



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Concluding observations of the Committee on the special report of Burundi requested under article 19 (1) *in fine* of the Convention\*

1. The Committee against Torture considered the special report of Burundi (CAT/C/BDI/2/Add.1) at its 1438th and 1441st meetings (see CAT/C/SR.1438 and 1441), held on 28 and 29 July 2016, and adopted the present concluding observations at its 1456th and 1457th meetings, held on 11 August 2016.

#### A. Introduction

2. In a letter of 16 November 2015, the Committee had asked the State party to submit by 30 November 2015, through its representatives, information as part of the follow-up procedure to the Committee's concluding observations on the second periodic report of Burundi, adopted on 26 November 2014. Although the State party, by note verbale of 30 November 2015, had committed to providing this information to the Committee without delay, it has not been received. In view of the foregoing and of reports, carefully considered by the Committee, from United Nations and non-governmental sources (including the Office of the United Nations High Commissioner for Human Rights and the Special Adviser on the Prevention of Genocide), relating serious violations of the provisions of the Convention, the Committee asked the State party, in a letter dated 9 December 2015, to submit a special report. This report was requested pursuant to article 19 (1) *in fine* of the Convention, which states that States parties are to submit such other reports as the Committee may request.

3. The special report should include information on the following:

(a) The measures taken by the State party to investigate numerous and credible reports of summary executions, including political killings, arbitrary arrests, torture and ill-treatment of members of the opposition, journalists, human rights defenders and their families and any other persons perceived as having supported the opposition in 2015. The Committee also requested the State party to indicate whether such investigations have led to the prosecution of members of the security forces and any other authority or person responsible, and their outcome;

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\* Adopted by the Committee at its fifty-eighth session (25 July-12 August 2016).



(b) The progress of any investigations into the armed attack on Pierre-Claver Mbonimpa in August 2015 and the abduction and murder of his son Welly Nzitonda in November 2015;

(c) The measures taken by the State party to investigate numerous and credible reports indicating in particular that acts of torture have been committed by the National Intelligence Service on its premises near Bujumbura cathedral. The Committee asked the State Party to indicate whether such investigations have led to the prosecution of members of the National Intelligence Service, and their outcome;

(d) The measures taken by the State party to investigate numerous and credible reports indicating in particular assassinations and torture committed by members of the Imbonerakure youth group against anyone perceived to be supporting the opposition, including on 3 October in Cibitoke. The Committee asked the State party to indicate whether members of the Imbonerakure youth group have been prosecuted for such acts, and their outcome;

(e) The measures taken by the State party to give effect to the recommendations made in paragraph 11 (a), (b) and (d) and paragraph 22 (b) of the Committee's concluding observations of 26 November 2014 in the framework of the follow-up procedure.

4. By note verbale of 30 June 2016, the Permanent Mission of Burundi forwarded the Government's special report to the Committee.

5. The delegation of Burundi participated in the 1438th meeting of the Committee on 28 July 2016. In her opening speech, the Minister of Justice referred to certain reports submitted to the Committee containing information that, in her view, had been obtained from anonymous sources and was impossible to verify or information provided by opposition politicians.

6. The delegation of Burundi did not appear before the Committee at its 1441st meeting, held on 29 July 2016, to continue the constructive dialogue. By note verbale of 29 July 2016, the Government of Burundi transmitted to the Committee its position on the consideration of its special report. The note verbale stated that the delegation of Burundi was of the view that the topics discussed by the members of the Committee at its 1438th meeting focused on issues that had never been raised with the State party. The delegation of Burundi was also of the view that the dialogue centred on a report submitted to the Committee by civil society, but not to the Government of Burundi, and it considered that the Committee should have transmitted the report to it in advance in order to verify the complaints. The Government of Burundi asked the Committee to give it time to provide a substantiated report on the information mentioned by the Committee.

7. By note verbale of 29 July 2016, the Committee sent to the Permanent Mission of Burundi an expression of its regret over the delegation's absence from the Committee's second meeting and stated that it intended to adopt its concluding observations on the special report of Burundi at its fifty-eighth session, on the basis of the special report and the information available to it. The Committee reminded the State party of its practice of drawing on the reports of States parties and information from other sources (NGOs, United Nations bodies) that is submitted to it and posted on the Committee's website, as well as on useful information available in the public domain, for the consideration of reports, including special ones. The Committee also stressed that it had limited the dialogue to the issues that the special report had been meant to address. The Committee expressed its eagerness to resume the dialogue as soon as possible and gave the State party's delegation the opportunity to submit its replies to the issues raised at the first meeting within 48 hours, in accordance with the Committee's usual practice regarding the consideration of State party reports. No response was received from the State party.

