



BRAVING BULLETS

EXCESSIVE FORCE IN
POLICING DEMONSTRATIONS
IN BURUNDI

AMNESTY
INTERNATIONAL



Amnesty International is a global movement of more than 7 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in 2015 by
Amnesty International Publications
international Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

© Amnesty International Publications 2015

www.amnesty.org

Index: AFR 16/2100/2015
Original language: English
Printed by Amnesty International,
International Secretariat, United Kingdom

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for reuse in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable. To request permission, or for any other inquiries, please contact copyright@amnesty.org

Cover photo: 29 May 2015, police carrying combat weapons and throwing teargas on demonstrators in Bujumbura, Burundi. ©EPA/DAI KUROKAWA

Copyright: EPA/DAI KUROKAWA

amnesty.org

CONTENTS

1. Executive Summary	5
2. Methodology	8
3. Background	9
Security forces in Burundi	10
Burundian National Police	10
4. International and regional standards	12
5. Calling demonstrations an insurrection	15
6. Violations committed by police	19
Extra-judicial executions and shootings by the police	19
Killings on 26 April	20
Killing of political opposition member	20
Killings of political opposition leader and API policeman	21
Shooting by police in Musaga resulting in injuries	21
Attacks on children	22
Attacks on media	23
Excessive use of force during demonstrations	25
Absence of a differentiated and proportionate response	25
Case studies	27
Women's demonstration in Bujumbura on 13 May	27
Events in Nyakabiga and Cibitoke on 2 June	29
Killing of demonstrator and threats towards international and local journalists on 5 June	29
Protests in Mutakura on 26 April	30
Protests on Avenue de l'Imprimerie on 4 May	32

Protests on 12 May in Buterere	33
Protests in Musaga on the day of the coup - 13 May	34
Ill-treatment during arrest	35
7. Abuses by demonstrators	36
Killing of Imbonerakure youth on 7 May	36
Attacks on the police	36
8. One-sided investigations by authorities and failure to investigate violations by the police	38
9. Structural problems within the police	40
Lack of an Organic Law	40
Police chain of command	41
Tension within the police and the army	41
10. International military and policing assistance	44
Supply of less lethal policing equipment to Burundi security forces	44
Tear gas from France and Israel	44
Alsetex grenades	44
ISPRA grenades	45
Water cannon from Israel	45
Pick-up vehicles from the Netherlands	46
Small arms and ammunition	46
Use of inappropriate means for policing	47
Consequences	47
11. Conclusion	48
12. Recommendations	49

“Who are you going to complain to? To the police about the police? We don’t try. In Burundi, I don’t know where to file a complaint”.

A woman activist - June 2015

1. EXECUTIVE SUMMARY

On 26 April 2015, demonstrations broke out in Burundi’s capital, Bujumbura, and continued until mid-June to protest against President Pierre Nkurunziza’s decision to run for a third term in the July 2015 elections. Political tensions ran high as many Burundians saw this bid as unconstitutional and a violation of the 2000 Arusha Agreement which had brought an end to the country’s civil war. Despite preparations to manage public assemblies during the electoral period, the government imposed a blanket ban on demonstrations.

The police response to the demonstrations was marked by a pattern of serious violations, including of the right to life, freedom of association and peaceful assembly. They used excessive and disproportionate force, including lethal force, against protesters, at times shooting unarmed protesters running away from them. Even where children were present during demonstrations, police still failed to exercise restraint, and used tear gas and live ammunition.

Amnesty International conducted extensive research for this report in Bujumbura in May and June 2015. This report is based on interviews with numerous victims and eyewitnesses of human rights violations and abuses, relatives of victims, Burundian military officers, police officials, and intelligence sources, government officials, journalists, and representatives of civil society organizations, United Nations officials and foreign diplomats. Each incident in the report has been corroborated, including with documentary sources where possible.

The report shows that Burundi has failed to comply with international standards on police use of force such as the African Commission on Human and Peoples’ Rights’ Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, as well as the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, resulting in patterns of serious human rights violations.

Restrictions on moving around Bujumbura have made it difficult to conclusively establish the number of individuals killed during the demonstrations or who later died from injuries sustained during the protests. The Office of the United Nations High Commissioner for Human Rights (OHCHR) in Burundi documented 58 people, including children, military and police, killed between 26 April and 29 June. According to the United Nations Children’s Fund (UNICEF), eight children have been killed since the beginning of the demonstrations and many more injured. Outside the demonstrations, the police unit in charge of the Protection of Institutions committed several extrajudicial killings, including of opposition politicians.

Treating largely peaceful demonstrators and entire residential areas as part of an insurrection was counter-productive and escalated rather than defused protests. Though the majority of protesters remained peaceful, some used violence in response to excessive use of force by the police. This report documents these abuses too, primarily the throwing of stones and damage

to property, but also the physical assault of a policewoman and the killing of a member of the Imbonerakure, the National Council for Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD)’s youth wing.

The nature of these violations by the police against protesters – as well as government statements before the demonstrations pre-emptively characterizing them as an insurrection – shows that their aim was not to disperse demonstrations, but rather to punish protesters for their political views.

The assault on protesters was also coupled with a crackdown on the media. From the first day of the protests, the authorities accused independent media of supporting “the insurrection” preventing radio stations from broadcasting outside Bujumbura. Soon after a group of military officers staged an attempted coup on 13 May, which failed within 24 hours, the police attacked independent media facilities. At the time of writing, they have been unable to resume broadcasting. A radio station close to the CNDD-FDD was seriously damaged by unidentified individuals.

Through interviews with policing experts and police officers, the report shows how individuals in positions of power are bypassing the police chain of command to give orders that violate regional and international human rights standards, including the right to life. As long as parallel command structures exist in Burundi, all attempts to reform and train security forces risk being undermined by individuals using the police to commit human rights violations for their own political or personal agendas.

Despite tens of deaths and hundreds of people injured, the authorities have failed to effectively investigate excessive use of force and extrajudicial executions by the police and bring suspected perpetrators to justice. Contrary to Amnesty International’s findings, and in the absence of investigations, government officials claim that some of the incidents documented in this report were committed by individuals wearing police uniforms, but not the police themselves. According to official sources, only five policemen are being investigated in relation to the demonstrations. No victims or family members interviewed by Amnesty International had filed complaints with the police citing fear of reprisals following intimidation by police or intelligence agents.

Repeated attempts by the East African Community (EAC) and other regional and international actors to stop the situation from deteriorating further have failed, mainly because of the authorities’ determination to push ahead with the controversial elections. In late June, exiled generals who had participated in the failed coup announced their intention to mount an armed rebellion against President Pierre Nkurunziza’s government.

Amnesty International urges the Burundian government to take prompt measures to end excessive use of force, extra-judicial executions, arbitrary arrests and arrests with violence, and allow national and international journalists to operate freely and safely. The government must suspend individuals named in this report from their positions pending criminal investigations and prosecutions, and ensure victims have access to effective remedies and adequate reparations. The government should institute a vetting mechanism to ensure that no-one suspected of having committed crimes under international law or other human rights violations can be employed in the security forces, pending independent and impartial investigations.

Regional actors should intensify their efforts to resolve the current crisis in Burundi. In particular, Amnesty International urges the African Union (AU) to deploy human rights observers in coordination with the African Commission on Human and Peoples' Rights (ACHPR), and seize the ACHPR to investigate human rights abuses to date, and ensure that perpetrators of human rights violations are excluded from peacekeeping missions.

International donors should maintain pressure on the Burundian government to investigate excessive use of force and extrajudicial executions, and suspend individuals named in this report pending criminal investigations. They should refuse any assistance – including supply of policing equipment or training to Burundian military or police units or individuals implicated in serious human rights violations - which could facilitate any further violations. Before restarting such assistance, they should ensure the authorities institute a vetting mechanism to prevent individuals responsible for serious human rights violations from being employed by security services.

2. METHODOLOGY

This report is based on information gathered by Amnesty International, primarily from direct eyewitnesses, as well as analysis of photographs and videos from local and international media. Amnesty International interviewed multiple sources for each incident to confirm the reliability of testimony and, where possible, also corroborated incidents with documentary sources.

Amnesty International conducted research for this report in Bujumbura, Burundi's capital, in May and June 2015. Amnesty International interviewed numerous victims of, and eyewitnesses to, human rights violations and abuses, relatives of victims, Burundian military officers, police officials, and intelligence sources, the head of the Imbonerakure, the youth wing of the CNDD-FDD, journalists, representatives of civil society organizations, United Nations (UN) officials and foreign diplomats. As violence was ongoing in several parts of Bujumbura at the time of the research, and out of concern for the security of both witnesses and researchers, Amnesty International did not visit these areas.

This report focuses on excessive use of force in policing demonstrations in Bujumbura, as well as extrajudicial executions and arrests with unnecessary violence by the police. It also documents the behaviour of a number of demonstrators who threw stones injuring police officers and destroyed and looted property. It illustrates the main patterns through documenting particularly serious incidents, but does not look at violations and abuses in other provinces, nor does it provide a comprehensive account of incidents in Bujumbura.

Relevant Burundian laws and police policies were reviewed. Amnesty International also consulted external experts to verify the type and origin of military and security equipment used in policing demonstrations.

Many individuals interviewed by Amnesty International expressed fear of reprisals. To protect their identities, Amnesty International has excluded their names, other identifying details, and interview dates.

Amnesty International met with the Director General of Police in June and with a communications advisor to President Pierre Nkurunziza in July 2015. Their official response to concerns raised by Amnesty International are reflected in the report. The organization also requested meetings with the Minister of Public Security and the Minister of Interior in June 2015, but did not receive a response. The government's spokesperson was unable to meet Amnesty International's delegates and referred them to the above ministries. Amnesty International also requested to meet with the Prosecutor General, who said prior authorization was required from the Ministry of Foreign Affairs.

3. BACKGROUND

On 25 April 2015, after months of uncertainty, the party congress of the ruling CNDD-FDD chose President Pierre Nkurunziza as its candidate for the 2015 presidential elections.

