



**Burundi's Compliance with the International Covenant on Civil and Political Rights
Suggested List of Issues Prior to Reporting**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. A growing number of victims fleeing human rights violations in Burundi have requested legal assistance from The Advocates in applying for asylum in the United States. First-hand information from asylum-seekers about the human rights violations that they experienced in Burundi has been used in this submission with their permission.

EXECUTIVE SUMMARY

1. April 2015 marked the start of a political and human rights crisis in Burundi that has claimed hundreds of lives.¹ Violence flared following President Pierre Nkurunziza's decision to seek a controversial third term, which prompted protests. Police and security forces used excessive force and shot demonstrators indiscriminately.² After a failed coup d'état by military officers in May 2015, the Government of Burundi intensified its repression of political dissent by suspending most of the country's independent radio stations. By mid-2015, most of Burundi's opposition party leaders, independent journalists, and civil society activists had fled the country after receiving repeated threats.³
2. The human rights crisis that gripped Burundi in 2015 deepened in 2016 as government forces targeted perceived political opponents with increased brutality. The Burundian National Defense Forces (BNDF) and the Burundian National Intelligence Service (SNR)—often in collaboration with members of the ruling party's youth league, known as Imbonerakure⁴—committed numerous killings, disappearances, abductions, torture, rape, and arbitrary arrests. Armed opposition groups also carried out attacks, killing five members of the ruling party.⁵ In 2016, an average of more than 1,000 people per day fled to nearby Tanzania to join the 250,000 Burundians already spread across Eastern Africa.⁶
3. In September 2016 the Human Rights Council established the Commission of Inquiry (COI) on Burundi. Its mandate to conduct a thorough investigation into the human rights abuses in Burundi since April 2015 has been renewed three times. The latest 2019 COI report found that numerous human rights abuses, primarily the suppression of civil liberties, were being perpetrated by local administrative officials, members of the Imbonerakure, SNR officers, and police.⁷
4. Further, the State is failing to meet its obligations to investigate and prosecute human rights violations. Moreover, journalists and human rights defenders face violence and increasing restrictions on their rights to freedom of expression and association. Recently adopted

¹ Data collection by political activists in the area suggest that the fatality count reached 1,155 between April 24, 2015 and April 25, 2016. Armed Conflict Location & Event Dataset, *Country Report: Burundi Crisis Year One*, by Clionadh Raleigh, Roudabeh Kishi, Janet McKnight, and James Moody (May 2016). Also available online at <http://www.acleddata.com/wp-content/uploads/2016/05/ACLED-CountryReport-Burundi-May-2016.pdf>.

² Human Rights Watch, *Burundi's Human Rights Crisis*, (Apr. 2015–July 2016). Also available online at www.hrw.org/sites/default/files/supporting_resources/burundi_compendium_2016_web_version_4.pdf.

³ Ibid.

⁴ Emma Graham-Harrison, *The World Looks Away as Blood Flows in Burundi*, *The Guardian*, Apr. 10, 2016, <https://www.theguardian.com/world/2016/apr/10/burundi-ethnic-violence-refugees>. (The youth wing of the ruling party, the Imbonerakure grew out of the same disbanded militia as the ruling party. Critics of the party claim that the Imbonerakure never fully lost the mentality of war, despite the government's insistence that they are just a political group).

⁵ Human Rights Watch, *Burundi: Events of 2016*. (2016). Also available online at <https://www.hrw.org/world-report/2017/country-chapters/burundi>.

⁶ Emma Graham-Harrison, *The World Looks Away as Blood Flows in Burundi*, *The Guardian*, Apr. 10, 2016, <https://www.theguardian.com/world/2016/apr/10/burundi-ethnic-violence-refugees>.

⁷ Commission of Inquiry, *Report of the Commission of Inquiry on Burundi*, U.N. Doc. A/HRC/42/49 (Aug. 6, 2019),

legislation further limits the ability of non-governmental organizations to operate and of civil society to participate in public life.⁸

5. This report provides an overview of the human rights developments since the Committee's last review of Burundi in 2014. It concludes that the Government of Burundi has failed to uphold its human rights obligations regarding freedom of assembly, association, and speech, as well as protection against sexual violence, ill-treatment, torture, arbitrary arrest and detention, and extrajudicial executions. The Advocates has received direct information about the human rights violations detailed in this report from survivors who have fled Burundi to seek asylum in the United States.