## **B. Principal subjects of concern and recommendations**

### **Suspected extrajudicial executions, mass graves and politically motivated murders**

8. The Committee is deeply concerned by the grave human rights violations, documented and denounced by the Office of the United Nations High Commissioner for Human Rights, among others, that were committed in Burundi starting in April 2015 as part of the effort to suppress protests against President Pierre Nkurunziza's decision to run for a third term of office. The Committee is especially concerned by the high number of extrajudicial executions: according to the June 2016 report of the United Nations High Commissioner for Human Rights (A/HRC/32/30, para. 10), 348 such executions, committed mainly by the security forces, were documented between April 2015 and April 2016. In addition, the Committee is greatly alarmed by the number of summary executions that reportedly occurred on 11 and 12 December 2015 in neighbourhoods of Bujumbura whose residents were opposed to a third term in office; those executions occurred after military installations had been attacked by unidentified armed groups. The Committee takes note of the establishment by the State Public Prosecutor of a commission of inquiry to look into those executions and the suspected existence of mass graves, and has been informed that, according to the commission's final report, all 79 of the persons killed were considered to be attackers, except for one individual who was reportedly killed by a stray bullet, and that there were no mass graves. The Committee is concerned, however, at the considerable discrepancy between that figure and those provided in other, non-governmental reports according to which there were between 150 and 200 victims, including civilians who had been summarily executed, and numerous corpses had been taken to undisclosed locations. The Committee finds it regrettable that the State party has not responded to its requests for information on whether exhumations and autopsies had been performed and whether inquiries had been launched into the possible disproportionate use of deadly force given the number of persons killed. The Committee is further concerned by information received, and corroborated by the High Commissioner for Human Rights, on the locations of at least nine mass graves around Bujumbura, and notes that local authorities have acknowledged the existence of some of those graves. It also notes with concern the reports received about the murder of numerous persons who opposed the Government, and it regrets not having received additional information on the investigations conducted by the State party into the cases of Faustin Ndabitezimana, Zedi Feruzi, Charlotte Umugwaneza, William Nimubona and Melchior Hakizimana (arts. 2, 4, 12, 13 and 16).

### **9. The Committee urges the State party:**

(a) **To exercise strict control over the police and security forces to prevent them or any other person from committing extrajudicial executions;**

(b) **To fully honour its obligation to ensure that all allegations of extrajudicial, arbitrary or summary executions, including with regard to the executions suspected to have taken place subsequent to the 11 December 2015 attacks on the military installations, as well as the murders mentioned by the Committee, are investigated with impartiality and that those responsible are punished;**

(c) **To ensure that any investigation into an allegation of extrajudicial, arbitrary or summary executions entails an independent forensic examination, including, if necessary, an autopsy, the gathering and analysis of all evidence and the taking of testimony from witnesses, and that the procedures and methods used are made public immediately, in line with the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (1989);**

(d) **To take, without delay, all steps necessary to locate, preserve and maintain under surveillance sites of suspected mass graves so that an independent commission of inquiry, equipped with the necessary technical resources, can undertake the exhumation, analysis and identification of any bodies found;**

(e) **To ensure that victims' families and their legal representatives are allowed to participate in proceedings as civil parties, that they may request that a physician of their choice be present at the forensic examination and the autopsy, that they be given a reasonable possibility of recovering the body after the investigation and that they receive adequate compensation.**

#### **Enforced disappearance of political opponents**

10. The Committee is concerned by the information in the report of the United Nations High Commissioner for Human Rights (A/HRC/32/30, paras. 16 and 17) according to which 36 enforced disappearances were documented between April 2015 and April 2016, and by the rising trend in such disappearances as indicated by the Secretary-General (S/2016/352, para. 9). A number of reliable sources indicate that the disappearances targeted young men suspected of participating in protests, members of civil society who were opposed to a third term of office for the President, such as the case of Albert Dushime, as well as members of the opposition, such as Christa Benigne Irakoze and Eddy Claude Ndabaneze. The Committee notes with concern that, in some instances, members of the police reportedly demanded ransoms, as in the cases of Charles Mutoniwabo and Pascal Ndimurukundo. The Committee is also concerned by the unavailability of official data on the documented cases and on the investigations conducted at the time as well as by the fact that the State has not provided information on the cases mentioned during the dialogue (arts. 2, 12, 13 and 14).