In the preceding months, several high-ranking members of both the CNDD-FDD and opposition parties, the Catholic Church, and foreign governments had repeatedly spoken against a third term which they viewed both as unconstitutional and a violation of the 2000 Arusha Agreement that brought an end to the country's civil war. They highlighted the need to respect and protect human rights during this critical time warning that protests would ensue if the president sought a third term.

The authorities responded by cracking down on dissenting voices. On 17 April, the police arrested more than 100 people, during a demonstration against President Pierre Nkurunziza's candidacy. At least 65 of these people were detained and charged for alleged "participation in an insurrectional movement". The CNDD-FDD also removed opponents within the party from their positions.

On 26 April, large protests against the CNDD-FDD party congress' decision erupted in Bujumbura. On 24 April, the Minister of Interior had declared a ban on all demonstrations. Until then, only demonstrations organized by the CNDD-FDD were allowed to proceed unhindered, while the authorities imposed impermissible restrictions on those organized by individuals outside the ruling party.

Demonstrations carried on for weeks in several areas of Bujumbura, including Buterere, Buyenzi, Bwiza, Cibitoke, Jabe, Kanyosha, Kinama, Kinindo, Musaga, Mutakura, Nyakabiga and Ngagara. Demonstrations also took place in several provinces, including Bujumbura Rural, Bururi and Gitega.

The authorities publicly accused demonstrators, including peaceful protesters, of mounting an insurrection. Security forces committed a range of human rights violations, including violating the right to life, freedom of association and peaceful assembly.

While many protesters were peaceful, others resorted to violence in response to the police's use of excessive force, by throwing stones and vandalising property.

On 5 May, Burundi's Constitutional Court ruled that President Pierre Nkurunziza was eligible to run for another term, the day after the court's Vice-President fled Burundi alleging that the judges had come under pressure. The court's ruling triggered further protests.

On 13 May, a group of military officers led by General Godefroid Niyombare staged an attempted coup and announced that President Pierre Nkurunziza had been dismissed. The following day, after heavy fighting between their supporters and factions of the army loyal to the President, the coup leaders announced that they had failed. Some surrendered, some were arrested, and others fled the country. On 25 June, General Philbert Habarugira, who participated in the failed

coup, announced from exile in an online audio clip their intention to mount an armed rebellion against President Pierre Nkurunziza's government.

From the first day of the demonstrations, the authorities accused three independent radio stations of supporting "the insurrection" and prevented them from broadcasting outside of Bujumbura. Soon after the coup attempt, police attacked the premises of Radio Publique Africaine (RPA), Bonesha FM, and Radio Isanganiro, destroying their equipment. At the time of writing, they had been unable to resume broadcasting.

By the end of June, demonstrations had largely subsided in Bujumbura after the authorities violently repressed them.

SECURITY FORCES IN BURUNDI

Three institutions are constitutionally mandated under to handle security issues. These are the National Defence Force (Force de Défense Nationale - FDN), the National Police (Police Nationale Burundaise - PNB) and the National Intelligence Service (Service National des Renseignements - SNR).

Security forces in Burundi were established following the 2000 Arusha Agreement through a process of mixing former combatants with existing forces after the civil war. Both groups included individuals responsible for human rights abuses.

BURUNDIAN NATIONAL POLICE

The Burundian National Police (PNB) was created in 2004. It combined elements from the former armed forces (Forces Armées Burundaises - FAB), the Gendarmerie and the police, and former fighters from several rebel movements. Professionalising members with diverse experiences has been challenging and donor projects developed in partnership with the Burundian authorities to professionalise the police have focused on community policing. Experts and diplomats interviewed by Amnesty International noted some progress over the last 10 years. The police's response to protests since late April 2015, jeopardises these efforts by international donors and members of the police alike.

4. INTERNATIONAL AND REGIONAL STANDARDS

Burundi is party to international and regional treaties that protect the right to life, and the right to freedom of peaceful assembly, together with the closely related rights of freedom of association and freedom of expression, including of children. These include the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights (African Charter), the Convention on the Rights of the Child (CRC) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

Both Article 6(1) of the ICCPR and Article 4 of the African Charter require the right to life to be protected by law to ensure no one is arbitrarily deprived of their life. Killings that result from unnecessary or excessive use of force by state agents constitute arbitrary deprivation of the right to life. Using lethal force, for example, against a protester who is not posing an imminent threat of death or serious injury constitutes arbitrary deprivation of life. Unlawful and deliberate killings ordered by government officials or with their complicity or acquiescence amount to extrajudicial executions, which are prohibited at all times and constitute crimes under international law. The authorities have a duty to conduct prompt, thorough, independent and impartial investigations into all possible unlawful killings by security forces and to bring the perpetrators to justice.

The rights to freedom of expression, peaceful assembly and association are enshrined in the ICCPR. Article 21 of the ICCPR specifies that: "The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others." Freedom of association and peaceful assembly are also recognized under Articles 10 and 11 of the African Charter respectively.

In addition, Article 15 of the Convention on the Rights of the Child states that "Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly" and "no restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others."

Burundian authorities have an obligation to respect, protect and fulfil these rights. They must ensure that their own agents do not violate these rights and that no restrictions are imposed on them other than those which are demonstrably necessary and proportionate for a legitimate purpose permitted under international law; to protect the exercise of these rights against interference by third parties; and to ensure that individuals within Burundi are able to exercise these rights in practice.

International law only permits restrictions on the right to freedom of peaceful assembly, association and expression, if they are, first, provided by law; second, for the purpose of

protecting certain public interests (national security or public safety, public order, protection of public health or morals) or the rights and freedoms of others; and, third, demonstrably necessary for that purpose. Any restrictions imposed which do not meet all elements of this “three-part test” constitute violations of the right.

While states have an obligation to guarantee law and order, authorities should show a certain degree of tolerance for the inevitable disruption that demonstrations entail.

Burundi has failed to comply with the African Commission on Human and Peoples’ Rights’ Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles. Specifically, extrajudicial killings breach Special Provisions 9, 13 and 14 of the UN Basic Principles. Police must as far as possible apply non-violent means before resorting to the use of force. Whenever the lawful use of force is unavoidable they must use it with restraint and in proportion to the seriousness of the law enforcement objective, and they must ensure that assistance and medical aid are rendered at the earliest possible moment to anyone injured or affected. The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials underline the right to participate in peaceful assemblies, in accordance with ICCPR and the African Charter, stipulating that in dispersing assemblies that are unlawful but non-violent, law enforcement officials must avoid the use of force or, if that is not practicable, must restrict it to the minimum necessary.

The Basic Principles also require that any use of force that results in injury to be reported to superior officers, effectively reviewed by independent administrative or prosecutorial authorities, and those affected by it must have access to an independent process, including a judicial one. Arbitrary or abusive use of force by law enforcement officials must be punished as a criminal offence. This means that even if demonstrators act in a violent way, police must react proportionately, using only the minimum force necessary to contain the situation and re-establish public order. They must differentiate between those who are acting violently and those who are not. If only a minority of demonstrators act violently, it contravenes the principle of proportionality and minimum use of force if the police use force against demonstrators generally. Nor is it legitimate to disperse a demonstration simply because some protesters are committing acts of violence. In such instances, any police action should be directed towards those particular individuals.

5. CALLING DEMONSTRATIONS AN INSURRECTION

Despite arrangements to secure the elections, a blanket ban on demonstrations ended plans for negotiated management of demonstrations during the electoral period. By labelling demonstrations as an insurrection, the authorities undermined their regional and international human rights obligations.

In August 2014, a commission created by the Director General of the PNB issued a directive on the “negotiated management of public space” for the police with guidelines for the policing of demonstrations. It articulated a new policing approach based on the “acknowledgement of the right to demonstrate (...), the need to communicate, and the discreet and gradual use of force and constraint (dispersion, arrests)” instead of the traditional policing model, in which “the policing approach was set on military principles characterised by: an indifferent approach towards the demonstrators, a reactive management in case of incidents (dispersing demonstrators), a dominating attitude with the ostentatious display of force towards demonstrators seen as ‘the adversaries’ ”. The directive noted that a traditional approach has “resulted in the worst case scenarios often becoming a reality”.

Burundian authorities made these arrangement with support from international donors, including Belgium and the Netherlands. All police officers had already received training from France and Belgium on *sécurisation* ahead of the 2010 elections. Between the end of 2014 and 2015, the entire police, some 16,200 individuals, also received training on “the role, ethic and responsibility of the police in the context of the electoral process” supported by the governments of Netherlands and Belgium.

The 2013 Law on Public Gatherings, however, places impermissible restrictions on the right to freedom of assembly. Article 4 requires organizers of public gatherings to address a written preliminary statement to the competent administrative authority who decides whether the meeting should be postponed or prevented to maintain public order. Preliminary statements must be made at least four working days before the event (Article 5), and authorization is granted if administrative authorities have not responded forbidding the meeting within 48 hours (Article 6). This law places impermissible restrictions on freedom of peaceful assembly. As Maina Kiai, the UN Special Rapporteur on the rights to freedom of peaceful assembly and association, has explained, states have a positive obligation under international human rights law not only to actively protect peaceful assemblies, but also to facilitate the exercise of the right to freedom of peaceful assembly.

In the month before demonstrations erupted, the Burundian authorities imposed severe restrictions on freedom of peaceful assembly intensifying their clampdown on freedom of association, peaceful assembly and expression over the past year. On 25 March, the Mayor of Bujumbura stated in a letter that “the government of Burundi through the minister of Interior would organise a campaign of 100 days to support peace and social cohesion, which is manifested through popular demonstrations organised at the end of each month. During

this pre-electoral period, no demonstration other than the one in the context of peace can be authorised." In this context, only demonstrations organized by the CNDD-FDD were allowed to proceed, while the authorities imposed restrictions on those organized by individuals outside the ruling party.

