



REPORT

Repression and pre-genocidal dynamics in Burundi

EXECUTIVE SUMMARY

In October 2016, the Burundian authorities took the extreme step of suspending cooperation with the United Nations and withdrawing from the International Criminal Court (ICC) while systematically repressing its population and committing crimes of the most serious nature. FIDH and ITEKA have gathered evidence for this report over the course of the past 24 months, through investigative missions and permanent monitoring of crimes committed. This report seeks to explain, a year and a half after the outbreak of the crisis in Burundi, the political and human rights situation as well as the dynamics at play. Is this a political or an ethnic conflict? What crimes are being committed, who are the perpetrators and who is responsible? Is Burundi really on the brink of genocide? What does the future hold for this country, after emerging from a decade of civil war, in which 300,000 people were killed? Is the withdrawal of Burundi from the ICC a sign that the situation is deteriorating?

Using any and all means to retain power

Since April 2015, when large popular protests broke out against the decision of President Pierre Nkurunziza to seek a third term, Burundi has been in violent political crisis, characterized by the bloody crackdown of the authorities. In response to this state-sponsored violence, armed rebel groups have conducted attacks and targeted killings, fueling the cycle of violence. The crackdown by the security services and the *Imbonerakure* - the youth organization of the ruling party, whose members act as their proxy – aims primarily at retaining power through any and all means.

To date, the human toll is more than 1,000 dead, 8,000 people detained on political grounds, 300 to 800 people missing, hundreds of people tortured, hundreds of women victims of sexual violence, and thousands of arbitrary arrests. These abuses, committed mainly by Burundian security forces, have already forced more than 310,000 people to flee the country¹. Civilians are the main victims of the violence.

¹ According to the numbers provided by the United Nations High Commissioner for Refugees (UNHCR), updated 27 September 2016, UNHCR, Burundi Situation, <http://data.unhcr.org/burundi/regional.php>

From open repression to abuses behind closed doors

Initially, the authorities targeted protesters and opponents of the ruling party, and then progressively those considered hostile to the established power: youth, political opponents, journalists, members of civil society, and simple citizens. The attempted coup on 13 May 2015 was the breaking point, leading authorities towards a logic of systematic repression. Up until that date, the police would fire into the crowd, arrest protesters and seek ringleaders, all the while limiting the violence of the security services and *Imbonerakure*. In the aftermath of 13 May 2015, the authorities increasingly radicalized their action (throughout July, November, December 2015, and January-February 2016) initiating a policy of systematic repression. After every attack by armed groups, the protesting neighborhoods of Bujumbura were raided by regime forces and men were found handcuffed and executed by a bullet in the head. There were hundreds of arrests, and torture became systematic, notably on the premises of the National Intelligence Service (SNR). Secret detention facilities multiplied and served as torture centers used for extracting information on all those who are believed to oppose the ruling party, CNDD-FDD. On 11 December 2015, in retaliation for three attacks by armed opposition groups in Bujumbura and its surroundings, the security forces and their auxiliaries raided areas of the capital and summarily executed at least 150 people, whose bodies were then abandoned in the streets. 150 others are still missing. Several mass graves have since been identified in the capital and its surroundings.

This repression in broad daylight triggered reaction from human rights organizations, and beginning in January 2016, the regime changed its *modus operandi*, continuing its repression under the radar of the international community: secret locations for detention and torture, covert executions, enforced disappearances, concealment of bodies in cemeteries, the muzzling of the press and of NGOs, propaganda attributing these crimes to the armed opposition, etc. Yet these crimes have been committed almost entirely by groups dedicated to the regime.

Special forces recruited for the repression

The majority of arbitrary arrests, acts of torture and summary executions are carried out by the police security services, the army and the special services, and supported by the *Imbonerakure*. All of these units, around a dozen in number, including the SNR, the anti-Riot Squad (BAE), the Institutional Protection Agency (API), the mobile rapid response group (GMIR) and the Special Research Bureau of the judicial police (BSR) or the Combat engineer Battalion (BGC), the 221st Commando de Ruyigi Battalion, and the special Brigade for the protection of institutions (BSPI), are run by close allies of President Nkurunziza. Their leaders report directly to the president through official channels or through a parallel chain of command that leads directly to the Presidency of the Republic, particularly via the civil cabinet. These units have been largely purged of all those - Tutsi and Hutu, "who cannot see things through" according to a well-placed Burundian informant.

