH: Association for the Protection of Human Rights and Detained Persons (*Association pour la Protection des Droits Humains et des Personnes Détenues*), a Burundian human rights organization.

BINUB: United Nations Integrated Office in Burundi (*Bureau Intégré des Nations Unies au Burundi*).

CNDD: National Council for the Defense of Democracy (*Conseil National pour la Défense de la Démocratie*), a political party and former rebel movement founded in 1994, run by former rebel leader Leonard Nyangoma. The party's official name is CNDD, but it is frequently referred to as CNDD-Nyangoma to distinguish it from the ruling party, CNDD-FDD, which split off from CNDD in 1998.

CNDD-FDD: National Council for the Defense of Democracy-Forces for the Defense of Democracy (*Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie*), a former rebel movement. The FDD (*Forces pour la Défense de la Démocratie*) was initially the armed wing of the CNDD, above. A fission within the movement in 1988 resulted in the formation of CNDD-FDD as a break-off faction of the original CNDD. CNDD-FDD joined the government in 2004 and was elected into power in 2005, with a majority of seats in parliament and former rebel leader Pierre Nkurunziza as president.

FNL: National Liberation Forces (*Forces Nationales de Libération*). This term initially referred to the armed wing of the rebel movement Palipehutu-FNL. In January 2009, the Palipehutu-FNL changed its name to simply "FNL." In April 2009, it disarmed and became a registered political party.

FRODEBU: Democratic Front in Burundi (*Front pour la Démocratie au Burundi*), a political party founded in 1992 as a predominantly Hutu party opposed to the Tutsi-dominated dictatorship of UPRONA.

MSD: Movement for Solidarity and Democracy (*Mouvement pour la Solidarité et la Démocratie*), a political party founded in 2007 by Alexis Sinduhije.

SNR: National Intelligence Service (*Service National de Renseignement*), formerly known as the "Documentation Nationale" (National Documentation).

UPD-Zigamibanga: Union for Peace and Development-Zigamibanga (*Union pour la Paix et le Développement*), a party that was once closely aligned with CNDD-FDD, but that broke off this unofficial alliance in 2007 after the arrest of former ruling party leader Hussein Radjabu.

UPRONA: Union for National Progress (*Union pour le Progrès National*), a political party founded in 1958 and historically dominated by Tutsis.

Note on Administrative Structures

Various administrative structures are mentioned throughout this report and are described briefly below.

Burundi is divided into 17 provinces: 16 mostly rural provinces, considered collectively as “the interior” of the country, and the capital, Bujumbura Mairie (referred to as “Bujumbura” throughout this report), which is also its own province.

Each province is headed by a governor, appointed by the president, with the exception of Bujumbura Mairie, which has an appointed mayor. Each province is divided into five to thirteen *communes*, run by elected communal administrators. A communal administrator is supported by an elected communal council of 25 members and two to five *chefs de zone*, each responsible for assisting the administrator in the governance of a certain section of the communal territory.

The zones are further subdivided into *collines* (sometimes called *secteurs*), the smallest legally recognized administrative unit in Burundi. Each *colline* is run by an elected *chef de colline* and a colline council of five members. (Bujumbura and several other major cities are divided into *quartiers* rather than *collines*; they are run by *chefs de quartier*.)

Summary

We will tie you up and shoot you.

—CNDD-FDD youth group (Imbonerakure) chant, Kabanga colline, Kirundo province, January 24, 2010.¹

When people are throwing stones, it's easy to incite people to throw grenades.

—local official, Kinama, Bujumbura, January 29, 2010.²

We are afraid of the elections.

—FNL member from Kinama, Bujumbura, January 25, 2010.³

On May 21, Burundi begins a four-month election season, the country's first elections following the end of a nearly 16-year civil war in 2009. Five distinct elections—municipal (*communale*), presidential, parliamentary, senatorial and local (*collinaire*)—are slated to take place by September 7, with the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (*Conseil National pour la Défense de la Démocratie-Forces pour la Défense de la Démocratie*, CNDD-FDD) seeking to maintain its hold on power.

Burundi's recent history has been marred by political violence. This threatens to continue, and even intensify, if the government, political, security and judicial officials—all of whom have failed to respond effectively to violent incidents during the past year—do not take urgent action to discourage such crimes and prosecute those who appear to have committed them.

Since September 2009, Human Rights Watch has identified acts of violence initiated by supporters of several political parties, most often by members of their youth wings, which include large numbers of ex-combatants from the country's civil war. They are often persuaded—sometimes with party money—to intimidate political rivals with verbal threats,

¹ Human Rights Watch interview with communal FNL representative Leonidas Mbonibogoye, Busoni, Kirundo province, February 11, 2010; amateur video filmed by an FNL member, on file with Human Rights Watch.

² Human Rights Watch interview with a local official, Kinama, Bujumbura, January 29, 2010. Bujumbura Mairie, the capital city, is referred to as “Bujumbura” throughout this report. It should be distinguished from Bujumbura Rural, a separate province, always referred to by its full name.

³ Human Rights Watch interview with an FNL member, Bujumbura, January 25, 2010.

vandalism, and physical assaults. Weapons include sticks, rocks, hoes, machetes and grenades. Inflammatory rhetoric and the circulation of weapons throughout the country fuel these abuses, which frequently result in injuries serious enough to require medical treatment.

The violence has been especially severe in Kirundo, a province in northern Burundi, and in Kinama commune in the capital, Bujumbura, as detailed in two case studies in section II below. Kanyosha commune, also in Bujumbura, has also been recently impacted by partisan violence.

Human Rights Watch and local election monitors have found that CNDD-FDD members—including state officials—are responsible for the majority of the abuses, which include personal attacks, arbitrary arrests, and what appears to be a politically motivated murder. FNL members have also committed acts of violence; both parties often claim their members have been “provoked.” International and local observers of political events predict that no single opposition party will outperform CNDD-FDD. But the party has appeared increasingly nervous about losing its absolute majority, in administrative control of Burundi’s 129 communes and in parliament, due to strong performances by at least four or five opposition groups, or the possibility of a last-minute coalition between several of them.

As a result of the turmoil, a number of Burundians express fear that the impending elections may lead to more violence, particularly if one or more parties do not accept the results. Their concern is exacerbated by patterns of both bias and inaction on the part of Burundian authorities. Several officials, including President Pierre Nkurunziza and government ministers, have made public statements discouraging violence and promising to hold perpetrators accountable. However, in practice, government, administrative and security officials have downplayed the violence, which they have either failed to investigate, or else investigated in a cursory manner.

The CNDD-FDD, in particular, benefits from clear favoritism on the part of some officials and members of the security forces. For example, no one has been prosecuted for an attack in January, led by a ruling party member, in which an estimated 200 youth assaulted opposition members in Kirundo; nor have party militants been prosecuted for an attack on a journalist’s vehicle in Kinama in which a grenade was thrown. Four months after the murder of a CNDD-FDD-turned-opposition party member in January 2010, no arrests had been made.

Failure to prevent or quell violence in Burundi heightens the chance of it continuing. Violent political actors, who believe they will not be caught or punished for their crimes, may be

emboldened; victimized members of political groups may seek revenge if they perceive police to be biased and the justice system to be flawed; and campaigning and voting are less likely to be fair and open.

The findings in this report provide insight into the nature of political violence in Burundi, the official handling of such incidents, and the experience of victims caught up in the fighting. They indicate deficiencies in the approach of the government, police, and judiciary in preventing violent confrontations, in treating all political sides equally, and in punishing those responsible for instigating and perpetrating political conflict.

Human Rights Watch believes that state officials and political party leaders should firmly denounce election violence, and back their words by investigating and prosecuting political crimes. The police should conduct thorough and impartial investigations of such incidents, and authorities should hold the perpetrators accountable.

International election observers should not only document cases of political violence, but also monitor victims' access to justice. International donors—the primary financial support for Burundi's police and justice system—should demand that police and prosecutors demonstrate neutrality and rigor in investigating election-related violence. Those who commit political crimes should be prosecuted.

Methodology

In June 2009, Human Rights Watch issued the report “Pursuit of Power: Political Violence and Repression in Burundi.” It detailed cases in which both the government (dominated by the CNDD-FDD) and the FNL used physical force and repressive tactics against opponents and dissenting voices in their own ranks.

Between January and May 2010, Human Rights Watch followed up on cases documented in that publication, and carried out new field research in Bujumbura Mairie, Bubanza, Cibitoke, Kirundo, and Makamba provinces. These areas were chosen because of their high levels of political tension, and numerous local reports of violence.

A Human Rights Watch researcher, supported by two assistants, conducted detailed interviews with more than 150 people, including over 30 witnesses of political violence, 18 victims, and 9 members of victims’ families.

The identities of witnesses and victims have been disguised, withheld, or replaced by initials (which are not the interviewee’s actual initials) to protect their privacy and safety, except in cases in which witnesses and victims expressed their wish to speak on the record.

These persons were identified based on information received from police sources, local administrative officials, Burundian human rights organizations, UN officials, and political parties. Human Rights Watch also interviewed witnesses selected at random in locations where acts of violence occurred. Some interviews with witnesses were conducted at private homes, or at Human Rights Watch or local NGO offices. Others were interviewed in public places, such as those encountered near crime scenes. In almost all cases, interviews were conducted with one witness or victim at a time in order to avoid witnesses being influenced by one another’s testimony.

Researchers also spoke to five journalists, representatives of six political parties, and dozens of government officials. These include the director general of the police (as well as nine police commissioners and other members of law enforcement), the deputy administrator of the National Intelligence Service, the prosecutor general of the republic (as well as four provincial judicial officials), three governors (as well as 16 local administrative officials), the minister of interior, the minister of public security, and the chiefs of staff from both ministries.

The Burundian human rights organizations, Ligue Iteka and the Association for the Protection of Human Rights and Detained Persons (*Association pour la Protection des Droits Humains et des Personnes Détenues*, APRODH), shared information on a number of documented abuses, as did human rights observers at the United Nations Integrated Office in Burundi (*Bureau Intégré des Nations Unies au Burundi*, BINUB).

Interviews were conducted in French or English by the primary researcher, or in Kirundi or Swahili with the assistance of translators. Some interviews were conducted by telephone.

To guard against distortions based on political bias, Human Rights Watch researchers interviewed multiple sources for different incidents to confirm and corroborate the veracity of statements. Conscious that respondents may have been wary of answering fully or truthfully because of fears of reprisals if identified, Human Rights Watch stressed the confidentiality of the interview, and our discretion, as a way to establish trust.

No incentives were offered or provided to persons interviewed, and verbal consent was received from all interview subjects. All participants were informed of the purpose of the interview, its voluntary nature, and the ways in which the data would be collected and used. No witnesses who declined to participate in interviews were under any pressure to do so.

Recommendations

To the National Police of Burundi and the Office of the Attorney General

(Parquet Général)

- Investigate all cases of political violence and bring the perpetrators to justice.
- Investigate all allegations of arms possession and distribution, especially by CNDD-FDD and FNL members.
- Prosecute state agents who have played a role in election-related violence, including in Kirundo province. Where necessary, request that parliament withdraw parliamentary immunity from such individuals.
- Monitor police to ensure that their actions reflect absolute political neutrality. Sanction police who are members of political parties (which Burundian law prohibits) or who are found to use their policing powers on behalf of a political party.
- Strengthen police presence in areas recognized as having a high level of political violence. Assign unit commanders who have a record of neutrality to these areas.

To the Ministry of Interior

- Instruct communal administrators and other local officials to govern on behalf of the population, not on behalf of their political parties.
- Investigate allegations of bias by administrative officials, including refusal to allow opposition parties to hold meetings and use of public resources for campaign purposes.
- Sanction officials who demonstrate such bias.

To Political Parties in Burundi

- Refrain from violence against members of other political parties, and refrain from organizing activities that carry a high likelihood of violence, including assembling large masses of party youth and using inflammatory slogans to mobilize them.
- Cooperate with police and judicial authorities in investigating possible illegal behavior by party members.
- Discipline, including expelling from the party, members found to have engaged in, ordered, covered up, incited, or supported violence.

To Election Observers, including the European Union, the African Union, the East African Community, South Africa, and Canada

- Focus monitoring efforts on provinces and communes identified as sites of violence.
- Evaluate the impact of pre-election and electoral violence on candidates' ability to campaign freely, and people's ability to freely vote for their preferred candidate or party.
- In evaluations of the election process, include assessments of police and administrative neutrality, including official efforts to ensure an equal playing field for all parties.
- Monitor and report on challenges that victims of political violence face in obtaining justice.
- Provide regular reports of election-related violence to both national authorities and the international community.