As early as February 2015, before protests on 26 April and the attempted coup on 13 May, the authorities labelled demonstrations as an insurrection. On 17 February 2015, a media and communications adviser for the Presidency, Willy Nyamitwe, stated that a civil society leader against the third mandate was "calling for demonstrations and insurrection". The authorities categorized demonstrators in non-authorized demonstrations as participating in "an insurrection movement". On 17 April, the police arrested more than 100 people, during a demonstration against President Pierre Nkurunziza's candidacy. At least 65 of these people were detained and charged for alleged "participation in an insurrectional movement", among other charges.

On 24 April, the Minister of Interior declared a ban on all demonstrations ending plans for a negotiated management of demonstrations which would have involved dialogue between the authorities and organizers of demonstrations.

In a June 2015 meeting, the Director General of the PNB told Amnesty International that the police did not have an interlocutor with whom to negotiate the management of demonstrations. In Amnesty International's view, even if this were the case, this should not prevent communication during demonstrations between the police and protesters.

The authorities' attitude that all demonstrations were illegal and that demonstrators were participating in an insurrection undermined their respect for regional and international human rights obligations. When Amnesty International asked Willy Nyamitwe why the government had decided, even before the demonstrations happened, that it constituted an insurrection, he told Amnesty International that the authorities had received information that people belonging to an opposition party had been trained in Uganda before the demonstrations. He added that "the movement was not peaceful, it was an insurrection". He stated that "the point of view of the government is that it is an insurrectional movement: one cannot declare the right to demonstrate, while at the same time refusing to non-demonstrators the right to circulate. They (the demonstrators) forbade children from going school, the civil servants from going work, traders from opening their shops; they threatened to kill people who disagreed with them. They burned people. It is an insurrection". He added that "the government has the responsibility to protect its citizens. When one barricades roads, the police has the duty to re-open the road. They must use force to enforce the law". Finally, he said that "we don't say there were no peaceful demonstrators, but those people never understood there was a conglomerate of people - including civil society and political parties - who had a different interest", implying that demonstrators were manipulated. The Director General of the PNB also characterized the demonstrations as "insurrectional" referencing comparisons demonstrators had made to the situation in Burkina Faso.

Treating largely peaceful demonstrations and entire residential areas as part of an insurrection escalated rather than defused protests, with some demonstrators using violence in response to excessive use of force by the police.

Another journalist told Amnesty International:

"I witnessed an interesting example of how the police can create problems for itself. The police was trying to overtake demonstrators and every time, the demonstrators would push forward. After a while, the policeman in charge realised what was happening. He decided to let the police stay on the side, and no longer tried to overtake the demonstrators. The demonstration stopped by itself five minutes later and people went just back home."

6. VIOLATIONS COMMITTED BY POLICE

Amnesty International documented a range of violations by police officers during demonstrations, as well as outside the demonstrations, including violations of the:

- Right to life and physical integrity
- Right to peaceful assembly and the right to freedom of expression
- International standards on police use of force
- Right to not be subjected to arbitrary arrest

The police used excessive and disproportionate force, including lethal force, at times against children. Although in some instances, protesters have been violent, the police have repeatedly gone well beyond an acceptable response. The police should refrain from any unnecessary or excessive use of force, and hold accountable all officers responsible for human rights violations. Their actions should be guided by the principles of legality, necessity and proportionality, and the use of force must be subject to accountability systems. In any use of force, the police must respect human rights, including the right to life and the prohibition of torture and other ill-treatment, and must always take steps to minimize the risk of injury and death.

EXTRA-JUDICIAL EXECUTIONS AND SHOOTINGS BY THE POLICE

Unlawful and deliberate killings ordered by government officials or carried out with their complicity or acquiescence amount to extrajudicial executions, which constitute crimes under international law, and are prohibited at all times. Amnesty International documented several killings by police in charge of Protection of Institutions (Appui pour la Protection des institutions - API). The API is mandated to guard institutions, politicians and senior officials. The API forces wear a distinctive spotted blue uniform, which differs from the dark blue uniform worn by other police units. According to a police officer and a military officer interviewed by Amnesty International, the commander of the API has little control over police under his command, as elements of API are guarding generals and politicians among others, who are using API members to carry out violations. Sources in the police and two witnesses told Amnesty International that a policeman in API, whose nickname is Mutwa, is one of the men frequently involved in the use of excessive force and killings. To date, the authorities have failed to investigate these killings and bring suspected perpetrators to justice.

KILLINGS ON 26 APRIL

In the evening of 26 April, after the first day of the protests, a group of men in civilian clothes and in spotted blue uniforms, killed at least four people and injured several others on 9th Avenue in the Mutakura area of Bujumbura. Two witnesses told Amnesty International

how a man in police uniform shot at a group of people who were sitting outside a house. One man, Vénérant Kayoya, aged 66, died immediately after being shot in the back. His death certificate states that he died of 'ballistic trauma'. Léonidas Nibatanga, aged 65, who had been shot in the head died in hospital the following day. One other man was seriously injured. One witness told Amnesty International:

"These men said nothing, except put your arms up (then they started shooting); they were choosing houses, they started with the house of a Congolese man. I do not understand why they left some houses out."

According to the witness, after shooting the 'Congolese man', killing Vénérant Kayoya and injuring Léonidas Nibatanga, the men continued walking down 9th Avenue and killed Jean Claude Niyonzima in his house. According to their relatives, Vénérant Kayoya and Léonidas Nibatanga did not belong to any political party.

KILLING OF POLITICAL OPPOSITION MEMBER

On the morning of 15 May, armed men wearing spotted blue uniforms killed Faustin Ndabitezimana near the small market in Buterere. Faustin was a 33-year-old nurse and an active member of the Front for Democracy in Burundi (FRODEBU) opposition party in Buterere, who had participated in organizing the demonstrations. According to a fellow FRODEBU member and an eyewitness, Faustin Ndabitezimana was telling people to get off the street before the police arrived when he was shot in the head. According to one of his relatives, Faustin Ndabitezimana had received threatening phone calls and text messages in the days before he was killed. His death certificate stated he died of 'ballistic trauma'.

KILLINGS OF POLITICAL OPPOSITION LEADER AND API POLICEMAN

On 23 May around 7.30pm, Zedi Feruzi, president of the opposition party, Union for Peace and Democracy-Zigamibanga (Union pour la paix et la démocratie-Zigabimanga) and one of his bodyguards from the API were killed in Ngagara, Bujumbura, while Zedi Feruzi was walking home.

Jean-Baptiste Bireha, a journalist who was seriously injured during the incident, told France Inter in a radio interview that the attackers were wearing API uniforms. Two other eyewitnesses confirmed to Amnesty International that they recognized the police as belonging to the API. One of the eyewitnesses recognized one of the policemen.

On 23 May, a communiqué on the website of President Nkurunziza instructed the relevant authorities to investigate as swiftly as possible. On 27 May, a Ministry of Public Security communiqué stated that investigations were ongoing. On 11 July, Willy Nyamitwe told Amnesty International that "those who killed Feruzi were wearing police uniforms". He added: "It is often the case that people wear uniforms and commit crimes, but in most cases, they are not police, but criminals". As of 11 July 2015, no one has been arrested for these killings.

SHOOTING BY POLICE IN MUSAGA RESULTING IN INJURIES

Amnesty International documented other instances of shooting by the police, which did not result in the death of the victims. The organization interviewed two victims of gunshot wounds in Musaga inflicted while demonstrations were not taking place.

On 21 May, policemen in blue uniforms shot a man in the stomach around 4pm in Musaga, after demonstrations had finished. He explained to Amnesty International that the police did not say anything before shooting him.

In a separate incident in Musaga, on 29 May, policemen in blue uniform shot a man in the right leg in front of his house around 10pm. He told Amnesty International that the police asked him to put his hands in the air and then shot him.

ATTACKS ON CHILDREN

According to UNICEF, eight children have been killed since the beginning of the demonstrations, most of them were shot dead or died from bullet wounds. Many more were injured.

Several videos show the presence of children during demonstrations. Demonstrations in Bujumbura took place in residential areas, where children live with their families, which partly explains their presence at demonstrations. In addition, as mentioned above, Article 15 of the Convention of the Right of the Child recognizes the rights of the child to freedom of association and to freedom of peaceful assembly.



26th may 2015 a young Burundian boy tries to cover himself as police officers beat him during an anti-government demonstration against President Pierre Nkurunziza's bid for a third term in the capital Bujumbura, Burundi. ©EPA/DAI KUROMAKAWA

Asked about the measures the authorities took to protect children, Willy Nyamitwe told Amnesty International on 11 July that “in our communiqués, we said that children should go to school, and not be on the street, while demonstrators told parents that children shouldn’t go to school”. He added “when the police saw children, they would tell them to go back home”. He also stated that “children were given drugs to be on the street, they brought children into an insurrectional movement; children have nothing to do with this constitutional issue”.

Given the environment where demonstrations took place, and the presence of children, the police should have considered the vulnerability of the children and the best interest of the child when deciding whether to resort to force or not. In a situation where law enforcement officials may have to resort to the use of force, the impact and risk of causing harm and injury may be higher for vulnerable groups, such as children. Operational procedures should oblige law enforcement officials to show particular care and restraint when dealing with such persons. Law enforcement officials must be trained to communicate and interact with these groups appropriately. Although security forces had received several trainings on children’s rights and safety, the police did not exercise care and restraint and used tear gas and live ammunition in their presence.

Amnesty International documented one case where the police deliberately shot a child. A demonstrator recounted how he witnessed the police shooting Jean Nepomusene Komezamahoro, a 15-year-old boy, in the head killing him on 26 April near Hope University in Ngagara 2. According to the witness and relatives, Jean Nepomusene Komezamahoro had not taken part in the demonstrations.

The witness explained to Amnesty International:

“The demonstrators went to quartier 8, Avenue Buconyori. The police came from the side of Mutakura with Commissaire Ayubu and started shooting. Jean fled towards a gate. He couldn’t get through because the people inside had locked it out of fear. Jean turned back and stumbled across some stones and fell and the police shot him in the head. He went on his knees and told the police he was not a demonstrator. He didn’t have anything in his hands. The police shot him and policemen, including Ayubu, fled and went towards Kanyoni. Police also shot at other demonstrators to scatter them.”

