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***For an interview with Carina Tertsakian, senior researcher in the Africa division, please visit:

<https://www.hrw.org/news/2016/04/13/interview-killings-abductions-and-torture-spread-fear-burundi>

Burundi: Government Investigations Ignore State Abuses

Independent International Inquiry Needed

(Nairobi, April 13, 2016) – The findings of a [Burundian](#) commission of inquiry into allegations of extrajudicial executions by members of the security forces on December 11, 2015, in the capital, Bujumbura, are misleading and biased, Human Rights Watch said today. This is one of several official inquiries that have failed to properly investigate security force abuses or hold those responsible to account.

The inquiry focused on reports of abuses during the most deadly operation by the Burundian security forces since the country's crisis began in April. Human Rights Watch found that police and military [shot dead](#) scores of people in Nyakabiga and Musaga neighborhoods, apparently in retaliation for opposition attacks on four military installations, and for heavy shooting at security forces by gunmen in these neighborhoods.

“This is the latest in a series of commissions of inquiry in Burundi that has ignored widespread abuses by the security forces,” said [Daniel Bekele](#), Africa director at Human Rights Watch. “These inquiries have covered up state abuses and have not led to justice.”

The Prosecutor General, Valentin Bagorikunda, set up an inquiry into the December 11 events on December 17, 2015. Summarizing the inquiry's [main conclusions](#) on March 10, 2016, he did not mention killings or abuses of Bujumbura residents by the security forces. He claimed that those killed on December 11 were armed “combatants” wearing police or military uniforms.

Since 2010, there have been at least seven commissions of inquiry into allegations of killings and other abuses. Most of them have denied or downplayed serious abuses by state agents.

Human Rights Watch documented the killings of December 11 in detail and found no indications that the victims had participated in the attacks on the military installations. Some victims were found lying side by side, face down, and appeared to have been shot in the back or the head. Others survived with serious injuries. The security forces also carried out large-scale arbitrary arrests in both neighborhoods.

In March, two United Nations special rapporteurs and one from the African Commission on Human and Peoples' Rights visited Burundi to investigate human rights abuses at the request of the UN Human Rights Council. They plan to return in June and send a small team of human rights monitors to be based in the country.

Presenting their interim report to the Human Rights Council on March 22, Christof Heyns,

UN special rapporteur on extrajudicial, summary, or arbitrary executions, said: “The overt violence of last year seems to have subsided. At the same time covert violence, for example, in the form of disappearances, seems to have increased... There are some in [the Burundian] government who seem to be open to change. Others, however, are in denial anything is wrong.”

Given the Burundian justice system’s inability or unwillingness to conduct credible and thorough investigations, an independent, international commission of inquiry is needed to establish the truth about the grave abuses in Burundi in the past year and support the efforts of the special rapporteurs, Human Rights Watch said.

An international commission with expertise in criminal and forensic investigations would conduct in-depth inquiries with a view to establishing individual responsibility for the most serious crimes. It would probe deeper into these crimes, complementing the work of UN and African Union human rights observers in Burundi as well as the Human Rights Council’s initiatives.

Burundian government officials have repeatedly claimed there is peace and security throughout the country, despite the fact that several hundred people have been killed over the past year and many others arbitrarily arrested, tortured or disappeared. The minister of human rights, social affairs and gender, Martin Nivyabandi, told the Human Rights Council in Geneva on March 22 that, “the situation is normalizing” and that, “Burundi today couldn’t be a land where impunity reigns.”

“Contrary to the minister’s statement, impunity has been at the heart of Burundi’s political system for years and is one of the principal causes of the current human rights crisis,” Bekele said.

Serious new abuses were reported throughout March and early April. Scores of people have been arrested and others taken away to unknown destinations by the police or intelligence services. Ruling party officials, police, and members of the ruling party youth league known as *Imbonerakure* arrested at least 16 members of the opposition party National Liberation Forces (FNL) at a bar in Kirundo province on March 12. The police spokesman, Pierre Nkurikiye, claimed they were conducting a political meeting without authorization.

Armed opposition groups have also been responsible for abuses. Unidentified men killed two ruling party officials in Bururi and Makamba provinces on March 15.

Since early 2016, the intelligence services have intensified surveillance of human rights activists, journalists, and other perceived critics, making it even more difficult to document and expose abuses and putting the few activists who remain at even greater risk.