To Donors to Burundi's Police and Justice Sectors, including the Netherlands and Belgium

- Ensure that Burundian police training emphasizes the need to intervene in cases of political violence, and stresses the importance of investigating serious violence, even in the absence of a complaint.
- Condition additional funding to police and justice sectors on their ability to prove political neutrality and make demonstrable efforts to investigate and prosecute election-related violence.

I. Background

The elections scheduled to take place in Burundi between May 21 and September 7 are the country's first following the end of its nearly 16-year civil war in 2009. They have the unusual distinction of pitting against one another, as primary contenders, two former rebel groups that once fought in tandem against the same government.

The early years of the war, which was triggered by the 1993 assassination of a democratically elected Hutu president, pitted a largely Tutsi military against several Hutu rebel groups, most notably the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) and the National Liberation Forces (*Forces Nationales de Libération*, FNL).

Towards the end of the war, the stakes became no longer largely ethnic, but political. In 2004, the CNDD-FDD, led by Pierre Nkurunziza, disarmed and joined the government following a series of peace negotiations. It won a clear majority in elections in 2005, which international observers judged to be generally free and fair. However, the FNL continued fighting.

After a failed attempt to mount a military attack on the capital, Bujumbura, in April 2008, FNL leader Agathon Rwasa returned from exile to conduct peace talks. The FNL disarmed and registered as a political party in April 2009. However, the military conflict between the two parties rapidly transformed into a largely non-militarized, but still at times violent, political conflict, with both parties competing for the largely Hutu electorate. Both sides included large numbers of ex-combatants, some of them still armed. This contributed to political assassinations and other attacks during the last months of peace negotiations, and even after the FNL's official disarmament.⁴

During the same period leading up to the 2010 elections, several new or previously dormant parties entered the fray. These included the Union for Peace and Development (*Union pour la Paix et le Développement*), widely known as UPD-Zigamibanga⁵—closely affiliated with jailed former ruling party chairman Hussein Radjabu—and the Movement for Solidarity and Democracy (*Mouvement pour la Solidarité et la Démocratie*, MSD), run by former journalist

⁴ See Human Rights Watch, *Pursuit of Power: Political Violence and Repression in Burundi*, May 2009, <http://www.hrw.org/en/reports/2009/06/03/pursuit-power>.

⁵ “Zigamibanga”, a Kirundi word, translates roughly as “secret-keepers.”

Alexis Sinduhije. Older parties, including the Front for Democracy in Burundi (*Front pour la Démocratie au Burundi*, FRODEBU), and the Union for National Progress (*Union pour le Progrès National*, UPRONA), fought to maintain their bases. Meanwhile, splinter groups, such as FRODEBU-Nyakuri and FNL-Iragi rya Gahutu, formed by disgruntled members of various opposition groups, tended to align with the ruling party.⁶

International observers have recognized Burundi for providing space to the political opposition—indeed, it is one of the only states in the region where multiparty politics are flourishing. But some CNDD-FDD officials have adopted repressive measures aimed at blocking other parties from electoral success.

This uneven playing field has contributed to a poisonous climate between political parties, and rendered election violence more likely. The Burundian NGO, Episcopal Commission for Peace and Justice (*Commission Episcopale Justice et Paix*, CEJP), has documented a range of abuses, including campaigning before the legally authorized campaign period; assassination; arbitrary arrests; verbal confrontations; fraud in distributing the identity documents required to vote; restrictions on free assembly; bribes and vote-buying; use of state vehicles for campaign purposes; physical confrontations; disturbance of party meetings; and hiring and firing based on political affiliation.

Abuses have been committed by at least six parties: CNDD-FDD; FNL; FRODEBU; UPD-Zigamibanga; UPRONA; and MSD. However, CEJP concluded in a February 2010 report:

One could correctly say that violations are observed on all sides, that is, from the ruling party and from the opposition parties. However, the ruling party comes in first place for many violations, including campaigning before the onset of the legal campaign period, preventing political party meetings, disturbing political party meetings, [and] using state resources for election-related purposes. One could say that the party CNDD-FDD, in its ambition to maintain power, uses all the means at its disposition to achieve this end. And that often includes state resources and administrative power.⁷

⁶ See International Crisis Group, “Burundi: Ensuring Credible Elections,” Africa Report No. 155, February 12, 2010, [http://www.crisisgroup.org/~media/Files/155%20Burundi%20-%20Ensuring%20Credible%20Elections%20ENGLISH.ashx](http://www.crisisgroup.org/~/media/Files/155%20Burundi%20-%20Ensuring%20Credible%20Elections%20ENGLISH.ashx); pp. 8-14 provide a solid overview of each of these parties. In April 2010, FNL-Iragi rya Gahutu said it would not run candidates and officially threw its support behind the ruling party.

⁷ Commission Episcopale Justice et Paix, “Rapport de monitoring sur la situation des droits civils et politiques pendant la période pré-électorale au Burundi, Novembre-décembre 2009,” (Monitoring report on the civil and political rights situation during the pre-electoral period in Burundi, November- December 2009), February 2010, p. 20

Accusations against the ruling party have become increasingly virulent. On March 24, twelve opposition parties—including FNL, MSD, and the National Council for the Defense of Democracy (*Conseil National Pour la Défense de la Démocratie*, CNDD—not the same party as CNDD-FDD), along with nine less prominent parties—signed a joint communiqué condemning CNDD-FDD’s “macabre plan.”⁸ They accused the ruling party of attempting to assassinate CNDD parliamentarian Charles Niyungeko. They also reproached the ruling party for orchestrating arbitrary arrests of opposition members, using state resources to campaign and “buy consciences,” and preparing massive electoral fraud.⁹

Factors Contributing To Violence

At least six factors have contributed to the risk of election violence in Burundi.

First, arbitrary restrictions on political activity have often sparked violence. For example, Human Rights Watch found that preventing and disturbing opposition party meetings and activities were significant triggers for unrest between party militants. According to Burundian law, political parties must inform local officials before any activity; local officials must in turn give the parties three days notice if the activity is not permitted for any reason.¹⁰ In a number of cases, including fighting in the province of Kirundo and the Bujumbura commune of Kinama, which are discussed in detail below, CNDD-FDD administrative officials informed opposition parties at the last minute that activities were prohibited, and then sent in members of their youth wing, the “Imbonerakure,” to enforce this decision through violence, the threat of violence, or arrests.

Second, weapons circulate freely throughout the country.¹¹ There is some evidence that officials from the National Intelligence Service (SNR) have distributed weapons to civilians associated with CNDD-FDD. There are also recent allegations that some police officers have

⁸ “Déclaration des partis politiques de l’opposition au sujet des menaces lourdes pesant sur la situation politique et sécuritaire actuelle au Burundi,” (Declaration of opposition political parties on the subject of the serious threats affecting the current political and security situation in Burundi), March 24, 2010.

⁹ Niyungeko was giving a speech in Nyanza-Lac, Makamba province, on January 31, 2010 when police arrived to disperse the crowd, saying the activity had not been authorized. When Niyungeko continued speaking, a police officer loaded a round into his Kalashnikov. He later told his superiors he was had no intention of shooting, but hoped to scare away the crowd. Human Rights Watch interviews with regional sub-commissioner of the internal security police Félix Gahitira and with governor Thérance Ntahiraja, Makamba, March 31, 2010; Léandre Sikuyavuga, “Un député affirme avoir échappé à un attentat,” (A deputy claims to have escaped an attack), *Iwacu* no. 56, April 9, 2010 (online publication date, April 14, 2010), iwacu-burundi.org/index.php?option=com_content&view=article&id=850:un-depute-affirme-avoir-echappe-a-un-attentat&catid=40:quotidien (accessed April 19, 2010).

¹⁰ Ordonnance ministérielle No. 530/1208 du 18/11/2008 portant annulation de l’ordonnance ministérielle No. 530/1022 du 6/10/2008.

¹¹ International Crisis Group, “Burundi: Ensuring Credible Elections,” p. 17.

provided military training to civilians, particularly in the southern province of Makamba, although Human Rights Watch has not conducted research that has independently verified these allegations.¹²

Third, the presence of partisan youth groups adds to political volatility. A number of parties have made significant efforts to recruit demobilized combatants, raising concerns that such youth could easily be manipulated into carrying out acts of violence.¹³ In Cibitoke province, Human Rights Watch found that youth are paid to take part in Imbonerakure activities, which include parading through the streets and chanting slogans aimed at intimidating opposition members as part of so-called “group sports” activities.¹⁴ One 26-year-old CNDD-FDD member and former combatant told Human Rights Watch, “Most people don’t want to do sports on Sunday mornings, because they have stuff to do. But they each get 1000 francs when they finish.”¹⁵ Asked why CNDD-FDD and FNL members had battled in his neighborhood, one man in Kinama said: “They fight because of political parties. The people in charge probably send them. But it’s the little people who fight each other.”¹⁶

Fourth, inflammatory rhetoric has added to an already uneasy political atmosphere. Several parties used aggressive language in the pre-electoral period, and some appeared to be looking for a fight. According to a Burundian civil society activist in Cibitoke, “The ruling party is threatening people that if they don’t vote for [CNDD-FDD], they’ll have to flee again.”¹⁷ Meanwhile, the president of the CNDD-FDD Imbonerakure youth league, Ezéchiel Nibigira, complained that FNL youth were threatening his members in Bujumbura Rural province. “When they see a small group of CNDD-FDD youth, they go up to them and say, ‘Do you really think we don’t still have weapons?’” he said.¹⁸

¹² Human Rights Watch interviewed two individuals in Bujumbura, one in 2008 and one in 2009, who were able to produce pistols (and, in one case, a walkie-talkie) allegedly provided by the SNR; both said they had received these weapons in more extensive distribution campaigns, and provided detailed information about individuals involved in such weapons distribution. More recently, Human Rights Watch received credible information of arms distribution in Makamba province. Human Rights Watch interviews, Makamba, April 2010; “Un village de paix où l’on apprend le maniement des armes,” (A peace village where weapons usage is taught), *Iwacu*, April 14, 2010, http://www.iwacu-burundi.org/index.php?option=com_content&view=article&id=849:un-village-de-paix-ou-lon-apprend-le-maniement-des-armes&catid=1:latest-news (accessed April 15, 2010); collective radio broadcast by Bonesha FM, RPA, Isanganiro, RIA, CCIB FM+, and Renaissance FM, April 20, 2010.

¹³ These include CNDD-FDD, FNL, FRODEBU, UPD-Zigamibanga, MSD and FNL-Iragi.

¹⁴ Human Rights Watch interview with a Burundian human rights activist, Cibitoke province, January 21, 2010.

¹⁵ Human Rights Watch interview with L.M., Cibitoke province, January 21, 2010. 1000 Burundian francs is approximately US \$0.80. The names of some interviewees quoted in this report have been changed to protect their privacy and avoid potential retaliation.

¹⁶ Human Rights Watch interview with M.B., Kinama, Bujumbura, January 27, 2010.

¹⁷ Human Rights Watch interview with Burundian civil society activist, name withheld, Cibitoke province, January 21, 2010.

¹⁸ Human Rights Watch interview with Ezéchiel Nibigira, Bujumbura, February 16, 2010.

Some of the inflammatory rhetoric is linked to CNDD-FDD's Imbonerakure, whose wartime slogans used while engaging in "sports" activities—including "Eat everything" and "Destroy"—are interpreted by opposition members as provocations to violence. In turn, an FNL member in Makamba province, who claimed that the intelligence service has distributed pistols with silencers to Imbonerakure members there, told Human Rights Watch, "We are ready to kill CNDD-FDD members, and they are ready to kill us, if someone from either party is assassinated. In the case that CNDD-FDD members attack the FNL, we will know that they are putting into execution their plan, and we will get vengeance."¹⁹

Fifth, violence quickly escalates in Burundi. As the Kinama communal administrator pointed out in January after rock-throwing between CNDD-FDD and FNL members, "When people are throwing stones, it's easy to incite people to throw grenades."²⁰ Indeed, a grenade was thrown during another bout of partisan violence in Kinama in April, discussed below; to date, no one has been held accountable.

