

## **Ibice bikuru bikuru vy'Icegeranyo c'Umurwi w'amatohoza ku Burundi\***

### *Incamake*

Umurwi w'amatohoza ku Burundi wagenwe n'ingingo 33/24 y'Inama ya ONU ijewe agateka ka zina muntu, yemejwe kw'igenekerezo rya 30 Nyakanga 2015, kugira utohoze bihagije kw'ihonyangwa ry'agateka ka muntu n'amabi vyakozwe mu Burundi kuva muri Ndamukiza 2015, kwihweza nimba bimwe muri ivyo vyaha ari ivyaha bihanwa n'amategeko mpuzamakungu mpanavyaha, no kudoma urutoke kubavyagirizwa.

Umurwi w'amatohoza urashobora kwemeza ko ivyaha vy'ubwicanyi ndengerabutungane, ivyaha vy'ihagarikwa n'ipfungwa rinyuranye n'amategeko, ivyaha vy'inyuruzwa no kuzimanganywa, ivyaha vyo gusinzikarizwa ubuzima no gufatwa bunyamaswa n'amabi afatiye ku gitsina vyabandaniye bikorwa kuva mu kwezi kwa Ndamukiza muri 2015. Vyinshi muri ivyo vyaha vyakozwe n'abakozi bo mu Biro vy'iperereza n'abo mu gipolisi c'Uburundi, abasirikare n'urwaruka rwegamiye umugambwe uri ku butegetsi bita Imbonerakure. Umurwi w'amatohoza urerekana ko washoboye gutohoza amabi y'agahomerabunwa, yateye ububabare ku mu biri n'intuntu ku mutima kubayakorewe. Imirwi irwanya Leta yitwaje ibirwanisho n'ayo nyene yarahonyanze agateka ka zina muntu ariko ntivyoroshe gutohoza.

Umurwi w'amatohoza ufise ifatiro rihagije ryo kwemeza ko ivyaha vyagahomerabunwa bigirirwa kiremwa muntu vyakozwe mu Burundi kuva mu kwezi kwa Ndamukiza 2015.

Mu gihe ata gushaka kugaragara kw'abategetsi b'Uburundi, ngo bahaguruke biyamirize ukudahana ivyaha kandi bubahirize ubwigenge bw'inzego z'ubutungane kugirango zikore ata gitsure, abakoze ivyo vyaha ntibazokwigera bakubitwa intahe mu gahanga. Umurwi w'amatohoza usaba Sentare Mpuzamakungu Mpanavyaha ko yotangura mu maguru masha amatohoza ku vyaha vyakozwe mu Burundi kuva muri Ndamukiza 2015.

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\*Uru rwandiko rurimwo insiguro mu Kirundi y'ibice bikuru bikuru vy'icegeranyo c'Umurwi w'amatohoza ku Burundi (A/HCR/36/54) ariko ivyo ntibibazwa uyo murwi. Uwokenera inkuru nyezina kuri ico cegeranyo yokwisunga icegeranyo canditse mu gifaransa no mu congereza hamwe n'ido n'ido ry'icegeranyo cayo matohoza iri ku mpapuro 233 kuri uyu muhora : <http://www.ohchr.org/FR/HRBodies/HRC/ColBurundi/Pages/ColBurundiReportHRC36.aspx>