Tensions were heightened on March 22, after an unidentified gunman shot dead Lt. Col. Darius Ikurakure, a military commander reportedly involved in many abuses, at the army headquarters in Bujumbura. Later that day, residents of Bujumbura reported that security forces arrested several people. That night, another military officer, Major Didier Muhimpundu, was killed in Bujumbura. An opposition group, the Republican Forces of Burundi (*Forces républicaines du Burundi*, FOREBU), later claimed responsibility for Ikurakure’s death.

“The government’s claims that Burundi is calm and that security is improving aren’t true,” Bekele said. “The recent killing of the military officials has heightened tensions, and many people are being arrested or simply go missing.”

For details of Burundi’s flawed commissions of inquiry, please see below.

Commissions of Inquiry

Over the last six years, the prosecutor general’s office has set up multiple commissions of inquiry into human rights abuses, usually following critical reports by Burundian and international human rights groups or the United Nations. The Burundian government has used these commissions to try to show international actors that the Burundian justice system is able to investigate reports of abuses as well as to exonerate its security forces.

Some of the inquiry reports have never been made public. Those that have are deeply flawed and biased in favor of the government, denying or downplaying state abuses. Few have led to the successful or effective prosecution of those responsible. A lack of transparency has made it difficult to know how much effort the commissions made to identify and interview a wide range of impartial witnesses. However, they did not approach independent Burundian or international groups, such as Human Rights Watch, that had investigated and reported publicly on these abuses.

Nyakabiga and Musaga killings – December 2015

In the most recent case, the prosecutor general set up a judicial commission of inquiry on December 17, 2015, to investigate the December 11 killings.

Summarizing the commission’s findings, Bagorikunda, the prosecutor general, said that 79 combatants were killed along with 4 policemen and 4 soldiers. He claimed the 79 were carrying weapons and were dressed in police or military uniforms. He described allegations that people had been buried in mass graves as “not founded” and said government officials buried those who could not be identified because of concerns about hygiene.

Bagorikunda stated that seven combatants captured in Mujejuru – in Bujumbura Rural province, outside the capital – died in unclear circumstances and that a case file has been opened against two members of the security forces.

Human Rights Watch [research](#) into the December 11 events paint a different picture. Multiple witnesses from Nyakabiga and Musaga said they saw members of the police or military kill local residents. Human Rights Watch also viewed photos of 16 bodies found in Nyakabiga on December 12 and related [video footage](#). Many were found in the street without their shoes. Security forces often make detainees remove their shoes to make it harder for them to flee. The photos were taken before local authorities collected the bodies.

The victims in the photos and videos were all wearing civilian clothes. A witness told Human Rights Watch that three other victims in Musaga were wearing police uniforms and two military uniforms, but that it looked like someone had put the uniforms on them because they clearly didn’t fit.

Local residents said that *Imbonerakure*, wearing surgical masks and gloves, dug three or four graves in a cemetery in the Kanyosha neighborhood and buried some of the bodies there. They told Human Rights Watch that the authorities did not attempt to identify the dead.

Ngagara Killings – October 2015

On October 13, unidentified men in Bujumbura's Ngagara neighborhood stopped three policemen in civilian clothes. They killed one, shot and injured another, and the third escaped. The police response was brutal and disproportionate. The police responsible for guarding state institutions (*Appui pour la protection des institutions*, API) killed, beat, and threatened residents in Ngagara while searching for the attackers. [Police killed at least nine residents](#), including Christophe Nkezabahizi, a cameraman with the state broadcaster Radio Télévision Nationale du Burundi (RTNB), four members of his family, and a domestic worker.

On October 17, the prosecutor general set up a commission to investigate these events. Most of the commission's report is devoted to the attack on the policemen. It does not indicate that the commission talked to anyone who witnessed the killing of Nkezabahizi and his family or other killings and abuses by policemen. Human Rights Watch, Amnesty International, the Office of the UN High Commissioner for Human Rights, and the Burundian newspaper *Iwacu* talked to multiple witnesses who confirmed these abuses.

The report notes that local residents did not respond favorably to a call for evidence by the commission and quotes a local official in Ngagara as saying that residents of his neighborhood did not want to talk to government representatives about what they knew.