Sixth, governmental and police inertia—especially when it comes to holding members of the ruling CNDD-FDD to justice—contributes to the dangerous perception among opposition party members that state institutions are not there to protect them, and that they must take their security into their own hands. Just as dangerously, it reinforces the idea among ruling party members that they are above the law and will likely enjoy impunity if they engage in violence.

Despite regular assurances from President Nkurunziza and other ruling party officials that the elections will proceed without violence, the Burundian government has done little to assuage public fears of unrest. One FNL sympathizer, who was threatened at gunpoint by an intelligence agent in November because of his political affiliation, told Human Rights Watch "We are afraid of the elections."²¹ Similarly, after confrontations in January between CNDD-FDD and FNL youth in Kinama, one resident said, "The population is already afraid, because the confrontations are already starting, before the elections. People are afraid the elections won't be conducted peacefully."²²

Police have made some efforts to quell violence once it erupts. They have also prepared rapid intervention teams, trained by Belgian gendarmes in crowd control and escalation of

¹⁹ Human Rights Watch interview with T.K., FNL member, Makamba province, March 31, 2010.

²⁰ Human Rights Watch interview with communal administrator Emile Ndayarinze, Kinama, Bujumbura, January 29, 2010.

²¹ Human Rights Watch interview with Moussa Niyongabo, Bujumbura, January 25, 2010.

²² Human Rights Watch interview with M.B., Kinama, Bujumbura, January 27, 2010.

force.²³ However, police and prosecutors have rarely conducted thorough investigations into pre-election violence. Even when they have been on the ground and should have been able to identify perpetrators, they have rarely held perpetrators accountable, particularly those who belong to CNDD-FDD.

²³ See sections on violence in Kirundo province and Kinama commune, Bujumbura, chapter II below; Human Rights Watch interview with representative of an international donor organization, Bujumbura, April 27, 2010.

II. Violence between Youth Groups and Other Party Militants

It's like the authorities give people the right to have these fights in our neighborhood.

—P.C., resident of Kinama, Bujumbura, April 13, 2010.²⁴

Frequent recourse to violence and intimidation by youth groups affiliated with political parties has contributed to Burundi's political instability.²⁵ As early as December 2008, the Imbonerakure, CNDD-FDD's associated youth movement, began engaging in intimidating behavior. This included marching through the streets armed with sticks and clubs, chanting slogans such as, "Those that are not with us will be sent into exile or die."²⁶ Such behavior was initially observed in Kirundo and Makamba provinces, far from the capital.

In 2009, FRODEBU and FNL youth groups also became more visible. A diplomat who met with youth group leaders from FRODEBU, FNL, CNDD-FDD and UPRONA in early 2009 commented in an email to Human Rights Watch that he was "concerned by [the] emphasis that some of these organisations had placed on security objectives.... Youth movement activities could be regarded as a key security benchmark pre-elections."²⁷ Indeed, as elections approach, youth movement activities seem increasingly intertwined with "security." In August 2009, an FNL member told Human Rights Watch that CNDD-FDD "deployed *démobilisés* [ex-combatants] from Gitega to perturb the opening of the headquarters" in one of Bujumbura's heavily contested northern neighborhoods. As a result, he said, "We [the FNL] deployed our youth on each avenue to ensure the security of our members."²⁸ There were no incidents between the two groups on that occasion, but "deployed" youth from opposing parties in a politically explosive neighborhood is a recipe for violence.

The following two case studies document violence between youth groups and other party militants in the northern province of Kirundo, and in the commune of Kinama in Bujumbura—

²⁴ Human Rights Watch interview with P.C., Bujumbura, April 13, 2010.

²⁵ "Youth" in this context, generally includes people between the ages of 18 and 35. Imbonerakure members have a maximum age limit of 39.

²⁶ Human Rights Watch interview with Jean Minani, president of Frodebu-Nyakuri, Bujumbura, Bujumbura Mairie, February 4, 2009; Radio Publique Africaine (RPA) broadcast, January 11, 2009. See Human Rights Watch, *Pursuit of Power*, pp. 63-65.

²⁷ Email communication to Human Rights Watch from a Bujumbura-based diplomat, January 21, 2009.

²⁸ Human Rights Watch interview with J.L., Bujumbura, August 10, 2009.

areas that have witnessed the most flagrant cases of violence between partisan youth groups.

Case Study 1: Youth Party Violence and Police Response in Kirundo Province, January to April, 2010

Burundi's northern Kirundo province comprises seven communes, including Busoni, Bwambarangwe, Kirundo, and Bugabira. It is a heavily contested area in which FNL members once operated entirely underground, but suddenly became active in great numbers after the FNL began to transition from a rebel group to a political party.²⁹

Perhaps as a result, it was one of the first provinces in which Imbonerakure intimidation tactics were observed, first in late 2008 and intensifying in early 2009. Significant media attention, including recordings of Imbonerakure chants that played on a local radio station, led local and national officials to condemn these activities, and for a time, youth in Kirundo abstained from most threatening behaviors.

However, violence erupted in the province in mid-2009, with most problems—primarily in the form of fistfights—between CNDD-FDD and FNL youth group members in Busoni, Bugabira, and Bwambarangwe.

In July, Imbonerakure arrested eight FNL members in Busoni for allegedly singing chants that insulted the president. The detainees say that the Imbonerakure beat them with clubs.³⁰ They were released on bail by the Ngozi Appeals Court in December 2009, but a case against them remained open as of April 2010.³¹

On September 27, CNDD-FDD and FNL members fought in Bugabira; at least five youth were injured, including members from both parties.³² According to UN human rights observers, the Imbonerakure were led by a local *chef de colline*, who wanted to prevent the FNL from holding a meeting.³³ The police arrested a number of FNL members, but no CNDD-FDD

²⁹ Human Rights Watch interviews, Bugabira, Kirundo province, April 2009.

³⁰ Human Rights Watch interview with detainees (interviewed collectively), Kirundo province, August 7, 2009.

³¹ Human Rights Watch telephone interview with magistrate Vénérand Ngendakumana, April 23, 2010.

³² Broadcasts on Radio Nationale and Radio Publique Africaine (RPA), September 29, 2009; email communication to Human Rights Watch from a representative of Ligue Iteka, October 2, 2009; Human Rights Watch interviews with former APRODH representative in Kirundo, by telephone, March 2010, and with local FNL representatives, Kirundo, October 14, 2009.

³³ A *colline* – literally, “hill” – is the smallest recognized administrative unit in Burundi, run by an elected *chef de colline*, or hill chief; Email communication to Human Rights Watch from a BINUB human rights officer, October 2, 2009.

members, causing the FNL to complain of discriminatory treatment.³⁴ Similar fighting took place in Bwambarangwe commune the same day.³⁵

On January 17, 2010, confrontations took place between FNL and CNDD-FDD members when CNDD-FDD members decided to march in front of an FNL office in Bwambarangwe, disrupting an FNL ceremony. FNL members established a “human barricade” in the road. When one 18-year-old attempted to pass, they slapped him and kicked him in the stomach. His brother, also a teenager, threw a rock at the FNL members in response, injuring one of them; the victim said he lost consciousness. FNL members then beat the brother.³⁶ Police stepped in to stop the fighting, and judicial police conducted initial investigations to determine what happened, finding fault on both sides. However, no one was held accountable for the violence. Judicial police officer Gaspard Nivyubu said this was because no one filed a complaint.³⁷

Fighting in Kabanga, January 2010

Kabanga is a colline in Busoni commune, Kirundo province, where violence has been particularly severe. Jean Baptiste Nzigamasabo—a former rebel colonel-turned CNDD-FDD parliamentarian widely known by his nickname “Gihaha,” which variously translates as “giant” and “a spiny plant”—is said to “run things” in Busoni and throughout Kirundo province, wielding authority over provincial civilian officials as well as police.³⁸

On January 24, 2010, Kabanga, Nzigamasabo’s home colline, became the focus of political unrest when members of the CNDD-FDD’s Imbonerakure youth wing faced off with political opponents from the FNL. Although a local communal administrator had banned the FNL from holding an opening ceremony for a new office in Kabanga—in violation of Burundian law—

³⁴ Human Rights Watch telephone interview with former APRODH representative in Kirundo province, March 2010, and with local FNL representatives, Kirundo, October 14, 2009.

³⁵ Email communication to Human Rights Watch from a representative of Ligue Iteka, October 2, 2009.

³⁶ Human Rights Watch interviews with two victims, two witnesses, and the *chef de zone* Bugorora, Bwambarangwe, Kirundo province, February 2010.

³⁷ Human Rights Watch interview with judicial police officer Gaspard Nivyubu, Bwambarangwe, February 11, 2010.

³⁸ Human Rights Watch interviews with FNL official, Bujumbura, January 27, 2010, and with FNL members and with a government official, Kirundo province, February 11-12, 2010; Lyse Nkurunziza, Dieudonné Hakizimana, and Christian Bigirimana, “Affrontements au royaume de Gihaha”, (Confrontations in the kingdom of Gihaha), *Iwacu*, January 27, 2010, http://www.iwacu-burundi.org/index.php?option=com_content&view=article&id=463:affrontements-au-royaume-de-gihaha&catid=38:hebdolien. According to one FNL member, “It’s the parliamentarian who really directs the province. The governor, communal administrators, and school directors take their orders from him. He’s the one who lays down the law.”

members nonetheless proceeded to hoist a flag outside the building and sing party songs.³⁹ As they did so, Imbonerakure led by Nzigamasabo, a local middle-school director, and a teacher—respected positions in rural Burundi—approached the FNL, chanting, “We will tie you up and shoot you,” and “Let’s knock out their teeth.”⁴⁰ The 50-strong crowd of Imbonerakure quickly swelled, according to one FNL member, when the school director called for reinforcements, who approached with sticks and sacks of rocks singing, “We will kill them.”⁴¹ Others came with hoes and clubs.⁴² (One witness, when asked what he saw at Kabanga, replied, “I saw Interahamwe” –a reference to the genocidal militia, many of them armed with hoes and machetes, that killed hundreds of thousands of Tutsis and moderate Hutus in Rwanda in 1994.)⁴³

Shopkeepers in stores that surrounded the field where the confrontation took place quickly bolted their doors and windows and fled, as did most women, children and elderly among the FNL.⁴⁴ The Imbonerakure then began throwing rocks; “The rocks were falling like hail,” said one FNL member.⁴⁵ A group of young men who had stayed and thrown back rocks soon fled into surrounding banana plantations, where Imbonerakure rounded them up and hit several with sticks.⁴⁶ At least one FNL member, Emery Kado Rumuri, had teeth knocked out, while another, Juma Ndamabansi, received stitches after a stone hit him in the head.⁴⁷

³⁹ Human Rights Watch interviews with communal FNL representative Leonidas Mbonibogoye and with communal administrator Leonidas Rugengamanzi, Busoni, February 11, 2010. Rugengamanzi told Human Rights Watch he had sent the letter on January 23, which would still be in violation of the law.

⁴⁰ Human Rights Watch interview with communal FNL representative Leonidas Mbonibogoye, Busoni, Kirundo province February 11, 2010; amateur video filmed by an FNL member, on file with Human Rights Watch.

⁴¹ Human Rights Watch interview with northern region FNL advisor Ildéphonse Baryabitiba, Bwambarangwe, Kirundo province, February 11, 2010.

⁴² Human Rights Watch interviews with S.H., Bwambarangwe, and with an RPA correspondent, Kirundo province, February 11, 2010; and with a government official, Kirundo province, February 14, 2010

⁴³ Human Rights Watch interview, Kirundo province, February 2010. The national leader of the Imbonerakure, Ezéchiel Nibigira, virulently resisted any comparison with the *Interahamwe* in an interview with Human Rights Watch, pointing out that the Imbonerakure is multi-ethnic and saying it refrains entirely from ethnic hate speech. He also said Imbonerakure are clearly instructed not to use violence; Human Rights Watch interview, Bujumbura, April 16, 2010. While there is no credible evidence that the Imbonerakure are involved in preparations for mass violence throughout Burundi – and claims that they risk reigniting civil war in Burundi, made by some opposition politicians, are almost certainly overstated – their instrumentalization at the local level has raised fears among many Burundians that should not be discounted.

⁴⁴ Human Rights Watch interview with a shopkeeper, Kabanga, Kirundo province, February 14, 2010.

⁴⁵ Human Rights Watch interviews with northern region FNL advisor Ildéphonse Baryabitiba, Bwambarangwe, Kirundo province, February 11, 2010; and with P.C., witness, Kabanga, and Abdul Ubwimana, chef de colline and CNDD-FDD member, Muvyuko, February 14, 2010.