The death certificate seen by Amnesty International stated that Jean Nepomusene Komezamahoro died in a “shoot-out”.

The police also arrested children and held them for “participation in an insurrectional movement”. They were held in the Bureau spécial de recherche (BSR), a police detention centre, until UNICEF arranged their release. After the BSR was vandalised by demonstrators on 13 May, children are now held at Mpimba prison in Bujumbura. As of 23 June, 17 children were held at the prison.

ATTACKS ON MEDIA

From the day the demonstrations began, the authorities accused independent media of supporting ‘the insurrection’ and imposed increasing restrictions on them, a process that culminated in the police attacking independent media and destroying their facilities.

On 26 April, the authorities banned the independent private radio stations Radio Publique Africaine (RPA), Bonesha FM and Radio Isanganiro from broadcasting outside Bujumbura by preventing them from using the national radio (RTNB) signal.

The same day, the Ministers of Interior, Public Security and Communication, as well as the Commissaire Municipal of the Police, came to RPA’s office in Bujumbura, with a search warrant and a warrant to close down the radio station. After RPA’s security guards locked the gate, police climbed over the gate to unlock it. According to two sources, the ministers told journalists present that RPA was encouraging the insurrection. Following discussions, the officials and the radio station reached an agreement that RPA could remain on air provided they did not broadcast live from demonstrations.

On 27 April, around 10.30am, the authorities shut down the Maison de la Presse (Media House) in Bujumbura, where the police arrested Pierre Claver Mbonimpa, president of Burundian human rights organization, the Association for the Protection of Human Rights and Detained People (APRODH). He was released the following afternoon. In the afternoon, the authorities closed RPA’s offices in Ngozi and Bujumbura, which prevented the station from broadcasting.

On 5 May, the Prosecutor General, Valentin Bagorikunda, authorized that Maison de la Presse be reopened. However, he confirmed the broadcasting studio located at the Maison de la Presse was to remain closed.



26 April 2015, police officers forcing their entrance into RPA's premises. © Iwacu

After the attempted coup d'état, RPA started broadcasting again on the afternoon of 13 May. Several radio stations, including RPA, broadcast the speech of General Godefroid Niyombare, a former Chief-of-Staff of the Army and former intelligence chief, who stated that the police and military had “dismissed” President Pierre Nkurunziza as Burundi’s Head of State.

On the evening of 13 May, Radio Rema FM, a station close to the CNDD-FDD, was attacked. According to one journalist, Rema FM was burned around 7pm after a military officer told staff to leave the building. On 11 July, Willy Nyamitwe told Amnesty International that the government has pictures of demonstrators as well as armoured vehicles parked in front of the radio, before it was vandalised. Amnesty International attempted to visit the Rema FM on Chaussee d’Uvira on 8 June, but was denied access by the police who also declined to provide any information. The courtyard contained several burned out vehicles, while the glass balcony was shattered.

As the coup attempt was underway, in the early hours of 14 May, the police attacked the offices of RPA, Radio Bonesha, Radio Isanganiro and Radio Télévision Renaissance. A witness, Burundian journalists and sources in the military, the police and a civil servant all confirmed that the attackers were policemen, some of whom are well-known. On 11 July, Willy Nyamitwe told Amnesty International that “it was people in police uniforms who attacked the radios but it is often the case that people wear uniforms and commit crimes. However, in most cases, they are not police, but criminals.” He added that it could also well be the putschists who destroyed the radios to put the blame on the government.

A witness told Amnesty International that, during the attack on Bonesha FM, the police threatened the journalists and shot in the air, then shot at the equipment and also used grenades. He added that while the military was nearby, it did not intervene to stop the police.

Following the failed coup attempt, the Prosecutor opened an investigation into attacks on media houses and journalists have not yet been able to access their offices or retrieve material. On 10 June, the Prosecutor General allowed Maison de la Presse’s studio to reopen but forbade Radio Bonesha FM, Radio Télévision Renaissance, RPA, Radio Isanganiro and Radio Humuriza FM from accessing it “due to ongoing investigations.” To date, only pro-government radio Rema FM can use the Maison de la Presse studio.

In June, one journalist told Amnesty:

“We are hiding, we limit our movements, all the independent journalists who broadcasted the speech of the putschists are considered now like enemies. But we were even considered like enemies before then, we were accused of inciting demonstrators. They had already cut our transmitters. It might be one of the reasons why they attacked the radio.”

Amnesty International also documented intimidation towards international media.

EXCESSIVE USE OF FORCE DURING DEMONSTRATIONS

ABSENCE OF A DIFFERENTIATED AND PROPORTIONATE RESPONSE

The government ban on protests does not justify police dispersal of assemblies through the use of force. As a rule, no force should be used when demonstrators are peaceful, even if the assembly is unlawful.

The Director General of the PNB said that the police “had sufficient training in crowd control”, but also acknowledged that “among the policemen who intervened, some were coming from training centres and were therefore not used to demonstrations”, and added “the demonisation campaign against the police played a role in its reaction.”

On the basis of interviews with eyewitnesses and video footage, Amnesty International found that the police did not use a differentiated and proportionate response to the demonstrators. As the protests broke out on 26 April, the police used live ammunition to respond to demonstrators throwing stones at them. Amnesty International is particularly concerned that the police often shot at unarmed demonstrators who were running away from them. The police was also inconsistent in how they handled similar incidents.

Amnesty International documented instances where the police:

- fired tear gas on peaceful demonstrators, then used water cannon as demonstrators were throwing stones, before using live ammunition when demonstrators threw stones at the water cannon;
- shot in the air with AK-47s, then shot straight at the demonstrators after they started throwing stones at the police;
- shot tear gas towards demonstrators when they were advancing;
- shot at the ground, then shot straight towards demonstrators as they were advancing;
- used tear gas on peaceful demonstrators, then water canon on sitting demonstrators;
- shot people running away from them with live ammunition.

The UN Basic Principles recommend that officers are equipped with various types of weapons and ammunition that allow for “a differentiated use of force and firearms” (Principle 2). Any use of force must be guided by a differentiated response to minimize damage and the level of any force used must also be strictly necessary for and proportional to the law enforcement objective. Police should not immediately resort to the easiest means at their disposal, but should choose - among the available means that are likely to be effective - the means that present the lowest risk of causing harm and injury.

Various types of toxic chemical irritants, commonly known as tear gas, are used by law enforcement agencies in many countries as a means of riot control to disperse violent gatherings that pose a threat to law and order. Tear gas should only be used where the level of violence has reached a degree where the police cannot contain the threat by directly targeting violent individuals only. Chemical irritant cartridges and grenades such as tear gas can have indiscriminate effects when sprayed, or fired in canisters, over a wide area and can cause panic leading to stampeding so should not be used when people are in a confined area. They should never be used to disperse a peaceful assembly, where there are older people, children or others who may have difficulty in moving to avoid the chemicals, or in confined spaces, including buildings, vehicles and sports stadiums where exits and ventilation points are restricted. When used inappropriately, including in enclosed areas or on unarmed protesters who are simply exercising their rights to freedom of expression and assembly, using tear gas can constitute a serious human rights violation.

According to the Director General of the PNB, the police should use tear gas when demonstrators have not answered or complied with police instructions. For him, this amounts to a stand-off where “either the police or the demonstrators need to leave the location.”

The use of lethal force is only justified to protect against an imminent threat to life or serious injury. Under the UN Basic Principles, lethal force can only be used when other less lethal means have failed. According to principle 10, “in the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the incident.”

This threshold is not met by demonstrators throwing stones at the police, especially when police officers have helmets and shields. The use of firearms can never be justified for crowd dispersal. One policeman told Amnesty International that in theory if stones are thrown at them, they should have shot blank cartridges in the air. Instead, several pictures, videos and testimonies demonstrate that the police fired live ammunition straight into crowds, including when protesters were fleeing. After several of these incidents, journalists took pictures of cartridges that demonstrators had collected on site. Amnesty International also obtained cartridges from AK-47s used during demonstrations and analyzed them (see section on ammunition).

CASE STUDIES

WOMEN'S DEMONSTRATION IN BUJUMBURA ON 13 MAY

On 13 May, some 200 to 250 women peacefully demonstrated against the third term. Amnesty International reviewed extensive private video footage and talked to three witnesses. During this peaceful demonstration, the police used tear gas and water cannon against the demonstrators. Tear gas should never be used to disperse a peaceful assembly and this could constitute a serious human rights violation. Videos show that Alfred Museremu, the commander of Traffic Police and Road Security, was present during the demonstration.

The women had initially planned to meet in front of the Odeon Palace, but the police started firing tear gas as soon as a few of them arrived near Aroma café on Boulevard de l'Uprona, and they sought refuge inside the café. As they later tried to move back towards the Odeon, the police stopped them.



13 May 2015, a police water cannon disperses women demonstrators against President Pierre Nkurunziza's candidacy in the centre of Bujumbura, Burundi. ©AP Photo/Gildas Ngingo

A participant in the demonstration told Amnesty International:

"We sat down with our arms in the air. We took out white flags and our signboards and sang the national anthem. The water cannon arrived behind us. The water cannon was used against us and many women found themselves pinned against the wall of the Novotel hotel. Women in Burundi, they often don't know how to run. The women were pinned against the wall by the water, and the intensity of the jet was powerful, maybe they increased it at time. Then they started to launch tear gas, they seemed very angry to see us there, to have come back. We would disperse and then we would come back. They fired tear gas. We continued, we were motivated. They came back with another truck, but this time with coloured water. 'You must go', the police kept saying. 'Leave right now, you have nothing to do here.' We asked: 'where do you want us to go, tell us where?' They treated us as insurgents (she can't remember what they said exactly, only remembering what she told them): 'why are you talking to us like this as if we were hooligans.' They used vulgar words. I told them 'look who you are telling these things. These are your mothers, your sisters.'"

The women gathered near a petrol station hoping that the police would not use live ammunition against them in such a location.