#### **11. The State party should:**

(a) **Take the necessary steps to ensure that all cases of enforced disappearance, including the cases mentioned by the Committee, are investigated thoroughly and impartially, that those responsible are prosecuted and, if they are found guilty, that they receive punishment commensurate with the crime;**

(b) **Take all possible action to locate persons reported missing, in particular those who go missing after being questioned by the security forces, and ensure that anyone who has suffered harm as a direct result of an enforced disappearance has access to all available information that could be useful in locating the missing person and has an enforceable right to fair and adequate compensation;**

(c) **Impose criminal liability on members of the police or any other person who demands a ransom from the family of a disappeared person.**

#### **Acts of torture and ill-treatment**

12. While noting that, according to the State party's special report to the Committee, few cases of torture have been reported since December 2015, the Committee is concerned by the 651 cases of torture documented by the Office of the United Nations High Commissioner for Human Rights in Burundi between April 2015 and April 2016 (A/HRC/32/30, para. 27). It is also concerned at the recent increase in acts of torture associated with the political crisis, as reported by the Secretary-General (S/2016/352, para. 9) and by the Human Rights Council-mandated mission of independent experts after its second visit to the State party. The acts of torture and ill-treatment reportedly took place mainly on the premises of the National Intelligence Service near the cathedral in Bujumbura but also at unofficial sites of detention, such as the isolation unit known as Iwabo W'abuntu and the police operations command centre known as Chez Ndadaye, to

which national and international observers have not been granted access. While noting that, according to the special report, only five cases involving acts of torture have been under active investigation since September 2015, the Committee remains deeply concerned by the discrepancy between that information and the numerous cases of torture documented in the High Commissioner's report, which would seem to indicate that not all allegations of torture have been the subject of an investigation. The Committee finds it regrettable that the State party has not provided the information requested of it concerning the follow-up to these investigations and on the cases of torture of Esdras Ndikumana, Omar Mashaka, General Cyrille Ndayirukiye and Egide Nkuzimana (arts. 2, 4, 12, 13 and 16).

**13. The Committee recalls the absolute prohibition of torture as set forth in article 2 (2) of the Convention, whereby no exceptional circumstances whatsoever, whether internal political instability or any other public emergency, may be invoked as a justification of torture. The Committee also draws the State party's attention to its general comment No. 2 (2007), on the implementation of article 2 by States parties, in which it mentions that States parties must ensure that their laws in practice are applied to all persons, regardless of ethnicity or of the reason for which the person is detained, including persons accused of political offences. The Committee urgently calls on the State party to:**

**(a) To reaffirm in no uncertain terms its absolute prohibition of torture and to make it publicly known that whosoever commits such acts, orders the commission of such acts, is an accomplice to such acts or tacitly authorizes such acts shall be held personally liable before the law;**

**(b) To ensure that all cases and allegations of torture or ill-treatment are promptly investigated in an effective and impartial manner, that suspected perpetrators of and accomplices to acts of torture, including those occupying positions of authority, are prosecuted and sentenced to punishment commensurate with the seriousness of their actions and that victims receive adequate compensation;**

**(c) To ensure that no person is held in a place of detention that is secret or not recognized officially, as such places constitute in and of themselves a violation of the Convention;**

**(d) To authorize, without delay, unhindered access for human rights observers, including representatives of the Office of the High Commissioner for Human Rights in Burundi, of the Human Rights Council-mandated mission of independent experts and of the Commission of the African Union, to all places of deprivation of liberty, be they official or non-official in nature. In particular, the State party should authorize access to the premises of the National Intelligence Service near the cathedral in Bujumbura and the police premises at Chez Ndadaye and the Iwabo W'abuntu isolation cell;**

**(e) To set up an independent, effective and properly resourced national mechanism for the prevention of torture, pursuant to the recommendations made previously (CAT/C/BDI/CO/2, para. 19).**