⁴⁶ Human Rights Watch interview with S.H., FNL member, Bwambarangwe, Kirundo province, February 11, 2010.

⁴⁷ Human Rights Watch interview with FNL spokesperson Jean Bosco Havyarimana, Bujumbura, Bujumbura Mairie, January 27, 2010, and with B.B., neighbor of Juma Ndimabansi, Muvyuko, Kirundo province, February 14, 2010.

Government and security officials were initially present, including approximately five police officers; the provincial representative of the National Intelligence Service, SNR; and the governor of Kirundo's senior advisor. However, FNL members said these officials took no action against the Imbonerakure. The governor's advisor said he tried to "calm people," but he did not summon police reinforcements, and only called the governor after fighting was well underway.⁴⁸ According to an FNL member present, "When the Imbonerakure started throwing stones, the police fled to their police post and closed the door. The [SNR representative] had already left. The governor's advisor was there, but he left when they started throwing stones."⁴⁹

Nzigamasabo ordered Imbonerakure members to round up those who were still present, including a local journalist and those FNL members who had been injured. He detained them at a local shop.⁵⁰ According to the journalist,

I was arrested along with FNL who had been beaten. The FNL who were detained there had injuries—they were bleeding, and one had a swollen head, while others had bruises on their bodies. One of them looked like his teeth were about to fall out.⁵¹

Witnesses said Nzigamasabo threatened to hold the detainees until an FNL member whom he had seen taking photos turned over his camera.⁵² However, the person had already fled. By this time—over an hour after the fighting started, according to one witness—the governor of Kirundo, the provincial police commissioner, and police reinforcements had arrived, and they were able to stop the assaults and release Nzigamasabo's detainees, whom they found "crouching on the floor."⁵³ One witness said, "There were negotiations. The provincial police

⁴⁸ Human Rights Watch interviews with communal FNL representative Leonidas Mbonibogoye and with communal administrator Leonidas Rugengamanzi, Busoni, Kirundo province, February 11, 2010; and with Gérard Ngabonziza, senior advisor to the governor, Kirundo province, February 12, 2010.

⁴⁹ Human Rights Watch interview with communal FNL representative Leonidas Mbonibogoye, Busoni, Kirundo province, February 11, 2010.

⁵⁰ Human Rights Watch interview with an RPA correspondent, Kirundo province, February 11, 2010, and with a government official, February 2010.

⁵¹ Human Rights Watch interview with an RPA correspondent, Kirundo province, February 11, 2010.

⁵² Human Rights Watch interview with an RPA correspondent, Kirundo province, February 11, 2010, and with a government official, February 2010.

⁵³ Human Rights Watch interview with an RPA correspondent, Kirundo, February 11, 2010; Human Rights Watch interview, Kirundo, February 2010.

commissioner said he would take charge of getting the camera, and then Gihaha agreed to free the people.”⁵⁴

FNL members handed an Imbonerakure over to police whom they had caught armed with a knife. He was handcuffed, but subsequently freed.⁵⁵

By the end of the afternoon, the roof of the FNL office had been completely destroyed by the onslaught of stones. When Human Rights Watch visited in February, it was still full of holes.⁵⁶

The uneasy resolution to the violence in Kabanga did not hold. On the morning of January 25, according to witnesses, a group including Nzigamasabo, the school director, the teacher, and a local official went to the home of Lucien Nzoyisaba, a former CNDD-FDD member who had recently joined the FNL and had been present during the confrontations. Neighbors of Nzoyisaba said he was taken by the group to a colline office and beaten severely, causing him to be hospitalized at Murore clinic for four days.⁵⁷

Another FNL member, Jean de Dieu Ntakarutimana, was illegally arrested at 11 p.m. on January 25 by the school director, the teacher, and a group of other civilians, along with a police officer.⁵⁸ According to a source close to Ntakarutimana, he was beaten by the civilians in front of the police officer.⁵⁹ The provincial SNR representative then took him to Kirundo.⁶⁰ After a judicial police commissioner questioned him about the violence he was freed on January 27.⁶¹

No CNDD-FDD members were arrested following the attacks.

⁵⁴ Human Rights Watch interviews with northern region FNL advisor Ildéphonse Baryabitiba, Bwambarangwe, Kirundo province, and with an RPA correspondent, Kirundo province, February 11, 2010.

⁵⁵ Human Rights Watch interview with FNL spokesperson Jean Bosco Havyarimana, Bujumbura, January 27, 2010. Communal administrator Rugenganmanzi, a CNDD-FDD member, said it was an FNL member who was armed with the knife, but the FNL’s eagerness to circulate a photo in their possession of a young man with a knife, handcuffed, calls into question this interpretation. Human Rights Watch interview with Rungengamanzi, Busoni, Kirundo province, February 11, 2010; amateur photo taken by an FNL member, on file with Human Rights Watch.

⁵⁶ Human Rights Watch visit to Kabanga, Busoni, Kirundo province, February 11, 2010.

⁵⁷ Human Rights Watch interview with neighbors of Lucien Nzoyisaba, Murore, Busoni, Kirundo province, February 14, 2010.

⁵⁸ The arrest was illegal because there was no warrant; because it was not carried out by a judicial police officer; and because it was carried out after 7 p.m. Loi No. 1/015 du 20 juillet 1999 portant réforme du code de procédure pénale, art. 52 (2), art. 58 ; Loi No. 1/020 du 31 décembre 2004 portant création, organisation, missions, composition, et fonctionnement de la Police Nationale, art. 21.

⁵⁹ Human Rights Watch interview with I.U., FNL member, Kabanga, Kirundo province, February 14, 2010.

⁶⁰ Human Rights Watch interview with Gérard Ngabonziza, senior advisor to the governor of Kirundo province, February 12, 2010.

⁶¹ Human Rights Watch interview with I.U., FNL member, Kabanga, Kirundo province, February 14, 2010.

Government officials disagreed about Nzigamasabo's role in orchestrating the violence. The governor's senior advisor said, "There were injured people and a journalist being held in a shelter. Certain Imbonerakure wanted to hurt them, but the parliamentarian said 'Don't kill them.'"⁶² Busoni's communal administrator claimed, "People told me that without [Nzigamasabo's] intervention, there would have been a lot of problems—he protected people who were threatened."⁶³ Judicial authorities have not questioned Nzigamasabo about his role.

Several government officials minimized the attacks. Minister of Interior Edouard Nduwimana, who arrived in Kabanga on January 28 to give a "pacification speech," encouraged those who had fled to return home. According to one witness, his speech began with a Kirundo proverb that translates as, "Here there are no burning houses." The witness said, "That was a hurtful statement to those whose family members had fled."⁶⁴ (Some FNL members who had fled the attacks remained in hiding for several weeks.)⁶⁵ Nduwimana did, however, subsequently ban partisan youth sports activities in Kirundo, although violence in Kabanga was not directly related to sports activities.⁶⁶

Asked by journalists why police did not intervene more rapidly to halt the violence, police spokesperson Pierre Channel Ntarabaganyi responded that police "should intervene on the basis of a written requisition." He said political party youth ought to find a "legal framework to prove their force," such as a football, a martial arts match, or a tree-planting competition. He later said this comment was taken out of context, and that in the same interview he had described the violence as "deplorable"; however, to the journalists and others, the comparison between a youth football match and a largely one-sided attack that was apparently orchestrated by an elected official was unhelpful.⁶⁷

⁶² Human Rights Watch interview with Gérard Ngabonziza, senior advisor to the governor, Kirundo province, February 12, 2010.

⁶³ Human Rights Watch interview with communal administrator Leonidas Rugengamanzi, Busoni, Kirundo province, February 11, 2010.

⁶⁴ Human Rights Watch interview with S.H., FNL member, Bwambarangwe, Kirundo province, February 11, 2010.

⁶⁵ Ibid.

⁶⁶ Human Rights Watch telephone interview with Ministry of Interior chief of staff Aimé Nkurunziza, April 15, 2010.

⁶⁷ Human Rights Watch interview with UN human rights observers, January 26, 2010; RPA broadcast, January 27, 2010, 6 p.m.; email communication to Human Rights Watch from police spokesperson Pierre Channel Ntarabaganyi, January 29, 2010.

Re-emergence of Violence in Kirundo: Slight Progress in Assuring Accountability

Tensions flared the following month elsewhere in Kirundo province. On February 21, Imbonerakure in Bugabira came out in force to prevent UPD-Zigamibanga members from holding opening ceremonies for an office.⁶⁸

Interior Minister Edouard Nduwimana assured Human Rights Watch in early March that political violence in Kirundo had “stopped.”⁶⁹ But in the absence of accountability, violence surged again in Kirundo shortly afterwards.

On the night of March 30, youth from CNDD-FDD and FNL reportedly faced-off in Bugabira.⁷⁰ According to an FNL spokesperson, CNDD-FDD members came to disrupt an FNL meeting, while a police source said that FNL members set fire to a CNDD-FDD office. A police commissioner arrived before fighting could begin, and took the youth to the communal office for questioning.⁷¹ Police encouraged both sides to file complaints, and were investigating each side’s accusation against the other at the time of this writing.⁷²

On April 17, in Busoni, Imbonerakure attacked MSD (Movement for Solidarity and Democracy) members who were inaugurating a new office. One MSD member was injured and required medical attention. Police arrested CNDD-FDD members who were suspected of playing a role in the attacks, demonstrating a positive shift in police behavior. They remained in jail a week later, with investigations in progress.⁷³

Case Study 2: Youth Party Violence and Police Response in Kinama Commune, Bujumbura Mairie Province, October 2009 to April 2010

Kinama is one of 13 communes in Bujumbura Mairie. It is also one of the province’s poorest communes, located in the northern outskirts of the capital city. Occupied by rebels at various points throughout Burundi’s armed conflict, Kinama is now home to many CNDD-FDD and FNL ex-combatants, as well as a large number of unemployed youth. Between 2005 and 2009, when the FNL laid down its arms, Kinama was a locus of conflict between the FNL and

⁶⁸ Radio Isanganiro broadcast, February 22, 2010.

⁶⁹ Human Rights Watch interview with Interior Minister Edouard Nduwimana, Bujumbura, March 8, 2010.

⁷⁰ “L’explosion d’une grenade fait un blessé grave sur la colline Kiri en commune Bugabira,” (A grenade explosion seriously injures a man in Kiri colline in Bugabira commune), Agence Burundaise de Presse, April 5, 2010.

⁷¹ Human Rights Watch interviews with FNL spokesperson Jean Bosco Havyarimana, Bujumbura, April 17, 2010, and with Kirundo police commissioner Domitien Niyonkuru, by telephone, April 23, 2010.

⁷² Human Rights Watch telephone interview with Kirundo police commissioner Domitien Niyonkuru, April 23, 2010.

⁷³ Ibid.

the government, with both sides carrying out extrajudicial executions, and frequent arbitrary arrests of civilians suspected of harboring pro-FNL sentiments.⁷⁴ Members of other opposition parties have also been killed in Kinama, including two FRODEBU members, as discussed below.

The most recent troubles in Kinama have centered on the Carama neighborhood, where impunity and insecurity contribute to ongoing problems between Imbonerakure and FNL members, who are highly active in the area.

The Imbonerakure are led by the *chef de quartier*, Albert Nkundwabanake, a CNDD-FDD member who lives in a compound with a group of demobilized CNDD-FDD combatants. Several Carama residents described the demobilized combatants as Nkundwabanake's "personal police" and said that they, as well as the *chef de quartier*, are armed with pistols, which Nkundwabanake denied.⁷⁵ There is no police post in Carama.⁷⁶ According to an FNL member, "The *chef de quartier* has his police that he can call at any time to come and capture someone that he has a problem with. They are not real police... They circulate with weapons... We want regular police here, day and night."⁷⁷

On October 9, a woman named Olive Ntezimana was killed in Carama. According to several Kinama residents, she was killed by demobilized CNDD-FDD combatants who were seeking to kill her son, a prominent FNL member.⁷⁸ The Kinama police chief denied that the killing was political, saying it appeared to be a case of banditry.⁷⁹

⁷⁴ See Human Rights Watch, *Pursuit of Power*, pp. 25-35; Human Rights Watch, "We flee when we see them": Abuses with Impunity at the National Intelligence Service in Burundi, October 2006, <http://www.hrw.org/en/reports/2006/10/24/we-flee-when-we-see-them-0>, p. 12, pp. 16-17; Human Rights Watch, *Burundi: Missteps at a Crucial Moment*, November 2005, <http://www.hrw.org/en/reports/2005/11/04/burundi-missteps-crucial-moment>, pp. 10-12.