The report makes no mention of API police entering houses, beating people, shooting domestic workers, or looting homes, which numerous residents described to Human Rights Watch.

Anti-Third-Term Demonstrations – from April 2015

Bagorikunda set up a commission of inquiry on April 29, 2015, into the violence surrounding demonstrations against President Nkurunziza's third term. The commission's report, published in August, described the protests as an "insurrectional movement." It focused on abuses by opposition sympathizers against the state security forces, destruction of state property, and killing of *Imbonerakure*. It did not mention [killings, beatings, or scores of arbitrary arrests](#) by security forces.

Witnesses told Human Rights Watch that police [shot live ammunition at demonstrators](#) indiscriminately – sometimes at point-blank range – hitting them in the head, neck, and chest. Medical personnel and witnesses, including a man who survived a shooting, said that some people were shot in the back as they fled. Medical staff in Bujumbura treated scores of people with bullet wounds.

Some demonstrators threw stones and Molotov cocktails at the police, killed an *Imbonerakure* and then burned his body, and used slingshots to shoot stones, marbles, and other projectiles at the police.

The president's main communications adviser, Willy Nyamitwe, told Human Rights Watch in May: "There are perhaps policemen who used too much force and others who were misguided. You need to recognize also that demonstrators are committing human rights abuses and they aren't being reported." He said some policemen had been arrested because "they used live ammunition against demonstrators."

Cibitoke Province Killings – December 2014-January 2015

Human Rights Watch documented [at least 47 extrajudicial executions](#) by military, police, and *Imbonerakure* in Cibitoke province, western Burundi, between December 30, 2014, and January 3, 2015, after an unidentified armed group clashed with the military and police. The victims were members of the armed group who had surrendered.

On April 25, Bagorikunda presented the findings of a commission of inquiry to investigate these events. The report focused on fighting between the armed group and the military and only superficially touched on allegations of extrajudicial executions.

The commission stated that with the exception of three people whom policemen allegedly killed on their own initiative, all those who died were killed during the fighting. Its report states that these policemen were arrested. Human Rights Watch spoke with more than 50 people, including 32 witnesses to the killings, members of the armed group in detention, and local government officials, who confirmed that the victims were killed after they surrendered. The commission's conclusion that only three combatants were killed outside the fighting lacks credibility. Human Rights Watch research showed that some local authorities and *Imbonerakure* intimidated witnesses and warned them not to talk about these events.

Politically motivated killings – 2010-2012

In a [2012 report](#), Human Rights Watch documented scores of political killings and targeted assassinations since late 2010.

The deadliest attack took place on September 18, 2011, when gunmen entered a bar in Gatumba, a town near the Congolese border, and shot dead 37 people. A commission of inquiry submitted its report on the Gatumba events to the prosecutor general in October 2011, but to Human Rights Watch's knowledge, it was not made public. In January 2012, 16 people were convicted for their alleged role in the Gatumba killings, [in an unfair trial](#) during which several defendants stated they had been tortured.

In June 2012, Bagorikunda set up another commission of inquiry into allegations of torture and extrajudicial killings, in response to reports by Human Rights Watch, the Episcopal Justice and Peace Commission, the United Nations Office in Burundi (BNUB), and the Burundian human rights organization Association for the Protection of Human Rights and Detained Persons (APRODH).

In August 2012, the commission published its report, recognizing that killings had occurred, but concluding that they did not constitute extrajudicial executions. The government minimized the scale of the problem and made little effort to conduct in-depth investigations. The report stated that case files had been opened on a number of these incidents and that investigations were under way. It attempted to discredit the findings of Burundian and international human rights groups.

The commission's work resulted in the arrest of about eight people, including several policemen and local officials. In 2013, a court in Gitega tried deputy police commissioner Michel Nurweze, known as Rwembe (razorblade in Kirundi), for his alleged involvement in the murder of an opposition party member, Léandre Bukuru, and for attempted murder and torture in two other cases.

His trial could have been an important first step toward ending impunity, but at least two

prosecution witnesses refused to testify because they lacked adequate protection. The court acquitted Nurweze of the murder and torture charges, changed the offense of attempted murder to grievous bodily harm, and sentenced him to three months in prison. He was released as he had already served a year in prison.

A report of a commission of inquiry into extrajudicial killings in 2010, and another on abuses before, during, and after the 2010 elections have still not been published.