#### **Acts of politically motivated violence perpetrated by the Imbonerakure youth group**

14. The Committee is concerned by several reports corroborating the systematic involvement of members of the ruling party's youth wing (the Imbonerakure) in a number of serious violations of the Convention. Based on the information it has received, the Committee is concerned that this group, which United Nations sources term as a militia, has received weapons and training from the authorities of the State party and that, in liaison with the police and members of the National Intelligence Service, it performs arrests and, on its own, it engages in acts of repression with full impunity. While noting that the State

party, in its special report to the Committee, seems to disassociate itself from this group's actions, the Committee regrets that no express position was stated concerning the structure of the Imbonerakure group, its organizational ties to the authorities and its attributed functions. The Committee is concerned by the Minister of the Interior's statements acknowledging that the Imbonerakure group was part of a national security strategy that included mixed-composition security bodies set up pursuant to the government ordinance of 4 February 2014. The Committee regrets that it did not receive from the State party the information it requested on action taken against abuses committed by members of the Imbonerakure group, in particular with regard to their suspected involvement in the confrontations that took place on 3 October 2015 in Cibitoke, in the execution of five young people on 9 December 2015 and in the murder of Laurent Gasasuma (arts. 2, 12 and 16).

**15. The State party should:**

**(a) Conduct, without delay, thorough and impartial investigations of all acts of violence committed by members of the Imbonerakure youth group, including their suspected participation in the confrontations of 3 October 2015 in Cibitoke, in the execution of five young people on 9 December 2015 and in the murder of Laurent Gasasuma;**

**(b) Prosecute, without delay, the perpetrators of those violations and any agents of the State who acted as accomplices to or consented to their perpetration and, if they are found guilty, sentence them to punishment commensurate with the seriousness of their actions;**

**(c) Assign responsibility for internal security exclusively to a civilian police unit and prepare, as a matter of urgency, effective strategies to disarm and closely monitor all armed groups or individuals who are not officially part of the security forces.**

**Sexual violence associated with the political crisis**

16. The Committee is alarmed at the numerous corroborated allegations of sexual violence against women as a means of intimidation and repression during protests and during searches conducted by the police, the military or members of the Imbonerakure youth group in opposition neighbourhoods of Bujumbura. The Committee is also concerned by reports of certain chants inciting Imbonerakure members to rape women. While noting that the Office of the United Nations High Commissioner for Human Rights has documented 19 cases of sexual violence perpetrated by the security forces and Imbonerakure youth group members between April 2015 and April 2016, the Committee believes these cases may represent only a small fraction of the total number of cases of such violence, considering that most victims are afraid to report these rapes. Although it acknowledges the statement by the Ministry of Human Rights that these events are not linked to the political crisis but are instead a social phenomenon, the Committee notes with concern that the reported acts were committed with participation by or the consent or acquiescence of agents of the State in the course of duty and would therefore constitute acts of torture. In the light of the foregoing, the Committee regrets the unavailability of official data concerning allegations of acts of sexual violence committed by members of the security forces or the Imbonerakure group during the period as well as on the investigations conducted, cases prosecuted and sentences handed down (arts. 1, 2, 4 and 16).

**17. The State party should:**

**(a) Put an end to the impunity enjoyed by persons who perpetrate acts of sexual violence in a context of political crisis, be they agents of the State or non-State actors acting with the consent or acquiescence of agents of the State, immediately**

launch thorough and impartial investigations, bring the suspected perpetrators of such acts to trial and, if they are found guilty, sentence them to punishment commensurate with the seriousness of their actions;

(b) Take legislative, administrative and judicial action to protect women against acts of sexual violence during searches or protest control operations, such as by ensuring that women police officers take part in security operations;

(c) Ensure that the women victims of this violence are able to receive medical care and psychological support and undergo an independent medical examination to gather evidence of these crimes, and that they can find protection at a shelter and receive other forms of reparation;

(d) Issue clear orders along the chain of command to prohibit sexual violence, including in the handbooks and training for the security services, the police and the military, and publicly condemn and denounce in the strongest of terms the commission of rape by agents of the State or by Imbonerakure youth group members as well as the incitement to commit rape through chanting, while ensuring that the security forces do not tolerate this kind of sexual violence.