Burundi fails to uphold its obligations under the International Covenant on Civil and Political Rights

I. The State fails to protect the Right to Life, Liberty, and Security of Person

1. Enforced disappearances and extrajudicial executions

6. In its November 2014 Concluding Observations, the Committee expressed concern about reports of large numbers of people being killed by members of security and defense forces, especially in the aftermath of the 2010 election, and that investigations leading to prosecution and punishment of the perpetrators have not been carried out in all cases.⁹
7. State-sponsored violence appears to have increased over the reporting period.¹⁰ The United Nations Independent Investigation on Burundi (UNIIB) details abundant evidence of gross human rights violations including hundreds of cases of summary executions, targeted assassinations, arbitrary detention, torture, and sexual violence committed by the Burundian Government and people associated with the ruling party.
8. UNIIB noted persistent allegations of violations of the right to life and physical integrity and reported an increase in enforced disappearances and arrests of individuals suspected of participating in opposition groups.¹¹ Ligue Iteka, a Burundian NGO, documented 331 alleged enforced disappearances between December 2015 and November 2016.¹² Additional reports

⁸ Andrew Gilmour (Assistant Secretary-General for Human Rights), *Burundi Configuration of the Peacebuilding Commission*, (Mar. 13, 2017). Also available online at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21364&LangID=E#sthash.btxaKW3M.pdf>.

⁹ Human Rights Committee, *Concluding Observations on the second periodic report of Burundi*, ¶ 13, U.N. Doc. CCPR/C/BDI/CO/2 (Nov. 21, 2014).

¹⁰ United States Department of State, *Country Reports on Human Rights Practices for 2016: Burundi*, Bureau of Democracy, Human Rights and Labor (2016). Also available online at <https://www.state.gov/wp-content/uploads/2019/01/Burundi-1.pdf>. (As of October 5, 2016, the OHCHR documented more than 150 killings, many of them extrajudicial killings committed by police, the SNR, or military personnel. By comparison, the OHCHR documented more than 400 cases of arbitrary or unlawful killings in 2015).

¹¹ U.N. Office of the High Commissioner of Human Rights, *Burundi: Commission of Inquiry Presents Initial Activities and Observations*, (Mar. 13, 2017). Also available online at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21361&LangID=E#sthash.yy8qs8jB.pdf>.

¹² United States Department of State, *Country Reports on Human Rights Practices for 2016: Burundi*, Bureau of Democracy, Human Rights and Labor (2016). Also available online at <https://www.state.gov/wp-content/uploads/2019/01/Burundi-1.pdf>.

describe the discovery of unidentified bodies.¹³ Further, the UNIIB found that agents connected with the SNR, police, and the military were responsible for many of these disappearances.¹⁴ The OHCHR reports that the police, the SNR, BDNF, and the Imbonerakure are responsible for 96% of enforced disappearances.¹⁵

9. For example, a client of The Advocates was targeted by the Imbonerakure based on her membership in an opposition party. After the 2015 attempted coup, two colleagues who had worked with her in the same opposition party were killed. Three days later, a group of armed men, identified by our client as Imbonerakure, attempted to enter her family compound, killing her watchman in the process. The client relocated but the individuals who stayed in her house were later kidnapped by the same men, who subsequently discovered that they had captured the wrong people. In addition, the same group of Imbonerakure later kidnapped and mistreated our client's husband.¹⁶

2. Arbitrary detention

10. The State is responsible for arbitrary arrests and detention conducted by the police, the SNR, and the Imbonerakure. The SNR reports directly to the president and holds the power to arrest and detain. Members of the Imbonerakure sometimes operate in cooperation with police, but often act independently without any identifiable oversight; Imbonerakure members arrest persons with impunity despite having no legal authority to arrest or detain.¹⁷ As of October 5, 2016, the OHCHR Office in Burundi documented some 5,209 arrests it deemed arbitrary in that individuals involved were arrested without charge and without arrest warrants for investigative purposes. Of these arrests, 2,467 eventually resulted in release for lack of evidence.¹⁸
11. One client of The Advocates reported being arbitrarily detained by the Burundian Government after speaking out publicly against government corruption. Our client was falsely accused of importing weapons for the opposition. She was questioned by a Burundian Embassy official in another country, who threatened her and told her to stop her business activities. She was subsequently arrested and taken to an SNR office, where she was interrogated, assaulted, and raped.¹⁹

¹³ Andrew Gilmour (Assistant Secretary-General for Human Rights), *Burundi Configuration of the Peacebuilding Commission*, (Mar. 13, 2017). Also available online at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21364&LangID=E#sthash.btxaKW3M.pdf>.