## I. Intangamarara

### A. Ico Umurwi w'amatohoza ushinzwe

1. Umurwi w'amatohoza ku Burundi (« Umurwi w'amatohoza ») wagenywe n'ingingo 33/24 y'Inama ya ONU ijejwe agateka ka zina muntu. Umurwi ushinzwe gutohoza, mu gihe c'umwaka umwe, ingene agateka ka zina muntu kahonyanzwe mu Burundi kuva muri Ndamukiza 2015, cane cane kwihweza urugero rw'iryo honyangwa, kuraba ko hari ivyaha bihanwa n'amategeko mpuzamakungu mpanavyaha vyakozwe, kudoma urutoke ku bakekwa ko bakoze ivyo vyaha no gutanga intumbero y'ivyokorwa kugirango abo babikoze bahanwe ata kuraba aho begamiye.
2. Kw'igenekerezo rya 22 Munyonyo muri 2016, Umukuru w'Inama ya ONU ijejwe agateka ka zina muntu yagenye abagize Umurwi w'amatohoza akaba ari Fatsah Ouguerouz (Alijeriya), ariwe arongoye Umurwi, Reine Alapini Gansou (Benin) na Françoise Hampson (Ubwongereza). Uyo umurwi ufashwa mu mabanga ujejwe n'Iburo vyashizweho n'Inama ya ONU ijejwe agateka kazina muntu.
3. Umurwi w'amatohoza warashikirije intambwe ugezeko incuro zibiri (*deux présentations orales*) igihe c'inama ya mirongo itatu na kane n'iya mirongo itatu na gatanu y'Inama ya ONU ijejwe agateka ka zina muntu zabaye mu kwezi kwa Ntwarante na Ruheshi muri 2017. Iki cegeranyo kivuga mu majambo make ivyavuye muri ayo matohoza. Ido n'ido ryayo riri mu cegeranyo kindi kizoshikirizwa mu nyuma.

### B. Imigenderanire y'Uburundi n'Umurwi w'amatohoza

4. Mu ngingo yayo ya 33/24, Inama ya ONU ijejwe agateka ka zina muntu isaba ishimitse Leta y'u Burundi gukorana n'Umurwi w'amatohoza, ikawemerera gushika mu gihugu no kuwuronsa amakuru yose akenewe kugirango urangure neza ibikorwa ujejwe. Naho ivyo vyasabwe, Leta y'u Burundi yaranse kugira imigenderanire iy'ariyo yose n'Umurwi w'amatohoza, naho Umurwi w'amatohoza atako utagize kugirango ugire iyo migenderanire myiza.
5. Imbere yo guheraheza gutegura iki cegeranyo, Umurwi w'amatohoza wari umaze kwandikira amakete atatu Ibiro ntayegayezwa biserukira Uburundi muri ONU i Jeneve n'amakete abiri yarungikiwe Umushikiranganji w'imigenderanire y'Uburundi n'ayandi makungu. Umurwi w'amatohoza wasavye abategetsi b'Uburundi ko wokwemererwa gushika mu gihugu kandi bakawumenyeshya uko agateka ka zina muntu kifashe, cane cane kubijanye n'amabi yoba yakorewe abakozi ba Leta canke abari mu mugambwe uri ku butegetsi. Ayo makete ntiyigeze aronka inyishu.

### C. Ingene amatohoza yakozwe

6. Wishimikije ku vyo iyindi mirwi y'amatohoza yashinzwe na ONU yimwe uruhusha rwo kuja mu bihugu vyari mw'ishingano yayo, Umurwi w'amatohoza waragize ingendo mu bihugu bibanyi vy'Uburundi (Ubuganda, Republika iharanira demokrarasi ya Kongo, Urwanda na Tanzaniya) no mu bindi bihugu vyahaye indaro impunzi z'abarundi. Izo ngendo hamwe n'ibindi biganiri vyinshi wagiraniye n'abantu bari hirya n'ino, vyafashije Umurwi w'amatohoza kwumviriza abantu barenga amajana atanu bari mu bakorewe amabi, ivyabona, n'ayandi masoko y'inkuru.
7. Umurwi w'amatohoza wiyemeje gukoresha urugero rw'ivyemezo nk'urwo iyindi mirwi myinshi y'amatohoza muvy'agateka ka zina muntu, n'ukuvuga urugero rw'« ifatiro rihagije ryo kwemeza ». Umurwi w'amatohoza washishikarije rero kwegeranya amakuru atohoje neza kuburyo umuntu wese afise ubwenge bukwiye yo kwemeza ko ibivugwa ko vyabaye bifise ishingiro.
8. Uretse ko Leta y'Uburundi yanse gukorana n'Umurwi w'amatohoza mukuwankira kuja gutohoza mu gihugu, Umurwi w'amatohoza waragize ingorane zo gukora amatohoza mu Burundi gushika uno muni kuko abakorewe ivyaha hamwe n'ababibonye bafise ubwoba bwo kuvuga. Kubera umwanya muto bawuhaye kugira urangure amabanga bawushinze, Umurwi w'amatohoza ntiwashoboye gutohoza ido n'ido kuri bimwe bimwe