⁷⁵ Human Rights Watch interview with G.C., Kinama, Bujumbura Mairie, January 27, 2010; Human Rights Watch interview with *chef de quartier* Albert Nkundwabanake, Kinama, Bujumbura Mairie, February 18, 2010.

⁷⁶ Human Rights Watch interview with Albert Nkundwabanake, Kinama, Bujumbura Mairie, February 18, 2010. Police occupy small "posts" throughout Bujumbura and the countryside, with a minimum of three police officers based in each one. Most neighborhoods the size of Carama have at least one police post.

⁷⁷ Human Rights Watch interview with D.F., FNL member, Kinama, Bujumbura Mairie, January 27, 2010.

⁷⁸ Human Rights Watch interviews with R.N., Kinama resident, Bujumbura Mairie, October 20, 2009; with K.I., FNL official, Bujumbura, October 23, 2009; with I.A., FNL member, Kinama, February 28, 2010; and with neighbors of the victim, Kinama, Bujumbura Mairie, April 24, 2010.

⁷⁹ Human Rights Watch interview with police chief Libère Bakarabe, Kinama, Bujumbura Mairie, October 29, 2009.

On November 23, a grenade attack in Carama lightly injured the *chef de quartier*. Nkundwabanake said he suspected the FNL. Police never identified the perpetrators.⁸⁰

Violence in Carama, January 2010

On Friday, January 15, FNL members attempted to paint logos on a new local office in Carama. The communal administrator, Emile Ndayarinze, had authorized this activity.⁸¹ However, according to one FNL member, W.H.,

We were here painting this house when an Imbonerakure came and stopped us, saying he had a paper according to which we couldn't paint. He didn't have any authority, but he wanted to stop us. He told us, "Instead of putting up paint, you can put up shit." Then ten police arrived in a vehicle, with Commissaire Hassan [Hagabimana] from Camp Socarti, and arrested us. The Imbonerakure member pointed out who to take. They took us to Kinama commune jail where we stayed until Monday morning. The police never told us what crime we were accused of.⁸²

FNL members frequently cite Police Commissioner Hassan Hagabimana, who carried out the arrests, as an official who demonstrates a pro-CNDD-FDD bias.⁸³ Other FNL members described the Imbonerakure member in question as one of the *chef de quartier's* "private police", who is frequently seen armed with a pistol.⁸⁴ (In an interview with Human Rights Watch, he denied being armed.)⁸⁵

Four FNL members were arrested after the Imbonerakure member pointed them out, along with a bystander who complained to the police that the arrests were unfounded. She was freed later that afternoon.⁸⁶ The remaining detainees were freed three days later, on Monday, January 18, by a Kinama judicial police officer who found there was no evidence that they

⁸⁰ Rema FM broadcast, November 24, 2009; Human Rights Watch interview with *chef de quartier* Albert Nkundwabanake, Kinama, Bujumbura Mairie, February 18, 2010. During the interview, Nkundwabanake referenced a grenade attack on January 5, but news sources suggest there was only one attack against him, in November.

⁸¹ Human Rights Watch interview with communal administrator Emile Ndayarinze, Kinama, Bujumbura Mairie, January 29, 2010.

⁸² Human Rights Watch interview with W.H., FNL member, Kinama, Bujumbura Mairie, January 28, 2010.

⁸³ Human Rights Watch interviews with a police official, Bujumbura Mairie, January 27, 2010, and with an FNL leader, Bujumbura Mairie, April 16, 2010.

⁸⁴ Human Rights Watch interviews with I.A. and F.I., FNL members, Kinama, Bujumbura Mairie, January 28, 2010.

⁸⁵ Human Rights Watch interview, Kinama, Bujumbura Mairie, February 18, 2010.

⁸⁶ Human Rights Watch interview with I.A., FNL member, Kinama, Bujumbura Mairie, January 28, 2010.

had committed a crime.⁸⁷ That morning, while the judicial police officer was evaluating their cases, about 50 FNL members protested outside the jail, demanding their release.⁸⁸ According to the Carama *chef de quartier*, they also threatened him, telling him he had “three days to live.”⁸⁹

After their release, the FNL members returned to Carama and recommenced work on their office. “As soon as we arrived at the office, three Imbonerakure members came, armed with stones. So we picked up stones, too,” W.H. told Human Rights Watch. Both sides threw stones. FNL members said no one was injured and that an FNL Senate member calmed the situation,⁹⁰ but Nkundwabanake told Human Rights Watch that two Imbonerakure were injured and received treatment in a local health center.⁹¹

On January 19, fighting recommenced. FNL members again began work on their office, but were confronted by the *chef de quartier* and a group of Imbonerakure, who told them to stop. Crowds on both sides grew, and police were contacted. The communal administrator and the FNL spokesperson also arrived. The communal administrator (a CNDD-FDD member) asked youth on both sides to go home in order to defuse the situation, but they refused. The officials stepped aside and discussed the situation.⁹²

According to several witnesses, an Imbonerakure threw a rock while the officials were speaking.⁹³ (An Imbonerakure member present said that FNL members threw the first stone.)⁹⁴ FNL members responded by throwing rocks back; as one of them put it, “The combat began.”⁹⁵ Several witnesses saw a CNDD-FDD member armed with a grenade;

⁸⁷ Human Rights Watch interviews with D.F., FNL member, and with judicial police officer Mélance Hararawe, Kinama, Bujumbura Mairie, January 27, 2010.

⁸⁸ Human Rights Watch interview with judicial police officer Mélance Hararawe, Kinama, Bujumbura Mairie, January 27, 2010.

⁸⁹ Human Rights Watch interview with *chef de quartier* Carama, Albert Nkundwabanake, Kinama, Bujumbura Mairie, February 18, 2010.

⁹⁰ Human Rights Watch interviews with W.H. and I.A., FNL members, Kinama, Bujumbura Mairie, January 28, 2010.

⁹¹ Human Rights Watch interview with *chef de quartier* Carama, Albert Nkundwabanake, Kinama, Bujumbura Mairie, February 18, 2010.

⁹² Human Rights Watch interviews with FNL spokesperson Jean Bosco Havyarimana, Bujumbura, January 27, 2010; with W.H. and I.A., FNL members, Kinama, Bujumbura Mairie province, January 28, 2010; and with communal administrator Emile Ndayarinze, Kinama, Bujumbura Mairie, January 29, 2010.

⁹³ Human Rights Watch interviews with G.C. and M.B., Kinama, Bujumbura Mairie, January 27, 2010.

⁹⁴ Human Rights Watch interview with Q.D., Kinama, Bujumbura Mairie, January 29, 2010.

⁹⁵ Human Rights Watch interviews with G.C. and M.B., Kinama, Bujumbura Mairie, January 27, 2010, and with W.H. and I.A., FNL members, Kinama, Bujumbura Mairie province, January 28, 2010.

another said that he saw one with a pistol.⁹⁶ According to FNL spokesperson Jean Bosco Havyarimana, FNL members turned over the person with the grenade to the police, but he was not detained.⁹⁷ Kinama police chief Jérôme Maniraho, who was present, said he did not see any weapons other than stones.⁹⁸

One witness said that when the fighting started, “The *chef de quartier* was present, but he didn’t do anything to try to stop the fighting. He has a bias in favor of CNDD-FDD.”⁹⁹ At least two FNL members and a CNDD-FDD member were seriously injured and received medical treatment for their wounds, while others had mild injuries.¹⁰⁰ One victim from FNL explained, “A CNDD-FDD member threw a rock at my head. I was taken to the hospital. They stitched up my head, but I still feel pain.”¹⁰¹ The victim from CNDD-FDD said, “We acted in self-defense. Everyone picked up rocks, but we were few. They jumped me, because I had quit FNL [to join CNDD-FDD]. They tried to cut my throat with rocks.... I was also hit in the head and am still in pain.”¹⁰²

Police fired into the air and used tear gas to disperse the youth. They arrested and detained three FNL members and an Imbonerakure who were allegedly throwing rocks, along with an apparently neutral bystander. All five were released at the end of the day with instructions to “behave themselves.”¹⁰³

Two FNL members, interviewed separately, told Human Rights Watch that Imbonerakure armed with pistols visited them at night in the days following the Carama confrontation and threatened them.¹⁰⁴ However, one said that FNL members in the neighborhood were also armed. He said, “Even though the government took away our arms, we kept some weapons

⁹⁶ Human Rights Watch interviews with M.B. and B.W., Kinama, Bujumbura Mairie, January 27, 2010, and with F.I., FNL member, January 28, 2010. The two people said to be armed, “Warren” and Arsène”, were both regularly cited in 2008 by witnesses who said they walked through Kinama and Kamenge, Bujumbura Mairie, with pistols, threatening FNL members. Both were arrested by Kamenge police in June 2009 for arms possession, but then freed on the orders of regional judicial police commissioner Gaston Uwimana.

⁹⁷ Human Rights Watch interview with FNL spokesperson Jean Bosco Havyarimana, Bujumbura, January 27, 2010.

⁹⁸ Human Rights Watch interview with Kinama police chief Jérôme Maniraho, Kinama, Bujumbura Mairie, January 28, 2010.

⁹⁹ Human Rights Watch interview with M.B., Kinama, Bujumbura Mairie, January 27, 2010.

¹⁰⁰ Human Rights Watch interview with G.C., Kinama, Bujumbura Mairie, January 27, 2010, and with FNL spokesperson Jean Bosco Havyarimana, Bujumbura, January 27, 2010.

¹⁰¹ Human Rights Watch interview with Alexis Nkeshimana, FNL member, Kinama, Bujumbura Mairie, January 29, 2010.

¹⁰² Human Rights Watch interview with Q.D., CNDD-FDD member, Kinama, Bujumbura Mairie, January 29, 2010.

¹⁰³ Human Rights Watch interviews with W.H., FNL member, and police chief Jérôme Maniraho, Kinama, Bujumbura Mairie, January 28, 2010.

¹⁰⁴ Human Rights Watch interviews with I.A. and F.I., Kinama, Bujumbura Mairie, January 28, 2010.

to protect ourselves. If an FNL is killed, we will fight to the end. We are all ex-combatants. The CNDD-FDD has weapons, we have weapons.” He admitted to owning a pistol, and said that other FNL members in Kinama had Kalashnikovs and grenades.¹⁰⁵

Reprisal of Violence in Carama, April 2010

The fragile calm that settled over Kinama commune after the January fighting shattered in April, when fighting once again broke out in Carama.

On April 3, FNL members threw stones and beat members of FNL-Iragi rya Gahutu, a splinter group affiliated with the ruling party. According to one witness, the FNL and FNL-Iragi had both planned activities in Kinama on that date. When the mayor of Bujumbura forbade the mainstream FNL’s activities, saying that FNL-Iragi had planned theirs first and that two competing parties could not carry out activities in the same location on the same day, FNL members lined the streets and threw stones at vehicles arriving carrying FNL-Iragi members. They also beat youth affiliated with FNL-Iragi in the Bururi and Carama neighborhoods of Kinama, and threw stones at a bus carrying FNL-Iragi sympathizers in the Muramvya neighbourhood of Kinama.¹⁰⁶ They also destroyed a CNDD-FDD flag in Carama the same day, according to a local official.¹⁰⁷

More serious violence took place in Carama on April 10 immediately following a visit to the commune by FNL president, Agathon Rwaso, who conducted opening ceremonies for several local party offices. The fighting may have been triggered when a local official confiscated whistles from FNL members. One official told Human Rights Watch that FNL members “resisted” and that blows were exchanged, resulting in a minor injury to a ruling party member. The fighting took place even though numerous police and administrative officials were present.¹⁰⁸ They did not initially react to the fighting, leading one witness, a young man who claimed to be unaffiliated with either party, to complain, “It’s like the authorities give people the right to have these fights in our neighborhood.”¹⁰⁹

¹⁰⁵ Human Rights Watch interview with F.I., Kinama, Bujumbura Mairie, January 28, 2010.

¹⁰⁶ Human Rights Watch interviews with a Kinama resident and eyewitness, Bujumbura, April 6, 2010, and with the *chef de quartier* Carama and with communal administrator Emile Ndayarinze, by telephone, April 7, 2010.