¹⁴ *Report of the United Nations Independent Investigation on Burundi (UNIIB) Established Pursuant to Human Rights Council Resolution S-24/1*, (Sept. 20, 2016), U.N. Doc. A/HRC/33/37 ¶ 54. Also available online at <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>.

¹⁵ U.N. Office of the High Commissioner of Human Rights, *Burundi: UN Investigation Urges Strong Action in Light of Gross, Widespread, and Systemic Human Rights Violations*, (Sept. 2, 2016). Also available online at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20534>.

¹⁶ Interviews conducted by The Advocates (2006–2019).

¹⁷ United States Department of State, *Country Reports on Human Rights Practices for 2016: Burundi, Bureau of Democracy, Human Rights and Labor* (2016). Also available online at <https://www.state.gov/wp-content/uploads/2019/01/Burundi-1.pdf>.

¹⁸ *Ibid.*

¹⁹ Interviews conducted by The Advocates (2006–2019).

12. Conditions of detention in Burundi do not meet the standards established by the UN Standard Minimum Rules for the Treatment of Prisoners.²⁰ The UNIIB reported prison overcrowding at a rate of 300% occupancy in some prisons.²¹ Moreover, Burundian prison conditions remain harsh and sometimes life threatening with reports of physical abuse, lack of adequate medical treatment, and prolonged solitary confinement.²² Prisoners did not have adequate sanitation systems, drinking water, ventilation, or lighting.²³

13. Suggested questions relating to the rights to life, liberty, and security of person:

- What steps is the State taking to investigate allegations of extrajudicial executions and enforced disappearances and to hold perpetrators accountable?
- What measures are in place to prevent law enforcement officials from conducting arbitrary arrests?
- What steps has the State Party taken to ensure that all detention facilities comply with the UN Standard Minimum Rules for the Treatment of Prisoners, particularly with respect to crowding, torture, lack of access to adequate medical care, prolonged solitary confinement, and lack of adequate sanitation, drinking water, ventilation, and lighting?

II. The police, security forces, intelligence services, and the Imbonerakure commit human rights abuses against individuals on account of political opinion.

14. In its November 2014 Concluding Observations, the Committee expressed concern about ongoing torture and ill-treatment of individuals by members of the police, defense, security forces, and intelligence services.²⁴

15. Burundi is not meeting its obligations to promptly, thoroughly, and impartially investigate and prosecute human rights violations.²⁵ The slow and reluctant response of police and the judiciary to investigate and prosecute human rights abuses has created a widespread climate of impunity for government agents and party officials.²⁶ Since 2015, the executive branch's

²⁰ United States Department of State, *Country Reports on Human Rights Practices for 2016: Burundi*, Bureau of Democracy, Human Rights and Labor (2016). Also available online at <https://www.state.gov/wp-content/uploads/2019/01/Burundi-1.pdf>.

²¹ Human Rights Council, *Report of the United Nations Independent Investigation on Burundi (UNIIB) Established Pursuant to Human Rights Council Resolution S-24/1*, (Sept. 20, 2016), U.N. Doc. A/HRC/33/37 ¶ 69. Also available online at <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>. (For example, the prison occupancy in Mpimba prison in Bujumbura was built to house 800 prisoners, but instead holds 3,800 detainees).

²² United States Department of State, *Country Reports on Human Rights Practices for 2016: Burundi*, Bureau of Democracy, Human Rights and Labor (2016). Also available online at <https://www.state.gov/wp-content/uploads/2019/01/Burundi-1.pdf>.

²³ Ibid.

²⁴ Human Rights Committee, *Concluding Observations on the second periodic report of Burundi*, ¶ 14, U.N. Doc. CCPR/C/BDI/CO/2 (Nov. 21, 2014).

²⁵ Human Rights Council, *Report of the United Nations Independent Investigation on Burundi (UNIIB) Established Pursuant to Human Rights Council Resolution S-24/1*, (Sept. 20, 2016), U.N. Doc. A/HRC/33/37 ¶ 101. Also available online at <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>.