mu vyaha vyakozwe. Hari n'ayandi mabi utashoboye gutohoza. Ariko rero ivyo Umurwi w'amatohoza washoboye gutohoza biragaragaza bihagije urugero rw'amabi yakozwe.

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## II. Uko agateka ka zina muntu kifashe

### A. Ivyibonekeza cane mu vyabaye

12. Ingorane za politiki Uburundi buhitiyemwo kuva muri 2015 zatumye agateka ka zina muntu gahungabana vyimonogoje. Naho ibimenyetso vy'izo ngorane vyari vyagaragaye imbere y'igenekerezo rya 25 Ndamukiza 2015 ingingo y'Umukuru w'igihugu Petero Nkurunziza yo gusahaka gusubira kwitoza yakurikiwe n'itosekazwa ryenyuje ry'agateka ka zina muntu. Umurwi waratohoje ivyaha, kenshi na kenshi vyakozwe bunyamaswa. cane cane ubwicanyi ndengerabutungane, ihagarikwa n'ipfungwa rinyuranye n'amategeko, inyuruzwa n'izimanganywa ry'abantu, gusinzikarizwa ubuzima no gufatwa bunyamaswa n'amabi afatiye ku gitsina. Ubwo buryo bwo guhonyanga agateka ka zina muntu bwari bwarashizwe ahabona n'Ishami rya ONU rijejwe agateka kazina muntu, Itohoza ryigenga ry'Ishirahamwe Mpuzamakungu rya ONU ku Burundi n'Umurwi w'umuryango w'Afrika witaho agateka ka zina muntu n'akabanyagihugu.

13. Biragaragara neza mu ntahe Umurwi w'amatohoza waronse, ko imyiyerekano yatanguye muri Ndamukiza 2015, igerageza ryo guhirika ubutegetsi muri Rusama 2015 hamwe n'ibitero vyabaye ku makambi 4 ya gisirikare i Bujumbura no mu micungararoro kw'igenekerezo rya 11 Kigarama 2015, ivyo vyose vyatumye amabi yongerekana muri 2015. Ico cuka kibi, catumye hahonyangwa bikabije agateka kazina muntu caranabandaniye muri 2016 no muri 2017. Ugukokeza, amajambo y'urwanko avugwa n'abategetsi hamwe n'abari mu mugambwe uri ku butegetsi – Inama y'abanyagihugu irwanira demokarasi-inteko zirwanira demokarasi (CNDD-FDD) – n'ukudahana kwatse indaro mu gihugu, tutibagiye ukubura ubwigenge bw'urwego rw'ubutungane vyaje gusongera isibe. Kuva muri 2016, amwe muri ayo mabi yo guhonyanga agateka ka zina muntu yakorewe mu kinyegero, mugabo na ntaryo mu buryo bunyamaswa.