¹⁰⁷ Human Rights Watch telephone interviews with the *chef de quartier*, Carama, Bujumbura Mairie, and with communal administrator Emile Ndayarinze, April 7, 2010.

¹⁰⁸ Human Rights Watch telephone interview with a Kinama administrative official, April 10, 2010.

¹⁰⁹ Human Rights Watch interview with P.C., Bujumbura, April 13, 2010.

Shortly afterwards, journalists and FNL members at the scene said that FNL members spotted a CNDD-FDD Imbonerakure, Jimmy Ndayemeye, armed with a grenade. They said FNL members chased him and the grenade exploded, injuring his hand.¹¹⁰ But Ndayemeye claimed he did not have a grenade and that he believed it was thrown by an FNL member. FNL members then assaulted Ndayemeye, who said one person struck him on the head with a machete, while another hit him in the eye with a wooden plank, causing him to lose consciousness.¹¹¹

More police, led by Commissioner Hassan Hagabimana, arrived on the scene and rounded up FNL members, putting an end to the fighting. Police accused them of throwing the grenade, and of beating Ndayemeye. Some CNDD-FDD members also participated in the arrests, beating FNL members and shoving them into police trucks; according to one, “Everyone who was suspected of being an FNL member was captured.”¹¹² A Human Rights Watch researcher separately interviewed six FNL members who said they had been beaten, four of whom had visible signs consistent with mistreatment.¹¹³ One of them said, “I was arrested by the Imbonerakure. They were pointing out FNL for the police to arrest them. I was beaten on the back and kicked, but then I was saved by a police officer. The Imbonerakure were not arrested, though they were part of the confrontation.”¹¹⁴ Another said, “We tried to talk with the police to tell them that CNDD-FDD members should be arrested, but in vain.”¹¹⁵

Journalists who came to document the arrests said they were confronted by an angry crowd of CNDD-FDD members in party uniform, although a local CNDD-FDD leader who was present, however, claimed these were FNL members. The party members, some of them drunk, were armed with stones. They chased the journalists back to their vehicle and shattered its back windshield. Police and a local administrative official who observed the attack did nothing to prevent it.¹¹⁶

¹¹⁰ Human Rights Watch interview with journalists from Tele Renaissance and Radio Bonesha, Bujumbura, April 10, 2010, and with FNL members, Kinama, Bujumbura Mairie, April 11, 2010.

¹¹¹ Human Rights Watch interview with Jimmy Ndayemeye, Kinama, Bujumbura Mairie, April 11, 2010. Ndayemeye demonstrated injuries that were consistent with these claims, and a journalist confirmed that FNL members beat Ndayemeye; Human Rights Watch interview, Bujumbura, April 10, 2010.

¹¹² Human Rights Watch interview with G.N. FNL member, Kinama, Bujumbura Mairie April 13, 2010.

¹¹³ Human Rights Watch interviews with FNL members, Kinama, Bujumbura Mairie, April 11 and 13, 2010.

¹¹⁴ Human Rights Watch interview with M.Y., FNL member, Kinama, Bujumbura Mairie, April 13, 2010.

¹¹⁵ Human Rights Watch interview with G.N., FNL member, Kinama, Bujumbura Mairie, April 13, 2010.

¹¹⁶ Human Rights Watch interviews with journalists, Bujumbura, April 10 and 17, 2010, and with a local CNDD-FDD leader, Bujumbura, April 16, 2010.

In all, at least twelve FNL members were arrested. Some were detained by order of Commissioner Hagabimana at Camp Socarti, a police camp that is not a legal detention site, while others were held in Kinama jail. All were released by April 14. Ruling party members complained that the assailant who allegedly struck Ndayemeye with a machete was among those freed; FNL members complained that Ndayemeye, who was released from the hospital on April 11, had not been interrogated or arrested.¹¹⁷ Police have not initiated investigations into the attack on the journalists.

In April, the communal administrator told Human Rights Watch that police reinforcements were likely to be sent to Kinama neighborhoods, including Carama.¹¹⁸

Elsewhere in Burundi

While Kirundo province and Kinama commune in Bujumbura Mairie present the most flagrant examples of violence between partisan youth groups, similar violence has occurred throughout the country, and mostly with impunity. There are generally no arrests, and those that do occur disproportionately target opposition members. In addition, in some instances—such as in Kibago commune, in the southern province of Makamba, on March 19—local elected officials from both sides have participated in aggression, raising concerns about their ability to contribute to security during the elections.¹¹⁹

Human Rights Watch and other organizations, most notably CEJP, have documented a number of violent politically motivated confrontations. According to CEJP reports, such confrontations have taken place since November 2009, in Karusi, Kayanza, Gitega, Bujumbura Rural, and Bubanza provinces.¹²⁰ In Bujumbura Mairie, Human Rights Watch documented stone-throwing between FRODEBU and its splinter wing, FRODEBU-Nyakuri, as well as an attack by Imbonerakure members on a woman belonging to UPD-Zigamibanga.¹²¹ (Despite serious injuries to her legs, she declined to press charges after her son-in-law, an Imbonerakure leader in Buyenzi, convinced her to accept an “amicable resolution” to the

¹¹⁷ Human Rights Watch interviews with FNL and CNDD-FDD members, Kinama, Bujumbura Mairie, April 11, 2010.

¹¹⁸ Human Rights Watch telephone interview with Kinama communal administrator Emile Ndayarinze, April 10, 2010.

¹¹⁹ Human Rights Watch interview with BINUB human rights officer, Makamba province, March 30, 2010

¹²⁰ Commission Episcopale Justice et Paix, “Rapport de monitoring sur la situation des droits civils et politiques pendant la période pré-électorale au Burundi, Novembre-décembre 2009,” (Monitoring report on the civil and political rights situation during the pre-electoral period in Burundi, November- December 2009), February 2010, and “Rapport de monitoring sur la situation des droits civils et politiques pendant la période pré-électorale au Burundi, Janvier-février 2010,” (Monitoring report on the civil and political rights situation during the pre-electoral period in Burundi, January-February 2010), April 2010.

¹²¹ Human Rights Watch interview with a civil society representative and witness, Bujumbura, April 6, 2010.

problem.)¹²² A serious clash also took place between CNDD-FDD and FNL members in Kanyosha commune, Bujumbura, on May 2, resulting in injuries to members on both sides.¹²³

On November 22, 2009, Imbonerakure and UPD-Zigamibanga members threw stones at each other in Gasorwe, Muyinga province in northeast Burundi, resulting in at least five injuries among members from both parties. Police fired into the air to disperse the crowd.¹²⁴ Eight UPD-Zigamibanga members were detained, but eventually released without charge. No CNDD-FDD members were detained.¹²⁵ Ligue Iteka, a Burundian human rights organization, reported that on April 4 in Mwakiro commune, also in Muyinga, Imbonerakure members beat two local FNL representatives following a political argument. The police intervened to stop further violence.¹²⁶ However, there were no arrests.¹²⁷

In Kayogoro commune, Makamba province, an FNL member told Human Rights Watch that he was attacked by Imbonerakure members on March 15:

I was coming from an FNL meeting [when] I came across five people in the road with CNDD-FDD clothing. They started to hurl insults and told me to quit the FNL. They grabbed me by the throat. They were five, and I was one. One of them hit me with a stick. I fled. They ran after me, and I hid in the bushes... The next day they filed a complaint with the [police], saying that I had beat them.¹²⁸

Clashes were not all limited to youth league members. FRODEBU and CNDD-FDD members, including a number of men well out of their twenties, also fought in Kibago commune, Makamba, on March 19. No one was seriously injured.

¹²² Human Rights Watch interviews with a BINUB human rights officer, Bujumbura, January 19, 2010, and with the victim, by telephone, February 2010.

¹²³ Human Rights Watch interviews with witnesses, Kanyosha, Bujumbura Mairie, May 5, 2010.

¹²⁴ BINUB Security daily report, received by Human Rights Watch via email, November 23, 2009.

¹²⁵ Human Rights Watch telephone interview with Radio Isanganiro journalist based in Muyinga, March 2010.

¹²⁶ Ligue Iteka, "Deux militants du parti politique FNL battus et deux autres personnes arrêtées en province de Muyinga," (Two activists from the FNL political party beaten and two other people arrested in Muyinga province), http://www.ligue-iteka.africa-web.org/article.php?id_article=3470 (accessed April 15, 2010).

¹²⁷ Human Rights Watch telephone interview with APRODH representative in Muyinga province, April 23, 2010.

¹²⁸ Human Rights Watch interview with N.J., Kayogoro commune, Makamba province, March 31, 2010. N.J. had a scar on his shoulder consistent with his testimony.

Occasionally, state agents sympathetic to CNDD-FDD were directly involved in assaults on opposition members. In January 2010, regional judicial police commissioner Gaston Uwimana, a former CNDD-FDD officer during the war, physically attacked a man in a bar in Kanyosha, Bujumbura, whom he believed to be a member of a political opposition party.¹²⁹ In April, an SNR agent reportedly fought with an FNL member, firing his pistol during the fight (according to some reports, he fired into the air to protect himself). The agent had previously threatened the young man in November 2009 due to his political affiliation, pulling a gun on him in a bar.¹³⁰ He was arrested after the April shooting, but a police source informed Human Rights Watch that SNR officers had made several calls to the police, pressing them to free him.¹³¹ The agent was released on bail the next day. FNL members in Kinama said he immediately returned to the neighborhood and started threatening them, along with two other former combatants armed with pistols.¹³²

¹²⁹ Human Rights Watch interview with BINUB human rights officer, Bujumbura, February 8, 2010.

¹³⁰ Human Rights Watch interview with Moussa Niyongabo, Bujumbura, January 25, 2010.

¹³¹ Human Rights Watch telephone interview with a police official, April 20, 2010.

¹³² Human Rights Watch interview with FNL members, Bujumbura, April 22, 2010.

III. Potentially Politically Motivated Murders and Attacks

On January 10, 2010, Sylvestre Niyonzima was shot point-blank eight times with an AK-47 at a bar he owned in Mpanda commune, in Burundi's north-eastern Bubanza province. The assailant wore a police raincoat, with the hood partially pulled down to obscure his face.¹³³

Niyonzima was an influential UPD-Zigamibanga member and served as party treasurer for the province. He had previously been an active CNDD-FDD member, but left the party in 2007 along with other followers of Hussein Radjabu, the former party leader who was expelled from his position and then jailed in 2007. According to one local human rights activist, "People followed Sylvestre in leaving CNDD-FDD to join UPD."¹³⁴ The day of the killing, Niyonzima had just come back from the opening of a UPD-Zigamibanga office.

Witnesses and family members said that police from the post just 50 meters from Niyonzima's house did not respond at any point after the killing, even after other police from farther away arrived on the scene; they said this raised suspicion about possible complicity.¹³⁵ Prosecutors opened an investigation into the killing, and summoned several suspects for questioning. However, by April no one had been arrested.

A number of other, non-fatal, attacks in January 2010 that also appeared to be politically motivated raised further concerns about the safety of political opposition activists in the pre-election period. Several of these incidents took place in Cibitoke province, in northwest Burundi, an area with a heavy concentration of FNL sympathizers. CNDD-FDD is also very active in the province, including through Imbonerakure. As in Kirundo province, the Imbonerakure frequently engage in group "sports" in Cibitoke, sometimes armed with sticks and chanting slogans dating from the civil-war period.¹³⁶

On January 7, a 23-year-old FNL ex-combatant in Cibitoke, Théogène Niyonkuru, became embroiled in a dispute with several young men over the ownership of a camera. Some or all of the other young men were CNDD-FDD members. Niyonkuru was seriously beaten with fists, sticks, and stones; he was bitten on the chin; and he was struck on the chin with a machete,

¹³³ Six of the bullets hit their target, while two missed. Human Rights Watch interview with prosecutor Marc Manirakiza, Bubanza province, January 22, 2010.

¹³⁴ Human Rights Watch interview with a Burundian human rights activist, Bubanza province, January 22, 2010.

¹³⁵ Human Rights Watch interview with W.V., Bubanza province, January 22, 2010.