²⁶ United States Department of State, *Country Reports on Human Rights Practices for 2016: Burundi*, Bureau of Democracy, Human Rights and Labor (2016). Also available online at <https://www.state.gov/wp-content/uploads/2019/01/Burundi-1.pdf>.

threats against and influence over the judiciary have deterred individuals from using the judicial system to lodge complaints about human rights violations.²⁷

16. The use of torture against political opposition members, either to extract information or as punishment, is a common practice.²⁸ For example, one client, who opposed the President's third term as a violation of the Constitution, faced persecution after joining an opposition party. An informant gave the Government a list of members from that party branch, including our client. Shortly thereafter, Government agents detained, beat, and tortured him for four days.²⁹ Another client reports that he was arrested by ten uniformed and five plain-clothed police officers for being the chair of the National Forces of Liberation (FNL) party's youth wing for his neighborhood. He was held for one month during which time he was deprived of food, beaten, forced to stand under cold water for 12 hours, had needles injected into his genitals, and was interrogated about the FNL. Following his release, he continued his work within the FNL and continued to receive threatening letters and phone calls. During the same time other leaders of the FNL were being disappeared.³⁰
17. As of October 5, 2016, the OHCHR had documented 558 cases of State-sponsored torture and ill-treatment of individuals accused of participating in the 2015 attempted coup and subsequent events opposing the Government.³¹ Based on victim interviews, the UNIIB reports that the SNR, Imbonerakure, and to a lesser extent the BNDF were "consistently identified as the perpetrators."³² Security and intelligence services members have reportedly "hit people repeatedly and slammed gun butts into detainees' faces or limbs, in some cases breaking their bones or smashing their jaws until teeth fell out. SNR agents beat detainees with steel construction bars, drove sharpened steel rods into their legs, tied cords to detainees' genitals and pulled, used electric shock, and poured liquid on detainees, which burned them."³³
18. The Government of Burundi also fails to protect witnesses to criminal activity or acts of violence perpetrated on behalf of the Government. One client witnessed a brutal government attack in which police cars surrounded a house and opened fire on civilians. She then became the target of an investigation and it soon became apparent that the police wanted to know how much she had seen. The police arrested and detained her. While in detention, she was tortured and raped.³⁴
19. **Suggested questions relating to acts violence, harassment, abuse, and torture against individuals:**

²⁷ *Report of the United Nations Independent Investigation on Burundi (UNIIB) Established Pursuant to Human Rights Council Resolution S-24/1*, (Sept. 20, 2016), U.N. Doc. A/HRC/33/37 ¶ 103. Also available online at <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>.

²⁸ *Id.* ¶ 53.

²⁹ Interviews conducted by The Advocates (2006–2019).

³⁰ *Ibid.*

³¹ United States Department of State, *Country Reports on Human Rights Practices for 2016: Burundi*, Bureau of Democracy, Human Rights and Labor (2016). Also available online at <https://www.state.gov/wp-content/uploads/2019/01/Burundi-1.pdf>.

³² *Report of the United Nations Independent Investigation on Burundi (UNIIB) Established Pursuant to Human Rights Council Resolution S-24/1*, (Sept. 20, 2016), U.N. Doc. A/HRC/33/37 ¶ 40. Also available online at <http://www.ohchr.org/EN/HRBodies/HRC/UNIIB/Pages/UNIIB.aspx>.

³³ Human Rights Watch, *Burundi: Events of 2016*. Also available online at <https://www.hrw.org/world-report/2017/country-chapters/burundi>.

³⁴ Interviews conducted by The Advocates (2006–2019).

- What laws, policies, and procedures are in place to ensure that individuals are not subject to discrimination, torture, or ill-treatment based on their political beliefs?
- What safeguards are in place to prevent groups like the Imbonerakure from conducting arrests and detentions and to ensure that victims of such arrests and detentions have access to remedies?
- What training is provided to the police, the SNR, and other enforcing agents to ensure they do not commit human rights violations?
- How are members of law enforcement and groups like the Imbonerakure held accountable for human rights violations?
- What policies are in place to ensure that individuals who have been subjected to torture are provided with compensation and rehabilitation services?

III. Journalists and human rights defenders face threats, harassment, and violence at the hands of police and security forces.

20. In 2014, the Committee expressed concern about reports of threats and acts of harassment directed at journalists and human rights defenders by the police and security forces.³⁵
21. Since 2013, journalists and human rights activists have been among the primary targets of politically based violence.³⁶ The Burundian Government continues to perpetrate acts of violence and intimidation against members of the media. One of The Advocates' clients is a journalist who criticized government corruption and the government's failure to ensure freedom of the press and freedom of speech. Men dressed in civilian clothes came to the journalist's home and brought him to a secret prison where he was tortured.³⁷
22. In addition, the Government places restrictions on the media. After the attempted coup, the Government suspended many private radio stations and since has not authorized them to operate, while only 1 of 37 newspapers available in Burundi is perceived as being independent of Government influence.³⁸
23. In June 2013, Burundi enacted the Press Act, which severely limits freedom of the press. Article 20 of the Press Act limits the protection of journalists' sources in cases involving national security, public order, defense secrets, and the physical or mental integrity of one or more person. Article 18 and 19 of the Press Act limit the topics that journalists are allowed to cover. Articles 59, 60, and 61 authorize criminal prosecution if a media entity violates articles 18 or 19 and authorize heavy fines for the media.³⁹

³⁵ Human Rights Committee, *Concluding Observations on the second periodic report of Burundi*, ¶ 20, U.N. Doc. CCPR/C/BDI/CO/2 (Nov. 21, 2014).