14. Abakorewe ayo mabi, benshi muribo n'abasore (kiretse abakorewe amabi afatiye ku gitsina), bahuriye kuba ari abatavuga canke abaketswe kutavuga rumwe na Leta, nk'abagize imyiyerekano yo kwanka ko Petero Nkurunziza yitoza mu matora y'umukuru w'igihugu muri 2015, abari mu migambwe itavuga rumwe na Leta, cane cane abari mu migambwe MSD (*Mouvement pour la solidarité et la démocratie*) na FNL (*Forces nationales de libération*), hamwe n'incuti zabo, abahoze bari mu gisikare ca kera (*anciennes Forces armées burundaises, ex-FAB*), abari mu mashirahamwe ataho yegamiye mu vya politike, abamenyeshamakuru, abakakwa ko boba barashigikiye igeragezwa ryo guhirika ubutegetsi canke aboba baragerageje kubuhirika, abari mu mihari irwanya Leta yitwaje ibigwanisho hamwe n'abayishigikiye, canke abariko barahunga igihugu bakekwa ko boba bagiye kwifatanya n'iy mirwi. Umurwi w'amatohoza wasanze kandi haradutse uburyo bwo kwinjiza ku gahato abanyagihugu muri CNDD-FDD no mu muhari wayo ugizwe n'urwaruka rw'Imbonerakure. Kugerageza kuvyanka vyakurikirwa n'ihonyangwa ry'akateka ka zina muntu.

15. Mu biganiriro Umurwi w'amatohoza wagize, haragaragaye kandi icuka c'ubwoba bw'ubwoba : ubwoba bwo kuvuga ivyabaye kubera gutinya ingaruka mbi, ubwoba bwo gukurikiranwa, naho umuntu yoba ari inyuma y'igihugu n'ubwoba bwo gutaha mu gihugu. Kugera hagati y'ukwezi kwa Mukakaro 2017, igitigiri c'impuzi z'Abarundi cari kigeze ku bantu 417.098, n'ukuvuga hafi ya 4 % vy'abantu bose bari mu gihugu. Abanywanyi benshi b'amashirahamwe ataho yegamiye mu vya politike n'abamenyeshamakuru bagumye mu buhungiro, bamwe bakaba bafise imitahe yarungitswe kw'isi yose. Abagumye mu Burundi bategerezwa gukorera mu kinyegero. Leta yarahagaritse canke yarafuse ibinyamakuru bikuru bikuru vyigenga hamwe n'amashirahamwe y'agateka ka zina muntu.

16. Ihonyangwa ry'uburenganzira ndemanwa bwa muntu n'ubujanye n'itunganywa ry'igihugu (*droits civils et politiques*) ryagize inkurikizi iboneka bunyonyene kubundi burenganzira mu vy'ubutunzi, imibano n'imico kama bitumwe n'ukutubahiriza ukwishira

n'ukwizana, uburenganzira bwo kugenda aho umuntu ashatse na cane cane n'ihagarikwa ry'igice kinini c'imfashanyo y'abafasha Uburundi ihabwa Leta. Itituka ry'ubutunzi naryo ryatumye ingeso yo gusahura abanyagihugu yimonogoza, nko gusabwa amafaranga n'abaserukira Leta canke gufungura abanyororo ari uko batanze amafaranga, kurihisha amakori mashasha abanyagihugu bari mu bukene ntangere canke gusahura abanyagihugu hakoreshejwe iterabwoba ry'Imbonerakure.

## B. Ni nde abazwa ivyabaye?

### 1. Leta irabazwa ibikozwe n'inzego zayo

17. Mu mategeko mpuzamakungu, nk'ayerekeye agateka ka zina muntu, Leta niyo ibazwa ivyerekeye inyifato y'inzego zayo, izo arizo zose; Inama nshingamateka, Ubutungane, abajewe Intwari n'abandi, mu kazi bajewe haba muri Leta ubwayo canke mu butegetsi bw'intara. Umurwi w'amatohoza warashoboye kwerekana ko, kuva muri Ndamukiza 2015, inzego z'umutekano (igisirikare n'igipolisi) zagaragaye cane mu guhonyanga agateka ka zina muntu, hari n'igihe bafadikaniye n'abatari muri Leta, nk'Imbonerakure.