#### **Ethnically motivated acts of violence and incitement to hatred**

18. Although the crisis in Burundi is political in nature, the Committee notes that the President's assumption of a third term of office undermined the ethnopolitical sharing of power established in the Arusha Peace Agreement. The Committee is gravely concerned by information from United Nations sources of statements being made by senior government officials that include genocidal rhetoric. It is alarmed as well at corroborated information concerning the murder or enforced disappearance of officers of the former Burundian Armed Forces after the attempted coup of May 2015; as indicated by the High Commissioner for Human Rights, those violations may have been ethnically motivated. This ethnic dimension of the conflict risks being exacerbated by the repressive measures taken in neighbourhoods inhabited mainly by Tutsis (arts. 2, 12 and 16).

19. **In the light of the Committee's general comment No. 2 (para. 21), the State party should ensure the protection of members of ethnic minorities at risk of ill-treatment. The Committee thus urges the State party:**

(a) **To desist from making any public statements that could aggravate ethnic tensions or incite to violence or hatred;**

(b) **To strive to ensure that government officials and members of the security forces do not incite to hatred or play any detrimental role by accepting or tolerating such violence by other groups;**

(c) **To take action to ensure that prompt, impartial and effective investigations are conducted into all cases of murder, enforced disappearance or other types of ethnically motivated violence, that the perpetrators are prosecuted and that they are sentenced to punishment commensurate with the seriousness of their actions.**

#### **Excessive use of force against protesters**

20. With regard to the suppression of protests against a third term for the President, such protests having been prohibited by the authorities, the Committee notes with concern the corroborated allegations of excessive and disproportionate use of force, including the firing of live bullets in response to stone-throwing by protesters and the use of grenades and tear gas in the street and in homes. The Committee is similarly concerned by statements made by the Director General of Police according to which some of the officers involved had been brought in from training centres and had little experience with controlling protesters.

While taking into account the findings of the commission of inquiry tasked with looking into the events of 26 April 2015, the Committee regrets that the commission was silent about the violations committed by agents of the State at that time. It also regrets that the State party did not respond to the requests for information as to whether investigations have been or will be conducted into these events (arts. 2, 12, 13 and 16).

**21. The State party should:**

(a) **Ensure that impartial and effective investigations are conducted promptly into all allegations of excessive use of force, including deadly force, by law enforcement agents, that those responsible are prosecuted and that victims receive adequate compensation;**

(b) **Ensure that law enforcement agents first use non-violent measures before using force when conducting protest control operations;**

(c) **Redouble efforts to provide all members of the security forces with appropriate training in the use of force, in particular for those who take part in protest control operations, taking due account of the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990).**

**Arbitrary detention and arrests**

22. The Committee notes with concern the information contained in the report of the High Commissioner for Human Rights (A/HRC/32/30, paras. 18 and 19), according to which 5,881 persons (including 351 minors) were arrested or detained between April 2015 and April 2016; of those arrests, 3,477 can be considered to have been arbitrary or illegal. Corroborated information indicates that these detentions mainly targeted persons opposing a third term for the President. The Committee is similarly concerned by reports that most of the prisoners have not been allowed to contact their families or a lawyer, they have been held beyond the legally allowed time limits and, in some instances, they have been refused medical care (arts. 2 and 16).

**23. The State party should immediately undertake a review of the legality of all the detentions that have taken place since April 2015, should release all persons detained arbitrarily and should ensure the right to a fair trial for all detained or arrested persons. The State party should also ensure that all arrested persons enjoy, under the law and in practice, all fundamental legal safeguards as from the time they are deprived of their liberty, as indicated in the Committee's previous concluding observations (CAT/C/BDI/CO/2, para. 10). The State party should moreover systematically verify that law enforcement officials respect legal safeguards and it should penalize any failure on their part to do so and punish all persons responsible for arbitrary detentions.**

**Attacks and acts of intimidation against human rights defenders, journalists and their families**

24. The Committee is gravely concerned by the corroborated information on acts of intimidation and aggression committed against human rights defenders and journalists, who are often taken to be political opponents of the Government because of their involvement in the "No third term!" campaign inasmuch as they report on events that show State institutions in an unfavourable light and broadcast live scenes of repression of protests. Some NGOs have had their activities suspended as a result of the political crisis, and their bank accounts have been closed; and press outlets, especially for private media, are being targeted by police raids. With regard to the high-profile case of the attempted murder of human rights defender Pierre-Claver Mbonimpa in August 2015 and the murder of his son

Welly Nzitonda in November 2015, the Committee notes that, according to the State party, “the lack of collaboration by the civil party’s representatives is impeding the prompt conclusion of the procedure”; however, these are crimes that can be prosecuted *ex officio*. The Committee regrets that the State party did not provide information concerning investigations conducted into the cases mentioned by the Committee, such as the murder of the journalist Jean-Baptiste Bireha, the murder of the journalist Christophe Nkezabahizi and members of his family, and the arrest of Jean Bigiri on 22 July 2016 (arts. 2, 12 and 16).