Part of the *Imbonerakure*, the youth section of the CNDD-FDD ruling party, is used as auxiliaries to the regular forces and has participated in the repression of all individuals considered hostile to the government. These *Imbonerakure*, - considered a militia by the United Nations - whose abuses have been denounced for years, are trained, armed and mobilized throughout the country. Their role in the repression has increased to the point that some of the *Imbonerakure* have also formally joined the police forces, the SNR or the army. They arrest, torture and commit extrajudicial executions. They conduct repressive actions against civilians, disseminate

the pro-Hutu ideology of the ruling party, monitor activities in Burundi and in neighboring countries, and provide first hand information to the SNR.

For their part, the armed groups of the opposition (the Republican Forces of Burundi - FOREBU - and the Resistance for the Rule of Law – the Red-Tabara) have responded to this state-sponsored violence with attacks and targeted killings, fueling the cycle of violence and reinforcing the divisive vision of the regime.

From the challenging of the Arusha accords to the « us versus them » rhetoric

In less than one year, the CNDD-FDD transitioned from a logic of power conservation to the "us versus them" rhetoric. The protests and demonstrations of April 2015 were representative of a more urban, young, multi-ethnic kind of contestation. It was more a reaction to the economic situation, the growing authoritarianism of President Nkurunziza and the omnipotence of the CNDD-FDD than a questioning of balance established by the Arusha Agreement, the which demonstrators actually supported. Calling into question the Arusha Accords to justify the third term of President Nkurunziza cracked the fragile structure and consensus of Arusha, which the CNDD-FDD had neither participated in nor adhered to. If the popular demonstrations were perceived by the government as a threat, it was the attempted coup of 13 May 2015 which appears to have led the regime to its totalitarian logic. To legitimize their grip on the country, the CNDD-FDD started to use the classic rhetoric of defending the Hutu majority as being persecuted and threatened by the risk of the return of an oppressive Tutsi military. For the regime, the coup attempt of 13 May 2015 has implemented this threat, preparing its followers for the final confrontation. Thus, the seeds of the genocidal logic have been planted. The army is now the main target for purging ex-FAB, those soldiers from the former Tutsi-dominated army, which was the armed wing of the military regimes of the past. Dozens of former FAB have been murdered in 2016, or arrested or transferred.

Crimes against humanity and/or genocide ?

Crimes against humanity are being committed in Burundi today. The systematic nature of the arrests, summary and extrajudicial executions, acts of torture and other crimes constituting crimes against humanity is manifest and has been documented in this report. Is there an "intent to destroy - in whole or in part - a national, ethnical, racial or religious group"? In other words is a genocide imminent? Serious and massive human rights violations have been perpetrated for over a year and a half in Burundi. The security services and youth militia are pursuing opponents and dissenting voices, even in countries neighboring Burundi. An effective security network has been set up in the capital and throughout the country to supervise and control the population. In addition to this widespread surveillance, the regime has also set up propaganda organs and tools, which broadcast pro-Hutu ethnic ideology, using the country's history to justify total repression. Thus, the mass killings – labeled by some as the Hutu genocide - committed in 1972 justify preventive measures for the protecting of the Hutu majority against the Tutsi minority. Evidence in this report indicates the willingness of authorities to make Tutsi leaders responsible for the contesting of their power, which is "legitimate" since Hutus are the major ethnic group. The desire to do this is expressed in the speeches of senior Burundian dignitaries who increasingly and brazenly denounce "Tutsis" as enemies of the regime. Such rhetoric is used by members of the defense and security forces, the SNR, the *Imbonerakure* and the ruling party, all of whom support President Nkurunziza's project. The ethnic element has increasingly become an element of discrimination and an engine for the repression exercised by these bodies. Many victims have told our