¹³⁶ Human Rights Watch interview with a representative of a Burundian human rights organization, Cibitoke, January 21, 2010.

in what he believed was an attempt to slit his throat.¹³⁷ Although the dispute did not appear to be political in origin, a witness heard the assailants say during the fight that they wanted to “finish off” FNL members.¹³⁸ A second witness heard an assailant say, “Let’s stone these FNL dogs.”¹³⁹

Witnesses took Niyonkuru, who had lost consciousness, to the health center and took three of the assailants to the police. However the judicial police officer (*Officier de la Police Judiciaire*, OPJ) did not detain them. According to Nestor Ndiokubwayo, who was among those arrested by the crowd, “The OPJ would not accept that we be put in jail because Kadogo was injured—his face was swollen because Théogène had hit him. The OPJ told us to go to the health center and then come back to the jail. So we decided to flee.”¹⁴⁰ Under such circumstances, the judicial police officer should have only sent the injured young man to the clinic in police custody, and should not have allowed the others to leave.

Realizing their error, the Cibitoke police sent officers after the fugitives. They caught Ndiokubwayo in Bujumbura several days later, and arrested a second suspect in Cibitoke’s Rugombo commune.¹⁴¹ Both were subsequently freed on bail, although police told Human Rights Watch the case remained open.¹⁴²

On the evening of January 8, Edouard Ntawuzahihera, the head of the FNL youth movement (*Mouvement de Jeunesse Patriotique*, MJP) for Cibitoke province, was struck on the head and hand by a machete wielded by an unknown assailant while he walked home along a major road.¹⁴³ Ntawuzahihera told Human Rights Watch he suspected the attack might be related to his prominent role within the FNL and the fact that, in December, he had spotted a communal employee typing up fraudulent national ID cards. The communal employee, a CNDD-FDD member, was caught and jailed for one night, but subsequently released with no

¹³⁷ Human Rights Watch interviews with Théogène Niyonkuru, N.S., and F.O., Cibitoke province, January 21, 2010.

¹³⁸ Human Rights Watch interview with N.S., Cibitoke province, January 21, 2010.

¹³⁹ Human Rights Watch interview with F.O., Cibitoke province, January 21, 2010.

¹⁴⁰ Human Rights Watch interview with Nestor Ndiokubwayo, Cibitoke province, January 21, 2010. Ndiokubwayo denied participating in the assault.

¹⁴¹ Human Rights Watch interview with Cibitoke judicial police commissioner Célestin Bafatiraho, Cibitoke province, January 21, 2010.

¹⁴² Human Rights Watch telephone interviews with a Cibitoke FNL representative, April 13, 2010; and with Cibitoke judicial police commissioner Celestin Bafatiraho, April 23, 2010.

¹⁴³ During the civil war, the FNL’s youth movement was known as the Hutu Patriotic Youth (*Jeunesse Patriotique Hutu*, JPH). In 2009, the group removed the ethnic reference and changed its name to the Movement of Patriotic Youth (*Mouvement de Jeunesse Patriotique*, MPJ).

charges. Ntawuzahihera believed CNDD-FDD members may have suspected him of turning the communal employee over to the authorities.¹⁴⁴

Ntuwuzahihera spent two days in hospital, where he received stitches for his machete wounds. He did not immediately press charges, and on January 21, when Human Rights Watch visited Cibitoke, police had not yet contacted him in order to investigate the attack.¹⁴⁵ Burundian and international law require police to investigate serious crimes even when no complaint is filed.

On January 10, Félix Ngendabanyikwa, an activist for the opposition party Movement for Solidarity and Democracy (MSD), was injured on the arm by a grenade thrown into his house in Kigamba, in Burundi's northeastern Cankuzo province. Ngendabanyikwa, who had also been a ruling party member before joining MSD, was attacked on the day that he attended the opening of the provincial MSD office. No one was arrested for the attack.¹⁴⁶

At times, political motives have contributed to an escalation of violence that was primarily perpetrated for other reasons. On January 12, in Gitobe, Kirundo province, a group of CNDD-FDD members captured and assaulted two young men suspected of theft. They had allegedly stolen a document from one of the CNDD-FDD members that served as entitlement to roofing tiles being distributed by an aid agency. Mob justice is frequently meted out against suspected thieves in Burundi, but in this case the method was particularly sadistic: the perpetrators pierced the young men with sewing needles, which doctors had been unable to remove a month later.¹⁴⁷

Local media reported that the victims were attacked because they were political opposition members—they had left CNDD-FDD in 2007 to join the FNL. Local officials said they were targeted as thieves.¹⁴⁸ Human Rights Watch research in Gitobe suggests a more nuanced picture. The young men said that their assailants quizzed them about the stolen roof tiles, but also asked why they were no longer Imbonerakure members. Residents agreed that the

¹⁴⁴ Human Rights Watch interview with Edouard Ntuwuzahihera, Cibitoke province, January 21, 2010.

¹⁴⁵ Human Rights Watch interview with Edouard Ntuwuzahihera, Cibitoke province, January 21, 2010.

¹⁴⁶ Human Rights Watch telephone interview with MSD representative, January 19, 2010.

¹⁴⁷ Human Rights Watch interviews with victims, Gitobe, Kirundo province, February 10, 2010, and with a BINUB human rights observer, Ngozi province, February 10, 2010.

¹⁴⁸ "Commune Gitobe : torturés avec des aiguilles à coudre," (Gitobe Commune : tortured with sewing needles), Iwacu, January 15, 2010, http://www.iwacu-burundi.org/index.php?option=com_content&view=article&id=467:commune-gitobe-tortures-avec-des-aiguilles-a-coudre&catid=40:quotidien.

men were likely targeted for both reasons. “It’s true that those guys are thieves, but because they weren’t members of CNDD-FDD, they were punished severely,” one witness said.¹⁴⁹

Four suspects were arrested. However, Gitobe police allowed two of the men to leave jail on a motorcycle unsupervised after they said they were sick and needed to visit a clinic. Not surprisingly, they did not return, as per police instruction. The two others were in pre-trial detention at the time of this writing.¹⁵⁰

FNL youth, including those belonging to the *Mouvement de Jeunesse Patriotique* (MJP), were also implicated in violent acts. In July 2009, they reportedly beat an elderly CNDD-FDD member in Kabezi, Bujumbura Rural—an FNL stronghold during Burundi’s civil war—while warning him that they still had hidden weapons caches; the victim was hospitalized for his injuries.¹⁵¹ According to Ezéchiél Nibigira, the head of the Imbonerakure, FNL youth regularly level such threats against CNDD-FDD members.¹⁵²

¹⁴⁹ Human Rights Watch interviews with T.N. and G.B., Gitobe, Kirundo province, February 10, 2010.

¹⁵⁰ Human Rights Watch interview with a local CNDD-FDD representative, Gitobe, Kirundo province, February 10, 2010.

¹⁵¹ “Un quinquagénaire blessé par des jeunes patriotes hutu à Kabezi,” (A 50-year-old wounded by members of the Patriotic Hutu Youth at Kabezi), Agence Burundaise de Presse, August 1, 2009.

¹⁵² Human Rights Watch interview with Imbonerakure leader Ezéchiél Nibigira, Bujumbura, April 16, 2010.

IV. Symbolic Violence and Destruction of Property

Since late 2008, local political party offices and other party symbols, including flags, have been attacked throughout Burundi, apparently to intimidate political opponents and warn them of the possibility of more devastating violence. Failure by the Burundian authorities to investigate and halt politically motivated attacks on property is likely to contribute to heightened levels of physical violence between party members during the election season.

CNDD-FDD offices have been the most frequently targeted, with dozens of arson cases since late 2008.

Numerous incidents of property destruction have taken place in central Burundi. For instance, in October 2009, a CNDD-FDD office was set on fire in Karusi province. An FNL ex-combatant was arrested, but subsequently freed due to lack of evidence.¹⁵³ In November, seven CNDD-FDD meeting houses were set on fire in Muramvya province.¹⁵⁴ Such attacks continued through April 2010. On the night of February 21, 2010, unknown assailants dumped faeces into an MSD office in Gishubi commune, in Gitega province.¹⁵⁵ Two nights later, an MSD office was vandalized in the Kamenge neighborhood of Bujumbura; authorities did not conduct investigations to identify perpetrators.¹⁵⁶ An FNL office in Bujumbura was vandalized the same week.¹⁵⁷

Property has also been vandalized elsewhere in Burundi. In Kayogoro, Makamba, Burundi's southernmost province, the house of the UPD-Zigamibanga representative was set on fire on August 23, 2009. Police did not conduct investigations.¹⁵⁸ A UPD office was set on fire in Muramvya province in November 2009 near a large police camp, but no one was apprehended.¹⁵⁹

¹⁵³ Human Rights Watch telephone interview with APRODH representative in Karusi province, March 2010.

¹⁵⁴ "L'intolérance politique se fait sentir en province Muramvya," (Political intolerance makes itself felt in Muramvya province), Agence Burundaise de Presse, December 2, 2009.

¹⁵⁵ "Indignation des militants du MSD à l'ouverture d'une permanence en commune Gishubi," (Indignation of MSD activists at the opening of a headquarters in Gishubi commune), Agence Burundaise de Presse, February 22, 2010.

¹⁵⁶ Radio broadcasts on Radio Publique Africaine (RPA) and Radio Isanganiro, February 24, 2010; Human Rights Watch telephone interview with the Kamenge communal administrator, April 23, 2010.

¹⁵⁷ RPA broadcast, February 18, 2010.

¹⁵⁸ Human Rights Watch telephone interview with a Makamba-based journalist, March 2010.

¹⁵⁹ "L'intolérance politique se fait sentir en province Muramvya," (Political intolerance makes itself felt in Muramvya province), Agence Burundaise de Presse, December 2, 2009.

In at least one case, property damage resulted in vigilante justice; for example, in December, ruling party members in Nyamurenza, in northern Ngozi province, beat an FNL member when they caught him dismantling the roof of a local CNDD-FDD office. Nyamurenza's recent history is marked by impunity for political crimes committed by both CNDD-FDD and FNL members, a likely contributor to the CNDD-FDD members' violent response to the act of vandalism.¹⁶⁰

¹⁶⁰ The incident recalled a much more serious case the previous year: in December 2008, after several CNDD-FDD offices were set on fire in Nyamurenza, ruling party members and local officials trapped and beat at least nine FNL members; one's head was split open with a piece of wood. Two weeks later, the communal CNDD-FDD vice president was shot and killed. No one was held accountable for the beatings; three alleged FNL members were arrested for the shooting, but released several months later. See Human Rights Watch, *Pursuit of Power*, pp. 40-42.

V. Threats

In January, an unsigned tract was pinned on the FNL office door in Cibitoke province, northwest Burundi, depicting a grenade, a gun, a knife, and a coffin. The tract warned the head of the local FNL dance group that he would be killed if he continued directing the group.¹⁶¹

The note was one of several anonymous threats that opposition party activists received in the months leading up to the elections.

In March 2010, in Bujumbura's Kinama neighborhood, a young FNL member received a text message that read as follows:

Better safe than sorry. We have told you many times to quit supporting the FNL. But you don't listen. We have already prepared our remedy to this. It's ready. You'll be left alone when you agree to quit supporting the FNL. Advise [two of your friends], too.¹⁶²

Human Rights Watch reported the threat to the Kinama police chief, Jérôme Maniraho, a former CNDD-FDD combatant, who responded that the message should not be surprising since CNDD-FDD had won the elections. The communal administrator promised to investigate the threat, but no one had been apprehended by April.¹⁶³

¹⁶¹ Human Rights Watch interview with representative of a Burundian human rights organization, Cibitoke province, January 21, 2010. Several political parties have groups of traditional dancers who perform at party functions.

¹⁶² Human Rights Watch interview with H.M., Kinama, Bujumbura, March 4, 2010; message read and translated from Kirundi by Human Rights Watch.

¹⁶³ Human Rights Watch interviews with police chief Jérôme Maniraho and communal administrator Emile Ndayarize, Kinama, March 2010.

VI. Impunity for Past Killings and Attacks

In a May 2009 report, Human Rights Watch documented 23 apparently politically motivated killings that occurred between January 2008 and April 2009.