**25. The Committee calls on the State party to put an end to the unwarranted intimidation and persecution of the journalists and members of civil society who are doing legitimate work to protect human rights and fundamental freedoms, and to publicly acknowledge that these individuals make a crucial contribution to ensuring that the obligations emanating from the Convention are honoured. The Committee also calls on the State party to ensure that all violations committed against human rights defenders and journalists, including those mentioned by the Committee, are investigated thoroughly and impartially without delay, and to ensure that those responsible are tried and sentenced to punishment commensurate with the seriousness of their actions and that the victims receive compensation.**

**Impunity: failure to conduct investigations and lack of judicial independence**

26. The Committee is concerned by the impunity that the perpetrators of violations seem to have been enjoying since the political crisis began in April 2015. This impunity is clearly discernible from the case of Desiré Uwamahoro, a police officer who was sentenced to 5 years in prison for having committed acts of torture but never served the sentence and was subsequently promoted to the rank of commander of the Anti-Riot Brigade on 23 September 2015 by a government ordinance. The Committee notes with concern that the three commissions of inquiry set up at the time did not produce a single instance of prosecution of an agent of the State. Such impunity is an additional barrier to the bringing of legal actions by the victims and their families. Furthermore, the Committee regrets that the State party provided virtually no official data that would allow the Committee to ascertain whether the State party is honouring its obligations under the Convention with regard to investigations. The Committee notes with concern that little progress has been made in terms of independence of the judiciary: the Supreme Council of the Judiciary, which has the power to suspend or recall judges, remains under the control of the executive branch. The Committee regrets that the report of the National Forum on the Justice System has not yet been published and that the Committee’s recommendations have not been implemented, despite the stated commitment of the State party in that regard (arts. 2, 12, 13 and 16).

**27. The Committee strongly urges the State party to set up an independent commission of inquiry to promptly, impartially and effectively investigate all allegations of violations committed by the security forces and members of the Imbonerakure youth group during the political crisis. The State party should also take the necessary steps:**

(a) **To ensure that there is no institutional relationship or reporting line between the investigators and the suspected perpetrators of violations and that the commission can carry out its mandate without any interference whatsoever;**

(b) **To ensure that agents of the State who are the alleged perpetrators of violations are immediately suspended from their duties for the duration of the investigation, and that other measures are taken in respect of anyone else involved in the violations so as to prevent any risk of reoccurrence, retaliation or interference with the investigation, subject to respect for the principle of the presumption of innocence;**

(c) To set up an independent, effective, confidential and accessible mechanism for the lodging of complaints and ensure that, in practice, both those bringing complaints and victims are protected against retaliation in any form;

(d) To guarantee adequate compensation for the victims of such violations, as set forth in article 14 of the Convention and detailed in the Committee's general comment No. 3 (2012), on the implementation of article 14 by States parties;

(e) To cooperate with the Prosecutor of the International Criminal Court for the preliminary examination of the situation since April 2015;

(f) To make public the report of the National Forum on the Justice System and take urgent steps to implement its recommendations, in particular by amending the legislation on the composition of the Supreme Council of the Judiciary and by ensuring its independence;

(g) To guarantee and safeguard the independence of the judiciary, as mentioned in the previous concluding observations (CAT/C/BDI/CO/2, para. 13).

28. The State party should include in its next periodic report statistical data with regard to penal and disciplinary measures taken, complaints lodged, investigations launched, cases prosecuted and sentences ordered in cases of extrajudicial executions, enforced disappearances, torture and ill-treatment, sexual violence, ethnically motivated violence and excessive use of force involving agents of the State and members of the Imbonerakure youth group since April 2015. The data should be disaggregated using relevant indicators, including ethnicity of the victim, and should include information on the reparation measures, in particular compensation and rehabilitation, made available to victims.