18. Abakozi, mbere harimwo abagatetsi bo mu Biro vy'iperereza i Bujumbura no mu ntara nyinshi, barakoze ivyaha biri ku gahanga ka Leta, nk'akarorero ubwicanyi ndengerabutungane, ihagarikwa n'ipfungwa binyuranye n'amategeko, inyuruzwa n'izimanganywa ry'abantu, ivyaha vyo gusinzikarizwa ubuzima no gufatwa bunyamaswa n'amabi afatiye ku gitsina. Ibiro vy'iperereza ritegekwa n'Umukuru w'igihugu ubwiwe, ivyo bakora buri muni bitunganywa n'Umuyobozi mukuru (*Administrateur général*).

19. Urwego rw'Igipolisi rwagize uruhara ntangere kuva imyiyerakano yo kwiyamiriza ikindi kiringo ca Perezida Nkurunziza itangura. Kuva muri Ndamukiza 2015, bamwe mu bagize urwego rw'igipolisi barakoze ivyaha vyo kugandagura abantu, ihagarikwa n'ipfungwa binyuranye n'amategeko, inyuruzwa n'izimanganywa ry'abantu, ivyaha vyo gusinzikarizwa ubuzima no gufatwa bunyamaswa n'amabi afatiye ku gitsina. Abagize Igipolisi kijejwe gukingira Inzego hamwe n'Igipolisi kijejwe kugwanya imigumuko, cashinzwe muri Nyakanga 2015, bobo barimonogoje mu vyaha vyo guhonyanga agateka ka zina muntu.

20. Mu ntango y'amagume, urwego rwo kwivuna abansi (Igisirikare) ntirwisutse muvyariko biraba naho mu nyuma rwahavuye rugaragara muguhohotera abatavuga rumwe canke bakekwa kutavuga rumwe na Leta. Mu ntahe Umurwi w'amatohoza wegeraniye, hari abasirikare badomweko urutoko nkabakekwa kuba barakoze ivyaha nko kugandagura abantu, ihagarikwa n'ipfungwa binyuranye n'amategeko, inyuruzwa n'izimanganywa ry'abantu, ivyaha vyo gusinzikarizwa ubuzima no gufatwa bunyamaswa. Mu bagirizwa ivyaha vyo guhonyanga agateka ka zina muntu, Umurwi w'amatohoza utunga urutoko abagize Urwego rwo gucungera inzego, Ikambi "*génie de combat*" (*Camp Muzinda*) na "*Bataillon support*" y'Intara ya mbere ya Gisirikare (*Camp Muha*) i Bujumbura.

21. Umurwi w'amatohoza wararonse kandi ivyemeza ko abategetsi bo mu ntara bakoze ivyaha canke ko batanze itegeko ryo guhonyanga agateka ka zina muntu, cane cane ihagarikwa rinyuranye n'amategeko.

22. Ivyabona vyinshi birerekana ko uburyo Leta ikora bwoba buhagaze cane cane ku karwi gafatiye ku bucuti buri hagati ya bamwe bamwe baturuka mu mugambwe CNDD FDD kuva bakiri mw'ishamba, ubwo bucuti bukaba bwatsimbataye cane cane kugira ako karwi gahangane nabo batavuga rumwe mu mugambwe CNDD FDD bagaragaye kuva mu 2014 mu kwiyamiriza ikindi kiringo ca Nkurunziza. Ingingo zikomeye, harimwo izatumye agateka ka zina muntu gahungabana bikabije, ntizoba zafashwe na Leta, ahubwo zoba zafashwe n'Umukuru w'igihugu akikijwe n'akarwi k'aba « *général* », barimwo umushikiranganji ajejwe umutekano mu gihugu, Umukuru w'Iburo vy'iperereza, umuyobozi mwishikira mu Bureau vy'umukuru w'igihugu ajejwe igipolisi, Umuyobozi mwishikira mu Biro vy'umukuru w'igihugu (*Chef de cabinet civil*) hamwe n'Umunyamabanga Mukuru wa CNDD FDD. Ako karwi niko gafata ingingo kakazicisha ku runani rw'abategetsi bo mu mbavu, uburyo bakora bugahinduka bivuye ku gisata kibagaba canke intara, kuburyo abakozi batoya bashobora kuba bafise ububasha buruta

ubw'ababarusha ipete. Nkakarorero, Umurwi w'amatohoza warashoboye kumenya yuko icegera c'Umugenduzi mukuru w'igipolisi yoba arusha ububasha Umugenduzi mukuru.