Following the demonstration, which took place shortly before the attempted coup, one of the organizers received death threats after some online articles called her a coup plotter and a criminal.

Protesters did not file a complaint for the violence. One of them noted, “Who are you going to complain to? To the police about the police? We don’t try. In Burundi, I do not know where to file a complaint.”

When Amnesty International asked the Director General of the PNB about the police response to this demonstration, he said that 13 May was an insurrectional day and alleged that some of these women destroyed the BSR police detention facility. However, the women’s demonstration took place between around 10am and 11am while that the attempted coup was announced around noon and the BSR was vandalised mid-afternoon by unidentified demonstrators. Later events such as the coup cannot justify the police’s treatment of women in the morning of 13 May.

EVENTS IN NYAKABIGA AND CIBITOKÉ ON 2 JUNE

On 2 June, policemen led by Major Désiré Uwamahoro of the Special Units threw tear gas in houses in Cibitoke. Tear gas should never be used in confined spaces including buildings where exits and ventilation points are restricted. Amnesty International reviewed a video of the Cibitoke incident and talked with three eyewitnesses. The three witnesses mentioned Désiré Uwamahoro’s role, and also identified him on the video.

According to two of the witnesses, Désiré Uwamahoro stood by while policemen under his command threw several tear gas grenades in a house on 17th Avenue in Cibitoke. According to a journalist who witnessed the incident, the police were chasing demonstrators who had fled near the house. The furniture was set alight by the grenades and when neighbours tried to stop the fire, the police fired tear gas at them too.

On the video, a boy who was in the house at the time told a journalist:

“Policemen came shooting at people. People were running to escape the shooting and came in our enclosure. The police pushed the door and I said ‘you’ll break the door’. One of them said ‘break the window’, then they threw six grenades. And me, when I saw things were catching fire, I left my bed to open the door. They told me not to look at them, not even in the eyes. They came to kill us, nothing else!”

Désiré Uwamahoro has previously been named by Human Rights Watch as implicated in numerous human rights violations. Local and international journalists also told Amnesty International that he had threatened them while they were covering demonstrations.

KILLING OF DEMONSTRATOR AND THREATS TOWARDS INTERNATIONAL AND LOCAL JOURNALISTS ON 5 JUNE

The police continued using excessive force to stop peaceful demonstrations in residential areas. Amnesty International interviewed two witnesses and reviewed extensive private video of an incident in Musaga on 5 June, which corroborated testimonies received. Police fired gun shots in the air which triggered previously peaceful demonstrators to throw stones at them, which then prompted the police to shoot at the protesters resulting in the death of one man. There was no justification for the use of lethal force, as there was no imminent threat to life or serious injury.

Footage of the demonstration in Musaga starts with men, women and some children, singing, clapping, dancing and walking around demonstrating peacefully. Several young women at the front of the protest were holding placards. A journalist present told Amnesty International that the police had warned the demonstrators not to cross to the main road. According to two witnesses, the police suddenly left the main road, entered the neighbourhood, and started shooting in the air. The video shows people, especially women and girls, suddenly scattering. Demonstrators sought refuge behind houses and started throwing stones. The video clearly shows one policeman shooting straight ahead.

During the shooting, Theogene Niyondiko, a 29-year-old student, was injured and died upon arrival in the hospital. An ambulance can be seen on the video transporting the student.

A demonstrator told Amnesty International how difficult it was to help Theogene Niyondiko during the incident:

“We got three small 10-year-olds to go and evacuate Theogene because we were afraid that the police would shoot us. We thought the police would not shoot at these small children”.

While the police continued shooting, some policemen threatened local and international journalists and told them to leave the area. The video shows the police pointing their rifles at a journalist who had his hands in the air. Once the journalists escorted by the police had reached the main road, Nicolas alias Sarkozy, the chef de poste in Musaga, told them “when you come, it’s to trigger an uprising. We don’t even know your mission. We will treat you as putschists. Wait and see.” According to a witness, the police asked journalists for their papers and told them that their accreditation was limited to the elections, but did not allow them to cover demonstrations.

PROTESTS IN MUTAKURA ON 26 APRIL

Amnesty International interviewed four witnesses - a policeman and three demonstrators - and reviewed a video of the incidents in Mutakura on 26 April, the first day of the protests. On that day, the police had a range of means at its disposal, including helmets, shields, rifles, tear gas as well as at least two water cannons, but unnecessary force was used right from the start when police shot tear gas into the peaceful crowd and later used live ammunition, resulting in the death of a child (see attack on children section). The policeman and one of the demonstrators told Amnesty International that some policemen refused to shoot that day.

According to a demonstrator, the protest started when demonstrators arrived early in the morning from various areas, including Buterere and Kinama. Policemen blocked entry to Mutakura stopping the demonstrators from moving towards Place de l'Indépendance in the city centre. The demonstrator stated that a police officer tried to discuss with demonstrators, but they did not find a solution. Demonstrators insisted that they had the right to march. The video shows the demonstrators singing and dancing.

Both the policeman and two demonstrators stated that the police started the violence. According to the policeman: "It was the police who started it, by firing tear gas. Demonstrators got angry and started looking for stones to throw at them."

One of the demonstrators also explained to Amnesty International:

"We pushed forth, locking arms and police who had shields used their batons against us, so we sat down. Then they sent tear gas when we were seating. Those throwing gas were behind the policemen with shields. No journalists were there at the time. We ran all over the streets because of the tear gas, then we started throwing stones. The police attacked us strongly. One young man told us to be peaceful. We told the police we'll stop throwing stones, that we just wanted to get into town, and could they please accompany us there. They sent tear gas, used dummy rounds. The demonstrators grew. There was a big truck throwing blue water. We were scared at first because we thought it was hot water with pepper, but we soon realised it wasn't the case, so we attacked the truck. The truck pulled back."

The video matches the three witnesses' accounts. It shows police shooting live ammunition, tear gas and in some instances throwing stones at demonstrators, which included children. One policeman in the video shot live ammunition several times. Demonstrators are also filmed throwing stones at the police injuring some policemen. In the video a police officer that three sources identified as 'Ayubu' is seen giving orders during the demonstration and leading a group of armed policemen behind small houses. According to two policemen, 'Ayubu' is in charge of a unit of the Rapid Mobile Intervention Group (Groupement mobile d'intervention rapide GMIR).

The demonstrator explained what happened after the truck pulled back:

"We pushed towards the road to the Hope University and the Quartier 9. That's when police started shooting with real bullets, like in a Rambo movie, and used tear gas. We fled. They came looking for us in the houses. Later, everything was over, because the police came in large numbers, we hid in houses and I decided to go back home. Police grabbed a few young people because of the stains on their clothes from the water cannon."

Jean Nepomusene Komezamahoro, a 15-year-old boy, was killed near Hope University.

PROTESTS ON AVENUE DE L'IMPRIMERIE ON 4 MAY

Amnesty International reviewed two separate videos and interviewed two witnesses of the violent events on 4 May at the intersection of Avenue de l'Imprimerie near Ntakangwa Bridge and Boulevard du 28 Novembre in Bujumbura. This is a clear example of police using force when it was not needed and violence increasing as a result.

On the first video, demonstrators led by Audifax Ndabitoreye, an opposition leader who had intended to stand as a candidate in the presidential elections, walked slowly towards a group of policemen at the intersection of Avenue de l'Imprimerie and Boulevard du 28 Novembre. Audifax Ndabitoreye was speaking into a loudspeaker. About two meters from the first policemen, a police officer wearing a helmet first pointed for Audifax Ndabitoreye to go back and then fired his Kalashnikov at his feet. Demonstrators ran away, but the policeman ran after them firing more shots, along with other policemen. Other policemen fired tear gas directly into the fleeing crowd. The video later shows at least two people lying down with blood on their backs and other demonstrators with their hands full of spent cartridges. Amnesty International considers that this was a peaceful demonstration and that no force was necessary, even if the assembly was considered unlawful.

The second video starts after the first incident, around 11.30am. In this case again, the use of lethal force was not justified. For some time demonstrators and police in blue uniforms went back and forth at the intersection between the Avenue de l'Imprimerie and Boulevard du 28 Novembre. Initially, demonstrators tried blocking the Boulevard with branches and stones, while policeman ran after demonstrators with tear gas, then switched to firing AK-47s. The demonstrators left, then came back singing songs and dancing. Police and demonstrators began to throw stones at each other. Demonstrators then moved a metal kiosk into the middle of the road. The police moved water cannons in to unblock the Boulevard. Demonstrators on the Avenue de l'Imprimerie, holding their hands in the air and singing, crossed again onto the Boulevard.

Alfred Museremu, the commander of Traffic Police and Road Security (Police de Roulage et de la Sécurité Routière - PSR), is then seen on the video with the police. Demonstrators singing the national anthem moved back on to the Boulevard with their arms up. The police lined up in front of them blocking their access to 28 Novembre.

Suddenly the police started charging at the demonstrators. Policemen can be seen arresting demonstrators, beating up a man, kicking and slapping a woman. Alfred Museremu is seen shoving a man inside a pick up. Policemen ran after demonstrators, trying to catch them on the river embankment. In one scene, the police shot at three demonstrators who had reached the river and were running away.

One witness told Amnesty International:

"They (the police) shot at people who were demonstrating peacefully. It was unbelievable. People were fleeing in the river, the police shot at people running away in the river. It was the Deputy Director General of the police who was there. It's not understandable. There was an agreement that demonstrators could stay on the Avenue behind the 28 Novembre Boulevard. Bizimana arrived, he had a chat with few policemen. He left and then police started shooting. There were some dead and injured."

Towards the end of the demonstration, an injured man lay bleeding in a gutter while the police stood by until the Red Cross came to pick him up.

While two witnesses told Amnesty International that the arrival of the Deputy Director General of the Police, Godefroid Bizimana, triggered the shooting, Amnesty International could only confirm Alfred Museremu's presence on the video.