³⁶ Nick Cumming-Bruce, *Burundi Killings Could Ignite Wider African Crisis, U.N. Report Warns*, The New York Times, Sept. 20, 2016. Also available online at https://www.nytimes.com/2016/09/21/world/africa/burundisummary-killings-united-nations-report.html?_r=0.

³⁷ Interviews conducted by The Advocates (2006–2019).

³⁸ U.N. Office of the High Commissioner of Human Rights, *The Human Rights Council Holds Enhanced Interactive Dialogue on Burundi*, (Mar. 22, 2016). Also available online at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18514#sthash.Y0f4ZV4T.pdf>.

³⁹ Human Rights Committee, *Concluding Observations on the second periodic report of Burundi*, ¶ 20, U.N. Doc. CCPR/C/BDI/CO/2 (Nov. 21, 2014).

24. In May 2018, the National Communication Council further limited freedom of the press when, a few weeks before a constitutional referendum, it suspended Voice of America (VOA) and the British Broadcasting Corporation (BBC) from reporting in the country. Government authorities have tightened these limitations by authorizing the government to officially forbid any journalist in Burundi from providing information to the BBC or VOA. BBC and VOA had been two of just a few independent news sources in Burundi.⁴⁰
25. The Government of Burundi systematically targets human rights organizations and human rights defenders to suppress dissenting voices.⁴¹ In 2016, the Special Rapporteur on extrajudicial, summary or arbitrary executions reported that freedom of expression and the space for civil society in Burundi remained under “sustained and often violent pressure.”⁴² The Government of Burundi has further limited freedom of expression and association through legislation restricting the operations of NGOs.⁴³ Two clients of The Advocates who are daughters of an NGO director were arrested and detained by police. While in detention, they were raped, beaten, and tortured with cold water. After their release, they learned that police were targeting their father because of his involvement with his NGO.⁴⁴
26. **Suggested questions relating to protecting the freedom of expression and freedom of press:**
- How does the State Party investigate allegations of threats and acts of violence targeting journalists? What have been the results of those investigations during the reporting period?
 - Please provide data regarding all lawsuits brought against journalists and media outlets, including the nature of the claim, the plaintiff, and the outcome of each proceeding. How does the State Party ensure that these lawsuits do not interfere with legitimate activities of the media as protected under the Covenant?
 - How does the State Party ensure that legitimate activities of journalists are not constrained by arbitrary, unjustified, or politically motivated lawsuits?
 - What policies and procedures are in place to support minority media outlets and media featuring or representing minority viewpoints?

⁴⁰ Lewis Mudge, *Burundi Tightens Screws on Media Freedom*, Human Rights Watch, Mar. 29, 2019, <https://www.hrw.org/news/2019/03/29/burundi-tightens-screws-media-freedom>.

⁴¹ U.N. Office of the High Commissioner of Human Rights, *Burundi: UN Experts Raise Alarm at Growing Repression of NGOs and Human Rights Defenders*, (Feb. 6, 2017). Also available online at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21145>. (In December 2016, the Burundi Government adopted legislation aimed at controlling the actions of NGOs compelling them to obtain authorization from the Ministry of the Interior for any activity and to transfer foreign funds through the central bank. Overall, the work of NGOs in Burundi must conform to the agenda of the ruling party).

⁴² U.N. Office of the High Commissioner of Human Rights, *Burundi: The Human Rights Council Holds Enhanced Interactive Dialogue on Burundi*, (Mar. 22, 2016). Also available online at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18514>.

⁴³ U.N. Office of the High Commissioner of Human Rights, *Burundi: The Human Rights Council Holds Enhanced Interactive Dialogue on Burundi*, (Mar. 22, 2016). Also available online at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18514>. (A total of 10 civil society organizations had been ordered to suspend their activities until the completion of a judicial inquiry process).

⁴⁴ Interviews conducted by The Advocates (2006–2019).