Few of these cases have led to investigations or arrests. One case covered in the report—the killing of Antoine Baransekeru, a school director and influential CNDD-FDD member in Isale commune, Bujumbura Rural—resulted in the arrests of the former communal administrator, a FRODEBU member, and two former FNL combatants. All three were in pre-trial detention as of April 2010.¹⁶⁴

However, there was little or no progress when opposition members were killed. For instance, no one was arrested for the January and February 2009 murders in Kinama and Kamenge, Bujumbura, of three former CNDD-FDD combatants who had since joined FRODEBU, and police told Human Rights Watch in April 2010 that the investigations were closed. Similarly, security officials were slow to respond to the April 2009 murder of Emmanuel Minyurano, a FRODEBU elected official who was killed in Kamenge commune, Bujumbura, shortly after publicly sympathizing with the FNL. Witnesses cited a named National Intelligence Service (SNR) agent shortly after the killing. However, the SNR denied for months that the agent worked for them, and claimed to have no knowledge of his whereabouts, although he regularly reported to work. In September 2009, the SNR finally acknowledged a link to the suspect, who was summoned and interrogated by prosecutors, but not arrested. According to judicial officials, the case is still open, but no trial date has been set.¹⁶⁵

Although impunity has prevailed in most cases of political killings and youth violence, several cases brought before the courts have advanced or seem poised to advance, although none has yet resulted in a verdict. In Makamba province, prosecutors conducted thorough investigations into a dossier in which two CNDD-FDD party officials are accused of torturing and mistreating FNL members in Kayogoro commune in December 2008, and have prepared charges against the suspects, though a trial date was not yet set as of May 2010.¹⁶⁶

¹⁶⁴ Human Rights Watch telephone interviews with the communal administrator and communal secretary of Isale, Bujumbura Rural province, March 2010.

¹⁶⁵ Human Rights Watch interview with a judicial official, Bujumbura, March 2010.

¹⁶⁶ Human Rights Watch interview with representatives of *Avocats Sans Frontières*, Makamba province, April 30, 2010, and with judicial officials in Makamba, by telephone, May 6, 2010.

In Muramvya, three police officers who stand accused of torturing alleged FNL members in October 2007, were finally tried in March and April 2010. A judgment is expected in June.¹⁶⁷

¹⁶⁷ Human Rights Watch trial observation, Muramvya province, April 9, 2010.

VII. Reaction of Government, Police and Judiciary

Burundi's government, police and judiciary have tended to handle political violence with a combination of impunity and non-neutrality that threatens to contribute to greater violence during the elections, and increase the likelihood of vigilantism by opposition members who decide to take matters into their own hands in the absence of adequate state protection.

Government reaction to political violence has varied; while several government ministers have publicly condemned conflict between members of different parties, others have downplayed the severity of such instances.

For example, in an April 5 radio interview, the chief of staff at the Ministry of Interior stated that those involved in altercations between different political parties should be sanctioned according to the law.¹⁶⁸ The Minister, Edouard Nduwimana, reiterated this statement on April 20.¹⁶⁹ President Nkurunziza, in a press conference on April 16, said that all of those who carried out political violence should be held individually accountable; he particularly emphasized that those who had broken the windshield of journalists in Kinama on April 10 should be arrested.¹⁷⁰

In a March 23 press conference, Burundi's defense minister, Germain Niyonyankana, called attention to the risks presented by partisan youth groups saying, "For the past several months we've been seeing clashes between youth groups affiliated to these parties. It should stop. Burundi has crucial elections coming up... I'm sounding the alarm bell because... this youth group agitation can be a source of insecurity that can have long-term consequences no one can control."¹⁷¹

However, other officials have minimized such violence. Police spokesperson Pierre Channel Ntarabaganyi, reacting in an April 16 radio interview to a Human Rights Watch news release calling for investigations into acts of political violence, dismissed such incidents as "isolated cases."¹⁷² Minister of Public Security Alain Guillaume Bunyoni, briefly encountered

¹⁶⁸ Rema FM broadcast, April 5, 2010.

¹⁶⁹ Radio Nationale broadcast, April 20, 2010.

¹⁷⁰ Human Rights Watch interview with journalists, Bujumbura, April 17, 2010.

¹⁷¹ BINUB, "Burundi's Army in 'Crisis': Defense Minister," March 25, 2010, http://binub.turretdev.com/en/index.php?option=com_content&task=view&id=416&Itemid=1 (accessed April 21, 2010).

¹⁷² Rema FM broadcast, April 16, 2010.

by Human Rights Watch in March, claimed, “We have no registered cases of political killings in 2009 or 2010. Our reports show this.”¹⁷³

Meanwhile police and judicial authorities have been slow to investigate and punish cases of political aggression. Two main scenarios have tended to prevail in such instances: either there were no arrests, or police arbitrarily rounded up members of the opposition who were present, while leaving CNDD-FDD members alone.

The problem of impunity is particularly acute when accusations implicate state agents. When Human Rights Watch informed National Intelligence Service (SNR) legal counsel Jérôme Kantanta that two young men suspected of working for the SNR were among Imbonerakure who fought with FNL members in Carama in January 2010 and were said to be armed, he denied that the young men in question, “Warren” and “Arsène,” worked for the intelligence service. However, the SNR had also denied for five months that a suspect in the April 2009 Kamenge killing of Emmanuel Minyurano was in its employ. The SNR finally admitted in September that he worked for the service, claiming to have been unaware that he was an employee.¹⁷⁴ Further, the SNR told Human Rights Watch in January that it had initiated investigations into the conduct of an SNR agent who had allegedly threatened an FNL member with his pistol in a bar in Kinama.¹⁷⁵ But in April, the agent was still patrolling Kinama with his pistol; after allegedly beating one young man on April 18, he was involved in a fight with FNL members on April 19. Shots were fired, and according to witnesses, both the SNR agent and an FNL member were injured; it was unclear who had initiated the fight.¹⁷⁶ Police questioned both men, and jailed the SNR agent overnight before releasing him.¹⁷⁷ (However, in May police told Human Rights Watch they had decided to charge both the SNR agent and an FNL member with “duelling,” and the SNR assured Human Rights Watch that the agent, pending judicial investigations, would be removed from regular contact with the public.)¹⁷⁸

Meanwhile police explained that they did not carry out investigations into Jean Baptiste Nzigamasabo, the parliamentarian widely linked to violence in Kirundo province in January,

¹⁷³ Human Rights Watch conversation with Minister of Public Security Alain Guillaume Bunyoni, Bujumbura, March 8, 2010.

¹⁷⁴ Human Rights Watch interview with Jérôme Kantanta, SNR legal counsel, Bujumbura, October 2009.

¹⁷⁵ Human Rights Watch interview with Jérôme Kantanta, SNR legal counsel, Bujumbura, January 28, 2010.

¹⁷⁶ Human Rights Watch interview with Kinama residents, Bujumbura, April 20, 2010, and with a police commissioner, by telephone, April 22, 2010

¹⁷⁷ Human Rights Watch telephone interview with a police commissioner, April 22, 2010.

¹⁷⁸ Human Rights Watch interviews with a police official, Bujumbura, May 6, 2010, and with SNR deputy administrator Zacharie Sagaba, Bujumbura, May 10, 2010.

because no complaint was filed.¹⁷⁹ Minister of Interior Nduwimana told Human Rights Watch that it was the role of the Prosecutor General's office to initiate an investigation.¹⁸⁰ But by April, it had not done so.

In many cases of common criminality, the failure of Burundi's police and judiciary to protect civilians and render justice effectively has led citizens to take justice into their own hands.¹⁸¹ If Burundian officials continue to minimize political violence, fail to investigate, and demonstrate favoritism toward the ruling party, they may face a growing politically-motivated vigilantism. As one Burundian journalist said, "The primary responsibility lies with the state. Both CNDD-FDD and FNL members have committed abuses, but if the state does not show that it can protect opposition members, they are going to decide to take responsibility for their own security."¹⁸²

¹⁷⁹ Human Rights Watch telephone interview with Kirundo police commissioner Domitien Niyonkuru, April 23, 2010.

¹⁸⁰ Human Rights Watch interview with Interior Minister Edouard Nduwimana, Bujumbura, March 8, 2010.

¹⁸¹ See Human Rights Watch/APRODH, *Mob Justice in Burundi: Official Complicity and Impunity*, March 2010, <http://www.hrw.org/en/reports/2010/03/31/mob-justice-burundi-o>. Human Rights Watch and APRODH documented 75 mob killings of suspected criminals in 2009. Perpetrators explained that in the absence of police protection and access to justice, they felt justified in killing suspected criminals.

¹⁸² Human Rights Watch interview with a Burundian journalist, Bujumbura, April 22, 2010.

VIII. Role of International Actors

Some preparations have been made for dealing with possible election-related violence in Burundi. But they may be inadequate in the face of mass violence, and it is unclear whether they will prevent continuation of the type of local-level violence that this report documents.

The Netherlands and Belgium, which have provided a series of training programs to the Burundian police since 2008, recently completed courses on election security.¹⁸³ A representative of one donor organization familiar with the instruction said that a police squadron trained in rapid intervention will be deployed to each province, with backup forces on standby in Bujumbura. However, he remarked that during the session police expressed hesitation about intervening in cases of political violence. “They have a mindset of, ‘Let’s let them beat each other,’” he said.¹⁸⁴ A team of police officials and representatives of the Inspectorate General at the Ministry of Public Security will monitor the work of the intervention squads.

However, that falls short of recommendations made by the International Crisis Group in February 2010 in a report that addressed the issue of ensuring credible elections. The report suggested that surrounding countries send a standby police force to assist Burundi’s police in election security.¹⁸⁵ Burundi downplayed the concerns raised by the report, and did not invite a regional standby force.¹⁸⁶ According to one African diplomat, “Burundi wants to make the argument that these are all isolated cases. Nkurunziza has convinced the Regional Initiative that all is going well.¹⁸⁷ The problem is that this absolves them from taking responsibility.”¹⁸⁸

A number of countries and regional blocks have deployed, or intend to deploy, election observers to Burundi, including the European Union, the African Union, the East African Community, South Africa, and Canada, as well as representatives of the diplomatic corps present in Bujumbura. The International Foundation for Electoral Systems (IFES), a US-based

¹⁸³ Human Rights Watch interview with the chief of staff at the Ministry of Public Security, Bujumbura, April 16, 2010.

¹⁸⁴ Human Rights Watch interview with representative of a donor organization, Bujumbura, April 27, 2010.

¹⁸⁵ International Crisis Group, “Burundi: Ensuring Credible Elections,” pp. ii.

¹⁸⁶ Human Rights Watch interview with an African diplomat, Bujumbura, February 23, 2010.

¹⁸⁷ The Regional Initiative on Burundi is a partnership of neighboring countries, led by Uganda, that has assisted in seeing Burundi through its peace process since 1995.

¹⁸⁸ Human Rights Watch interview with an African diplomat, Bujumbura, February 19, 2010.

organization, has worked with Burundian and international NGOs to establish an election violence monitoring system, “Amatora mu Mahoro” (Elections in Peace), equipping monitors throughout the country with a list of risk indicators and a system to communicate information about incidents of election-related violence.¹⁸⁹

Elections observers should pay close attention to incidents of political violence and threats. Through monitoring and reporting, they should help ensure that police demonstrate political neutrality, and that victims of election-related violence have access to justice.

¹⁸⁹ The project’s website, www.burundi.ushahidi.com, tracks reports of violence as well as election-related peace initiatives on a daily basis.

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“We’ll Tie You Up and Shoot You”

Lack of Accountability for Political Violence in Burundi

On May 21, Burundians head to the polls at the start of a four-month election season. The two main contenders are both former rebel movements, which initially fought in tandem and then turned their guns on one another before signing a final peace accord in 2009.

The year leading up to the elections has been marked by high levels of political violence. Youth movements associated with political parties have clashed violently on several occasions, and party militants have also attacked journalists. At least one opposition party activist has been assassinated, and others have been struck with machetes or beaten. Opposition youth have also attacked those associated with the ruling party.

Police and judicial investigations into these incidents have, with few exceptions, been cursory or nonexistent. Some police and intelligence officials have favored the ruling party in their handling of pre-election violence. When violent incidents are not investigated or punished, political actors are more likely to calculate they can get away with attacks, while victimized members of political groups who do not see justice served are more likely to take matters into their own hands.

As Burundi enters this election season, which runs from May through September 2010, the government, as well as the security and judicial authorities, must discourage these acts of political violence and prosecute crimes that appear politically motivated. Government officials and political party leaders should denounce politically partisan crimes, and security and judicial authorities should impartially investigate and prosecute. International election observers should not only document cases of political violence, but should also monitor victims’ access to justice. International donors—the primary funders of Burundi’s police and justice system—should demand that police and prosecutors demonstrate neutrality and rigor in investigating and prosecuting election-related violence.

FNL youth protested in the streets of Kinama, Bujumbura, after FNL members were arbitrarily arrested in January. The protests were followed by stone-throwing confrontations between other FNL and CNDD-FDD members, resulting in several injuries. No one was held accountable for the violence.

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