PROTESTS ON 12 MAY IN BUTERERE

Amnesty International interviewed eight witnesses of events in Buterere on 12 May, and reviewed video and audio material, as well as photographs. During this demonstration, protesters attacked a policewoman and destroyed property, after the police attacked them.

On 12 May, in Buterere, before 10am, singing demonstrators walked in the direction of the airport road. They arrived near Kiyange 2 area, where they met the police. One witness and one demonstrator both told Amnesty International that a policewoman started shooting at the crowd. According to the demonstrator, she first shot in the air. The police later identified her as Meddy Kentos Inabeza, a police brigadier (BP). Following this, demonstrators started throwing stones and ran after the policemen in the direction of Kiyange. According to witnesses and a video, protesters caught the policewoman and violently beat her up before giving her back to her colleagues.

When the demonstrators arrived at 7th Avenue, they threw stones at the house of the local CNDD-FDD leader. A witness and a demonstrator both explained that while some demonstrators wanted to burn the house, others opposed it. Two demonstrators told Amnesty International that they thought Ayubu (see events in Mutakura on 26 April) was in the house. Police threw tear gas and shot live ammunition and the demonstrators scattered in the neighbourhood.

Around 10.15am, protesters moved towards Kiyange and destroyed the local CNDD-FDD office. They then moved towards Ayubu's house but faced heavy fire from the police and retreated.

Two demonstrators told Amnesty International that a policeman shot Amisi Barutwanayo, a 24 year-old man, dead near 1st Avenue of Kiyange 2, at a place known as le Triangle. There are conflicting reports about whether Amisi Barutwanayo was a demonstrator or not. At 10.30am, people took his body to the local mosque.

Demonstrators then walked with the body to the Communal Administrator's house. The police had been guarding the house, but fled to another position. The youth vandalised the living room and stole food from the pantry. They burned the private car of the husband of the Administrator. According to a demonstrator and an international journalist, the demonstrators left when the military arrived.

PROTESTS IN MUSAGA ON THE DAY OF THE COUP - 13 MAY

On 13 May, the police shot Armel Manirambona, a 27-year-old student.

A demonstrator explained to Amnesty International:

"It was on 13 May between 9-10.30am. Demonstrators arrived on 1st Avenue, quartier Musaga. They started discussing with the police to be given access to go to town. The police refused and shot live ammunition and tear gas towards the demonstrators. Three demonstrators were injured. They were brought to the Centre de Santé on the 1st Avenue. MSF (Médecins Sans Frontières) couldn't come to evacuate them so we took the decision to help them. I was with Armel, we went back on 1st Avenue: the demonstrators were throwing a lot of stones. Police were running away then they shot live ammunition. This is when Armel was shot. He was shot under the heart and the bullet exited at the back. We brought him to the Centre de Santé as well. Then we went through the small streets to find the MSF ambulance so they could help us. We found a place where MSF could go and transported four people who had been injured, including Armel and another man who were both seriously injured, to Prince Regent and this is when we heard about the coup d'état."

Armel Manirambona died in the hospital on 27 May. His death certificate said he was killed by "ballistic trauma".

ILL-TREATMENT DURING ARREST

Several observers, including a police officer, an NGO worker and five people involved in demonstrations, recounted how the police arrested people that they knew were involved in demonstrations, especially those who had appeared on videos. According to videos, pictures and testimonies, the police often arrested demonstrators in a violent way.

A video from Télévision Renaissance of the demonstration in Mutakura on 26 April shows police dragging and slapping a man. According to a demonstrator Amnesty International interviewed, the man was not a demonstrator but owned a kiosk nearby.

A video of the incidents on 4 May on Boulevard du 28 Novembre shows the police beating a man, and slapping and kicking a woman.

7. ABUSES BY DEMONSTRATORS

As documented above, demonstrators threw stones at the police, injuring many of them, burned vehicles and engaged in destruction and looting of property.

According to the Director General of the PNB, demonstrators have thrown more than 86 grenades during demonstrations. He also told Amnesty International that demonstrators had stolen three weapons from the police who recovered one weapon in Musaga. Another policeman gave Amnesty International similar information regarding weapons stolen from the police.

KILLING OF IMBONERAKURE YOUTH ON 7 MAY

On 7 May in Nyakabiga III on 10th avenue, Leonidas Misago was stoned to death by demonstrators. The protesters later put a tire around him and burned his body. The president of the Imbonerakure, the CNDD-FDD's youth wing, Denis Karera, confirmed to Amnesty International that the victim was an Imbonerakure from Kayanza, in northern Burundi.

A witness told Amnesty International:

"There were three men. One said he was an Imbonerakure. They were asked how they had arrived here and they all gave different versions. The leaders of the demonstrations and myself, we tried to stop this, but it just escalated very quickly. People started throwing stones at the one who had said he was an Imbonerakure. The leaders of the demonstrators tried to stop this and they were hit by some stones themselves. After the last stone hit the Imbonerakure, I went to the side and I cried. He was not burned alive."

According to Denis Karera, at least 10 Imbonerakure have been killed and many more injured since the start of the demonstrations. He provided the names of those who had allegedly been killed to Amnesty International.

ATTACKS ON THE POLICE

On 10 June, the Director General of the PNB told Amnesty International that seven policemen have been killed and 154 injured since the beginning of the demonstrations. Amnesty International requested a list of the dead policemen but was told to send a request to the Ministry of Public Security and was subsequently unable to meet with the Minister of Public Security. As of 29 June, the OHCHR reported that two policemen had been killed since 26 April 2015. Amnesty International documented the death of two policemen in this report. One was killed by unidentified attackers on 1 May and the other was killed by other policemen on 29 May.

According to the Ministry of Public Security's website, demonstrators have destroyed and looted several police stations.

8. ONE-SIDED INVESTIGATIONS BY AUTHORITIES AND FAILURE TO INVESTIGATE VIOLATIONS BY THE POLICE

“In other countries, if you have a problem, you go to the police; if you have problems here, you flee/avoid the police.” An activist – June 2015

On 29 April, the Prosecutor General set up a commission of inquiry to “shed light on the insurrectional movement which started on 26 April 2015 (...)”. There is no indication that it will also look into human rights violations by the police. The commission is yet to produce a report, though it committed to doing so within a month. Amnesty International requested to meet with the Prosecutor General, but he said prior authorization was needed from the Ministry of Foreign Affairs.

The Burundian Code of Criminal Procedure requires the Prosecutor General to investigate criminal offenses even if a complaint has not been filed. The Director General of the Police also told Amnesty International that he had given instructions to the judicial police to investigate any incident that took place during demonstrations. According to him, “if the police has made mistakes, it takes responsibility for its mistakes. The culprits will be sanctioned in due course.”

Despite tens of protesters having been killed and hundreds more injured during the demonstrations, according to Deputy Police Spokesman, Pierre Nkurikiye, as of 15 July 2015, five policemen are under investigation in relation to the demonstrations.

To date, there is little information on investigations on significant incidents such as Zedi Feruzi’s murder. Amnesty International received information there is an investigation in the killing of the Imbonerakure on 7 May.

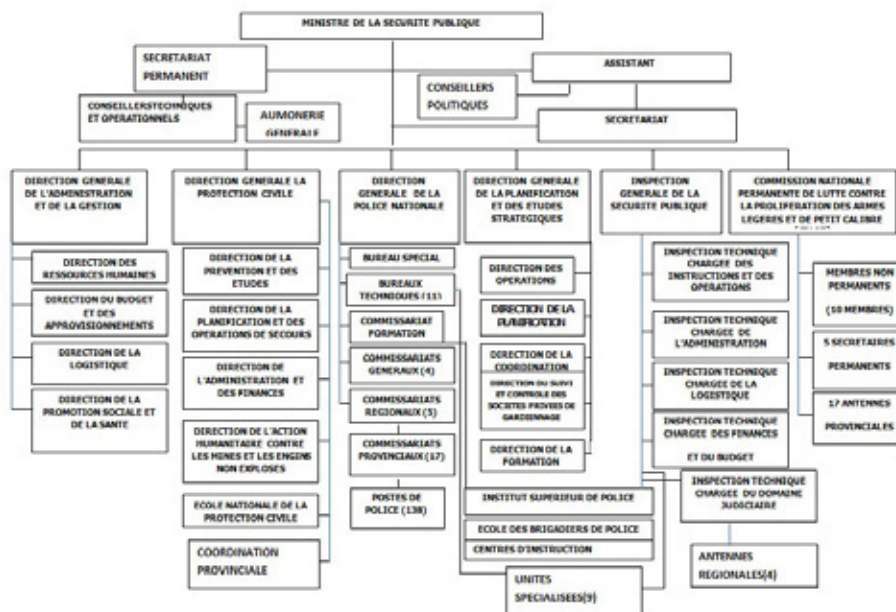
No victims or their family members interviewed by Amnesty International interviewed had filed complaints with the police. Several relatives and medical personnel recounted intimidation by police or intelligence agents who came to the hospital or near their homes, which made them fearful to lodge complaints about the police.

9. STRUCTURAL PROBLEMS WITHIN THE POLICE

1. LACK OF AN ORGANIC LAW

Under Burundi's Constitution, organic laws determine the establishment, the missions, the organization, the instruction, the conditions of service and the functioning of security services. Over ten years after the promulgation of the constitution, there is still no organic law for the police, the army and intelligence services. Experts explained to Amnesty International that an unsatisfactory organic law had been prepared, which left several areas under the President's rather than Parliament's control, and was rejected by Parliament.

One of the objectives of the organic law was to organize the police. The diagram below shows that currently the Director General of the PNB has limited control, as several services are under the Minister of Public Security, rather than under his direct control.



2. POLICE CHAIN OF COMMAND

Several observers told Amnesty International that there is a parallel chain of command in the police and that the Director General of the PNB - a former Gendarme/FAB - is not making decisions but that officers from former Forces for the Defence of Democracy (FDD) armed group are making decisions that violate human rights.

Two sources, including a senior police officer, told Amnesty International that senior officers, some of whom were later implicated in the attempted coup of 13 May, met the Director General of the PNB before the coup to complain to him about the excessive powers of the Minister of the Public Security and about the parallel chain of command. They asked to meet the Minister of Public Security but the meeting did not take place.