organizations having been arrested and / or tortured after indicating they were Tutsi, or after having allegedly been identified as such. The following remarks by officials or officers of the regime are an illustration: "*You, the Tutsi, we are going to clean you out, we will kill you all*", or "*we are going to throw you out of the country.*" The use of terms such as "cleaning out", "crushing", or "exterminating" further indicate the explicit intent to destroy. If the original project of President Nkurunziza and the Burundi ruling circles was the preservation of power, it is clear that they have undertaken all means at their disposal to achieve this. Thus, all the criteria and conditions for the perpetrating of genocide are in place: ideology, intent, security institutions and relaying mobilization via, notably, the militias, the identifying populations to be eliminated, and the using of historical justifications. If the Tutsi are not the only ones targeted by the regime, ethnicity is sufficiently being instrumentalized for the current situation in Burundi to be called a repression with genocidal dynamics. Our organizations warn that these dynamics are intensifying and could lead to genocide in Burundi.

Radicalization dynamics

In October 2016, in less than a week, the Burundian authorities took a series of dramatic actions demonstrating the radicalized nature of the regime : the denouncing of a UN report on human rights quite damning of the regime; three UN experts and the African Union being declared *personae non gratae*; the suspension of cooperation with the UN High Commissioner for Human Rights; the withdrawal from the International Criminal Court (ICC); and the suspension of 5 Burundian organizations defending human rights including ITEKA and the exclusion of 5 others. Moreover, it is to be feared that this breaking, now completed, with the international community heralds a new intensification of repression and crimes against citizens who are considered hostile to the regime. Any reaction of armed opposition groups or neighboring countries - in particular Rwanda - to ensure the protection of civilian populations could signal mass murder, genocide or a new and deadly civil war.

This spate of rash actions by the Burundian authorities comes after more than a year of attempts by the African Union, the UN and the international community to urge the government and the opposition to participate in political dialogue, which is now stalled. Several mediators have been unable to soften the government's position. It is not so much the fact that the Burundian authorities benefit from the backing of African countries and the international community, as it is a question of international context: the clash between, on the one hand, proponents of nationalism invoking state sovereignty to thwart any interference - to the point of accepting what is unacceptable - and on the other hand, proponents, of a much too-selective interventionism, unable to offer a suitable alternative to the downward spiral of abuses committed by the Burundian regime, increasingly reclusive. And yet, positive measures have been adopted by the European Union and countries such as the United States, Belgium, and France. The African Union sent a commission of inquiry to Burundi and made a list of sanctionable individuals, which has not been made public. It also sent just under 70 military and human rights observers, who cannot operate on the ground. Burundi having systematically obstructed all decisions of the AU and the UN since the onset of the crisis, the situation seems to be blocked, whilst the country has but limited strategic interest for powerful countries, and there are currently a multitude of crises in Central Africa. President Nkurunziza is equally counting on the passivity of some African leaders who are reluctant to denounce authoritarianism in Burundi, since they employ similar tactics to retain power in their own countries.

For many observers, only a blatantly visible catastrophe will lead the international community to intervene in Burundi, with the African Union at the forefront. Remember that the African Union had failed, in early 2016, to

send in an African peacekeeping force composed 5000 men (MAPROBU) nor did the United Nations send a police force of 228 men in July 2016.

FIDH and ITEKA do not share this fatalism and urge the African Union, the UN, the EU and the international community to:

- Send a civilian protection force to Burundi;
- Adopt targeted and individual sanctions against perpetrators and those responsible for serious human rights violations cited in the report;
- Make every effort to resume political dialogue and find a peaceful solution to the crisis;
- Continue to conduct incriminating investigations into serious human rights violations.

In addition to detailed recommendations to each player, this report contains confidential annexes that will be securely transmitted to the Prosecutor of the International Criminal Court (ICC) to contribute to the opening of an investigation into crimes that fall under its jurisdiction committed since April 2015.