#### **Reform of the security sector**

29. The Committee notes with concern the lack of legal regulation of the scope of responsibility and actions of the various security forces of the State party allegedly responsible for most of the violations during the political crisis in Burundi since April 2015. The Committee also takes note of corroborated reports of a parallel chain of command within the police force, the politicization of the latter and the overlapping responsibilities of the Ministry of Public Security and the Office of the Director General of the Police, a situation that prevents effective supervision of the work of the police. The Committee is likewise concerned by reports that the new security units in place since the 2015 crisis — namely, the Anti-Riot Brigade, the Institutional Support Brigade and the Special Brigade for the Protection of Institutions — have been accused of several violations (arts. 2 and 12).

30. **The Committee urges the State party to:**

(a) **Facilitate the implementation of the decisions adopted by the United Nations organs and other regional bodies concerned with a view to monitoring the security situation (in particular, Security Council resolution 2303 (2016));**

(b) **Redraft the Organic Act on the Police to bring it into line with international human rights standards and enact it without delay;**

(c) **Clarify the organizational structure and chain of command within the security forces, including the overlapping responsibilities involving the national police;**

(d) **Put in place a census and registration programme for screening the past human rights records of law enforcement personnel, and link this programme to recruitment and promotion procedures, as recommended by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (A/HRC/30/42/Add.1, para. 112 (viii));**

(e) **Further develop mandatory in-service training programmes to ensure that all law enforcement and security officials are well acquainted with the obligations arising from the Convention and aware that violations will not be tolerated and will be investigated and that those responsible will be prosecuted and, on conviction, appropriately punished;**

#### **Lack of information regarding the implementation of previous recommendations**

31. The Committee regrets that the State party did not provide, either in the framework of the follow-up procedure or in its special report, information regarding the implementation of the previous recommendations chosen for follow-up and specified in the Committee's letter of 9 December 2015 — namely, the recommendations in paragraph 11 (a), (b) and (d) and in paragraph 22 (b) of the Committee's concluding observations (CAT/C/BDI/CO/2) (arts. 2, 12, 13 and 14).

**32. The State party should implement the previous recommendations mentioned in paragraph 11 (a), (b) and (d) and in paragraph 22 (b) of the Committee's concluding observations (CAT/C/BDI/CO/2). In particular, it should take the steps necessary to give effect to the Committee's decisions under article 22 of the Convention (mentioned in paragraph 11 (b) of the previous concluding observations) and provide information and statistical data to the Committee to enable it to determine whether the State party is fulfilling its obligations under the Convention.**

#### **Obstacles to the cooperation of civil society organizations with the Committee**

33. The Committee is deeply concerned by the letter of 29 July 2016 from the Public Prosecutor at the Court of Appeal of Bujumbura requesting the President of the Bar Association to disbar the lawyers Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana. These lawyers had contributed to the drafting of a joint shadow report submitted to the Committee for the consideration of the special report of Burundi, and three of them had attended the interactive dialogue between Burundi and the Committee on behalf of the Burundian civil society organizations they represented. Noting that this request was made after the delegation had broken off its dialogue with the Committee, in particular because of the alternative report from Burundian civil society, the Committee sent a letter to the State party on 5 August 2016 asking for information on the measures taken to stop all reprisals against members of civil society working with the Committee. In view of the information provided by the State party in its reply of 11 August 2016, stating that the request for disbarment had been made within the framework of ongoing criminal investigations of these lawyers, the Committee notes with deep concern that the request itself is an act that, in violation of the principle of presumption of innocence, assumes the outcome of ongoing criminal proceedings that have not yet led to a finding of guilt against the persons targeted by the disciplinary sanction.

**34. The Committee strongly urges the State party to protect the members of civil society who have cooperated with the Committee in the consideration of the special report of Burundi and to put an end to all reprisals, including the request for the disbarment of Armel Niyongere, Lambert Nigarura, Dieudonné Bashirahishize and Vital Nshimirimana. It calls on the State party to inform it immediately of the measures taken in this regard.**

**Follow-up procedure**

35. Given the extraordinary nature and urgency of the procedure initiated by the Committee in requesting a special report of Burundi, as well as the interruption of the dialogue by the State party, the Committee, pursuant to article 19 (1) *in fine* of the Convention, asks Burundi to submit by 12 October 2016 a special follow-up report on all the steps it has taken to give effect to the recommendations made above.

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