On 8 July, the Police Spokesman, Liboire Bakundukize, who has now fled the country, explained that “there is a sort of parallel police” in a media interview. He stated that there are “people who wear police uniforms, but who are not policemen, but who become it because they are supported, and who commit acts that deserve to be punished”. He added he “dissociates himself from people who execute orders which are not from the known command”.

When asked about the chain of command, the Director General of the PNB told Amnesty International that “we draft the orders and we are transmitting them directly to people on the ground.” He said the Deputy Director General, Godefroid Bizimana, the Chief of Special Units, Christophe Manirambona alias Wakenya, and the Chief of the Intelligence Services for the Police, Isidore Ndikokubwayo, were among those who represented him on the ground. He noted that the hierarchical chiefs of the men on the ground give them their orders of behaviour (ordre de conduite), and that they can then delegate to their staff. When asked about the behaviour of Désiré Uwamahoro, he replied that he is commanded by his chief, Christophe Manirambona, and not by the Director General of the PNB directly. Amnesty International suggests that the Director General of the PNB should have taken measures regarding Christophe Manirambona, the superiors of Major Désiré Umawahoro and Alfred Museremu, as they were both present and in some cases involved when unnecessary or excessive force was used during several demonstrations.

3. TENSION WITHIN THE POLICE AND THE ARMY

Amnesty International received direct and indirect accounts of policemen and military being increasingly frustrated with orders they received, which contradicted training they had previously received in crowd control and human rights, as well as the behaviour of other policemen. Amnesty International received accounts of policemen refusing to follow orders.

A local journalist told Amnesty International:

“Once in Nyakabiga, I saw an officer taking away the weapon of another policeman after he had killed a young man. He told him ‘you have not received the order to shoot people’. I have also seen policemen stopping their colleagues from shooting live ammunition at demonstrators or using tear gas. I often see a lot of policemen who are peaceful, they try to negotiate with demonstrators, tell them they can’t cross the road and the demonstrators turn away, singing. But then three pick-ups arrive, drop some policemen who just start shooting before leaving again. I saw this in Nyakabiga, Musaga and Cibitoke on several occasions. I heard from a policeman that these men receive bonuses. I heard several times policemen saying about demonstrators ‘let’s kill them’ and some others saying no. Once in Musaga, I saw a policeman crying, who said ‘I am tired of this, when will it stop?’”

One frustrated policeman told Amnesty International about other policemen: “They behave like they are in the bush. After the coup, we were told to shoot demonstrators, because they are putschists; we were not given helmets, shields from then on, only weapons.”

Tensions within the police are also reflected in the story surrounding the death of Jean Marie Ntakirutimana, the police zone commander for Kamenge on 1 May.

According to a witness and to a police officer, the police was responding to an attack in Kamenge in the early evening, when they were shot at and had grenades thrown at them. Jean Marie Ntakirutimana was killed and several policemen in his pick-up were injured. Three police sources told Amnesty International that individuals within the authorities killed Jean Marie Ntakirutimana. Two of them said it was because he did not agree with the orders he had been given, including to incorporate Imbonerakure youth with his men. The police spokesman, Liboire Bakundukize, declared during an interview on 8 July 2015 that “some policemen have been assassinated, it was planned murders” because they had different opinions. He then said that the murder of a zone commander in Kamenge was “an organized murder”. One of the policemen told Amnesty International that if Jean Marie Ntakirutimana had been killed by demonstrators, an investigation would have already been opened.

When Amnesty International asked the Director General of the PNB if the matter was under investigation, he did not reply, but said that he was aware of rumours circulating about the death of Jean Marie Ntakirutimana. In early June, a policeman injured during the incident told Amnesty International that he had not yet been interviewed by the police about what happened. As of 10 July, the authorities have not arrested anyone in connection with this killing.

Tensions have also surfaced within the army regarding the handling of demonstrations. According to witnesses, and military and intelligence sources, as well as pictures taken on the day, on 18 May, a special military unit, the Special Brigade for the Protection of Institutions (Brigade Spéciale des Institutions - BSPI) was deployed in Musaga and shot in the air during the demonstrations. Other military on site tried to stop them and an altercation arose. The tension

only abated when the Chef d'État Major Adjoint arrived.

Burundi's Constitution allows the President to authorize the use of armed forces for: a) Defense of the State; b) re-establishing order and public security and c) accomplishing international obligations and commitments but requires him to inform Parliament of such a deployment, including the reason for, and period of, their deployment. If parliament is not in session, as was the case in May, the President should have called an extraordinary session, which has not happened according to the parliamentary calendar.

10. INTERNATIONAL MILITARY AND POLICING ASSISTANCE

Several states have supplied military and policing equipment used by the Burundian police, from tear gas canisters to small arms ammunition and water cannons.

SUPPLY OF LESS LETHAL POLICING EQUIPMENT TO BURUNDI SECURITY FORCES

If used in line with international standards by well-trained law enforcement officers, less lethal equipment can offer a range of options for the differentiated use of force, helping to prevent and minimize deaths and injuries, while protecting the police officers themselves. However, Amnesty International has documented a wide range of human rights violations – including excessive and abusive use of force in the policing of public assemblies – perpetrated by law enforcement officials around the world using such equipment.

The actions of the police during events ahead of April-June 2015, as well as the pattern of serious human rights violations perpetrated by the security forces leading up to these events, underlines the substantial risks involved in the supply of policing equipment. Amnesty International is calling on supplier states to cease all transfers of law enforcement equipment while this substantial risk remains.

While it is often difficult to trace the chain of custody of policing and military equipment found in the field, Amnesty International observed the following equipment being used by the Burundian police.

TEAR GAS FROM FRANCE AND ISRAEL

On the basis of pictures, videos and direct observation, Amnesty International confirmed that the police used at least two types of tear gas grenades, produced by French and Israeli companies.

ALSETEX GRENADES

In June 2015, Amnesty International observed the special police (API) guarding the Minister of Public Security carrying tear gas grenades it later identified as French 56mm grenades.

The French company SAE Alsetex produced these grenades. They are visible on several pictures of policemen during demonstrations. Diplomats at the French embassy in Bujumbura told Amnesty International that French supplies had not been shipped over the previous year. The Director General of the Police confirmed to Amnesty International that the “French had sold grenades to Burundi”. Amnesty International wrote to Alsetex and the Government of France to request clarification, but had not received a response at the time of publication.

ISPRA GRENADES

Several pictures and videos show the Burundian police using blue and orange tear gas grenades manufactured by ISPRA (Israel). A close-up picture shows markings, which are unique to ISPRA. A journalist present on 13 May showed Amnesty International a picture of a grenade bearing similar markings used by the police against the women demonstrating on 13 May. The blue and orange CSS STCS is a hand-thrown tear gas and launchable “MULTI EFFECT” grenade. CSS-STCS is listed by ISPRA as being a CS smoke emission, blast & CS powder grenade. Amnesty International wrote to ISPRA to request clarification, but had not received an answer at the time of publication.

In addition, videos and photos showed the use of liquid dispensers to spray tear gas. The country of origin is unknown.

WATER CANNON FROM ISRAEL

Amnesty International documented the use of water cannons on 26 April in Mutakura, as well as during the women’s demonstration on 13 May. One source told Amnesty International that the authorities obtained two water cannons in early 2015. According to the source, they were Israeli made. After studying pictures and videos, Amnesty International considers that these are Israeli Beit Alfa trailer vehicles with Mercedes 1823 truck chassis. Amnesty International wrote to Beit Alfa to request clarification, but had not received an answer at the time of publication.

PICK-UP VEHICLES FROM THE NETHERLANDS

The Netherlands Embassy told Amnesty International it provided 24 pick-up vehicles to the police. They asked the Burundian security forces not to use them after these cars were reported to have been used at demonstrations. The vehicles have GPS and could be tracked, but they were aware that some of these GPS had been sabotaged, rendering the trackers unusable.

The control of trade in equipment used for law enforcement remains weak. Some policing equipment, such as chemical irritants and associated launchers, are covered under strategic export controls as agreed in the Wassenaar Arrangement of 41 arms exporting states. The EC Council Regulation No 1236/2005 of 27 June 2005 is a legally binding multilateral trade control, which regulates the trade of policing and security equipment often used for torture or other cruel, inhuman or degrading treatment or punishment. Given the risks to human rights posed by weapons and equipment used for law enforcement Amnesty International believes all states should apply strict risk assessments against human rights criteria before authorizing any trade.

SMALL ARMS AND AMMUNITION

The Burundian police’s standard weapon is a Kalashnikov-type assault rifle. A program supported by the Dutch government has started marking weapons but has not yet been completed. Amnesty International reviewed cartridge cases collected from different locations in Bujumbura. They were mostly 7.62 x 39 mm calibre used for Kalashnikov-type assault rifles.

Most of them were marked with various manufacturing dates, from 1979 to 2005, though two of them had a manufacturing date of 1998 and 1999. Although there was a multilateral arms embargo by several central and eastern African states from August 1996 to January 1999, it is difficult to tell when these particular ammunition were purchased. In February 2015, Human Rights Watch reported extrajudicial executions by the Burundian police and the army between 30 December 2014 and 3 January 2015 in Cibitoke province. In March 2013, the police fired live ammunition at a crowd of religious worshippers, in Businde, killing 19 and injuring dozens.

USE OF INAPPROPRIATE MEANS FOR POLICING

Amnesty International reviewed pictures and videos that showed the police in possession of equipment that does not have a legitimate role in law enforcement, including bayonets, high velocity sniper rifles and grenades.

CONSEQUENCES

On 14 May, the Dutch government announced it had partially suspended aid to Burundi and suspended support to the police and army reform programme because “the Burundi police were recently accused of using excessive violence in subduing demonstrations, during which a number of people were killed.”

On 22 May, the US government announced it suspended training of Burundian soldiers for African peacekeeping missions:

“Continued instability and violence in Burundi, and in particular the commission of human rights violations and abuses by security forces, could jeopardize Burundi’s ability to continue to contribute to the AMISOM peacekeeping mission. We also, though, I would say, understand that members of the military have largely acted professionally and neutrally during the recent protest. We’re aware of at least two press reports of soldiers being shot and killed while acting to protect civilians during skirmishes with the police, and we, for that, express our deepest condolences to the family and friends of those soldiers.”

11. CONCLUSION

The Burundian government's determination to push ahead with controversial elections has triggered political instability as well as violence and serious human rights violations.

Regional and international standards are clear that any use of force by law enforcement officials should be exceptional and must comply with the state's international human rights obligations, particularly the obligation to respect and protect the right to life. In Burundi, however, the authorities decided to treat demonstrations against President Pierre Nkurunziza's bid for a third-term as an insurrection, even before they began. They repeatedly repressed demonstrations using excessive force, including lethal force, to suppress dissent.

Security forces committed a range of violations, including of the right to life, freedom of association and peaceful assembly. The Burundian police failed to protect children's safety in protests using tear gas and live ammunition in their presence. This assault on protesters was coupled with a crackdown on the media with police physically destroying media outlets.

Treating largely peaceful demonstrators and entire residential neighbourhoods as part of an insurrection escalated, rather than defused protests. Though the majority of protesters remained peaceful, some used violence in response to excessive use of force by the police.

Some of the violations committed in this report happened through parallel chains of command. As long as a parallel chain of command exists, and law enforcement officers are not held to account for violations, all attempts to reform and train security forces risk being undermined.

The Burundian government must immediately investigate excessive use of force, lethal force, and extra-judicial executions by the police, and suspend suspected perpetrators pending criminal investigations and prosecutions. This could also reduce the likelihood of people finding more violent ways to express political grievances, and help to counter the risk of return to armed conflict.

Regional actors should intensify their efforts to resolve the current crisis in Burundi. International donors also have a key role to play in pressuring the Burundian government to investigate these incidents and to refuse assistance which may facilitate further violations. Once the current crisis is over, they should support the Burundian authorities to tackle parallel chains of command in the police and to develop a vetting mechanism to prevent individuals responsible for serious human rights violations from working for security services.

12. RECOMMENDATIONS

To the Burundian authorities:

Address impunity by:

- Suspending from their position individuals named in the report, pending thorough, independent and impartial criminal investigations and prosecutions.
- Removing from active duty anyone suspected of having committed crimes under international law or other human rights violations, such as excessive use of force or extrajudicial executions, until the allegations against them have been independently and impartially investigated.
- Promptly and independently investigating all reports of human rights violations, including extrajudicial executions and excessive use of force and prosecute those responsible, including the commanding officers in charge during the incidents who gave unlawful orders or failed to prevent violations of human rights.
- Clarifying the status and chain of command within the three security forces, and abide by them.
- Condemning violence against children and women in all circumstances and ensure that anyone responsible for violence against women and children will be made accountable for these acts and brought to justice.
- Ensuring that victims of human rights violations and their families can obtain full reparation, in the form of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- Inviting the UN and the AU Special Rapporteurs on extrajudicial, summary or arbitrary executions to visit the country

Respect freedom of expression by:

- Upholding the right to freedom of expression, association and peaceful assembly by allowing civil society groups and opposition parties to organize and hold meetings, public gatherings and demonstrations.
- Reviewing and repealing articles of the Law on Public Gatherings that unduly restrict freedom of association and peaceful assembly or expression.
- Investigating and prosecuting those responsible for the destruction of radios on 13 and 14 May 2015.

- Inviting the UN Special Rapporteur on Freedom of Association and Peaceful Assembly and the AU Special Rapporteur on Freedom of Expression and Access to Information to visit the country.

Reform the police by:

- Redrafting and enacting the organic law on police and military consistent with international human rights standards.
- Ensuring that the security forces act in accordance with international standards regarding the use of force and firearms to respect and protect the right to life and physical integrity, in accordance with international instruments, the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
- Ensuring that law enforcement officials and other security forces apply non-violent means before resorting to the use of force (including use of handcuffs or other restraints), which should be used only if non-violent means have proven to be, or are likely not to be, effective. If the use of force is unavoidable, they must always exercise restraint in its use. The use of any force by law enforcement should be strictly limited to those situations where it is absolutely necessary and strictly proportional to the legitimate aim pursued and to minimize damage and injury. In any use of force, the police must at all times respect human rights, including the right to life and the prohibition of torture and other ill-treatment. The risk of injury and death should therefore always be minimized. In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.
- Ensuring that all officers required to carry out law enforcement duties are selected by proper screening procedures, have appropriate moral, psychological and physical qualities for the effective exercise of their functions and receive continuous and thorough professional human rights based training. Their continued fitness to perform these functions should be subject to periodic review.
- Restructuring the police and establishing an independent selection and vetting mechanism to ensure that no-one suspected of having committed crimes under international law or other human rights violations, such as excessive use of force or extrajudicial executions, or of having participated in such crimes, can be employed in the police and other security forces, until the allegations against them have been independently and impartially investigated.
- Revising their public order management procedures, manuals, training and practice in compliance with international human rights law and standards.
- Ensuring training includes operational training exercises that uphold international human rights standards in law enforcement, including that the police's first duty is to facilitate assemblies, minimum use of force, minimize damage and injury, preserve life.

- Including training in lawful public order techniques, and ensuring that the use of chemical irritants to disperse crowds is in compliance with international human rights law and standards.

To the AU Peace and Security Council:

- Urgently implement its decision in the Communiqué of 13 June 2015 (PSC/PR/COMM.2(DXV)) to deploy human rights observers and other civilian personnel to Burundi.
- Ensure that there are sufficient safeguards to stop or prevent Burundian military and other security officers accused of serious human rights violations in Burundi from participating in peacekeeping missions in other countries.

To the African Commission on Human and Peoples' Rights:

- Urgently request a fact-finding visit to Burundi to assess the human rights situation in the country, including the killing of the political opposition leader Zedi Feruzi, other extra-judicial killings, and the destruction of media houses in Bujumbura.
- Issue a public statement expressing concern over the deterioration of the human rights situation in Burundi. The statement should highlight violations of freedom of expression and peaceful assembly, the right to life and security, and, urge an end to excessive use of force, arbitrary arrests and ill-treatment of protesters and children. If, and when, the request for fact-finding visit is granted, the mission should be composed of the relevant special mechanisms of the African Commission.
- Urge the Government of Burundi to comply with the Commission's Guidelines on the Conditions of Arrests, Police Custody and Pre-Trial Detention.

To the African Committee of Experts on the Rights and Welfare of the Child:

- Urgently request a fact-finding visit to Burundi to assess the impact of the ongoing crisis on the rights and welfare of children, with a view to making recommendations to the Government of Burundi and its security forces on specific measures to protect children during demonstrations.

To the United Nations - Department of Peacekeeping Operations:

- Ensure that perpetrators of serious human rights violations do not participate in peacekeeping missions.

To the Governments of The Netherlands, France and Belgium and all other states:

- Not authorise transfers of arms and other military, security or police equipment to Burundian military or police forces if there is a substantial risk that such transfers will be used to commit or facilitate serious violations of human rights.

44 Braving Bullets
Excessive force in policing demonstrations in Burundi

- Suspend any assistance or training to Burundian military or police units implicated in serious human rights violations - particularly operational, tactical and weapons training - which could facilitate any further violations by those units.
- Ensure that any co-operation with Burundi in the areas of law enforcement, security and justice will not facilitate serious human rights violations.

To donor governments:

- Ensure that donors support and advise the Burundian authorities on the organic law on police and military.
- Assist Burundian authorities in the revision of the public order management procedures, manuals, training and practice.

I WANT
TO HELP

WHETHER IN A HIGH-PROFILE CONFLICT
OR A FORGOTTEN CORNER OF THE
GLOBE, **AMNESTY INTERNATIONAL**
CAMPAIGNS FOR JUSTICE, FREEDOM
AND DIGNITY FOR ALL AND SEEKS TO
GALVANIZE PUBLIC SUPPORT TO BUILD
A BETTER WORLD

WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International's work.

Together we can make our voices heard.

☐ I am interested in receiving further information on becoming a member of Amnesty International

name

address

country

email

☐ I wish to make a donation to Amnesty International (donations will be taken in UK£, US\$ or €)

amount

please debit my

Visa ☐

Mastercard ☐

number

expiry date

signature

Please return this form to the Amnesty International office in your country.

For Amnesty International offices worldwide: www.amnesty.org/en/worldwide-sites
If there is not an Amnesty International office in your country, please return this form to:

Amnesty International, International Secretariat, Peter Benenson House,
1 Easton Street, London WC1X 0DW, United Kingdom

BRAVING BULLETS

EXCESSIVE FORCE IN POLICING DEMONSTRATIONS IN BURUNDI

On 26 April 2015, demonstrations broke out in Burundi's capital, Bujumbura, and continued until mid-June to protest against President Pierre Nkurunziza's decision to run for a third term in the July 2015 elections. Political tensions ran high as many Burundians saw this bid as unconstitutional and a violation of the 2000 Arusha Agreement which had brought an end to the country's civil war.

This report is based on research in Burundi. Drawing on interviews, including with victims and eyewitnesses of human rights violations, Burundian government, military, police and intelligence officials, and foreign diplomats, the report shows that the police response to the demonstrations was marked by a pattern of serious violations, including of the right to life and freedom of peaceful assembly. It highlights the use of excessive and disproportionate force, including lethal force, against protesters. Authorities also took restrictive measures to crack down on the media.

Amnesty International urges the Burundian government to end excessive use of force, extra-judicial executions, and allow national and international journalists to operate freely and safely. The government must suspend individuals named in this report from their positions pending criminal investigations and prosecutions, and ensure victims have access to effective remedies and adequate reparations. It also contains recommendations to help regional and international actors to support the Burundian government in ending these violations.

amnesty.org

Index: AFR 16/2100/2015

AMNESTY
INTERNATIONAL