## 2. Leta irabazwa ibikozwe n'umuntu canke imirwi y'abantu batayegamiye

23. Mu mategeko mpuzamakungu, harimwo amategeko yubahiriza agateka ka zina muntu, Leta irashobora kubazwa amabi canke inyifato itabereye y'umuntu canke akarwi k'abantu kategamiye Leta mu gihe ako karwi "gakukira Leta muri vyose" (*dépendance totale*).» Uruhara rwa Leta rushobora kugaragara mu gihe umuntu canke imirwi y'abantu batayegamiye, bakwirikiza ingene Leta yabatumye, canke bakoze ivyo yabategetse, canke Leta iguma icungera ingene babikora, canke iyo abakozi bayo ubwabo bemera kandi bagashigikira ibikorwa vyayo mirwi. Kuber'ivyo, Umurwi w'amatohoza warihweje uruhara rwa Leta y'Uburundi mu vyakozwe n'Imbonerakure, kandi waranditse mu cegeranyo ivyaha vyakozwe n'Imbonerakure mu bwicanyi ndengerabutungane, ihagarikwa n'ipfungwa binyuranye n'amategeko, inyuruzwa n'izimanganywa ry'abantu, ivyaha vyo gusinzikaza no gufata umuntu bunyamaswa n'amabi afatiye ku gitsina.

24. Umurwi w'amatohoza ntushobora kwemeza ko Imbonerakure "zikukira" Leta y'Uburundi muri vyose; ni co gituma bikwiye ko "hagaragazwa uruhara ntangere rwa Leta mu gucungera ibikorwa n'abantu canke inzego zagirizwa". Ntawokwirengagiza ko Imbonerakure, co kimwe n'umugambwe CNDD-FDD muri rusangi, bakurikiza intumbero ya politike ya Leta.

25. Naho biruko, Umurwi w'amatohoza warashoboye kwerekana isano rikomeye riri hagati y'abakozi, harimwo n'abategetsi, bo mu Biro vy'iperereza, mu gipolisi, mu gisirikare, no mu Biro vy'Umukuru w'igihugu, ku ruhande rumwe, ku rundi ruhande Imbonerakure zimwe zimwe nazo zikaba zihabwa n'abo bategetsi amategeko yo guhonyanga agateka ka zina muntu.

26. Muri bimwe bimwe mu vyabaye, Umurwi w'amatohoza warashoboye kandi kwerekana "ububasha bugaragara" bw'abategetsi ba Leta ku Mbonerakure. Ivyabona vyinshi vyaravuze ko Imbonerakure zamana n'abapolisi n'abakozi bo mw'iperereza, ndetse no mu bibanza vyo gufungiramo abantu no mu bihe vy'ihohoterwa, kandi Imbonerakure zitwaza umwambaro n'ibirwanisho vy'igipolisi canke vy'igisirikare, aho nyene abapolisi n'abasirikare barabibona kandi ntibaba bari kure. Kanatsinda, kubona Umurwi w'amatohoza ufise amakuru ko igitigiri c'imbonerakure zakurikiranywe canke zahanywe ari gito bigaragaza ko abarongoye igihugu bazi neza ivyaha bikorwa n'Imbonerakure bakabirenzako amaso, kandi ko bazifiseko ububasha.

27. Umurwi w'amatohoza wararonse kandi amakuru y'ingene Imbonerakure zihagarika abantu zikabashikiriza abakozi bo mu Biro vy'iperereza canke igipolisi ; ivyo ni ikimenyamenya cuko abategetsi bemera Imbonerakure kandi bashigikira ivyo zikora.

## 3. Uruhara rw'imirwi yitwaje ibigwanisho itavuga rumwe na Leta

28. Umurwi w'amatohoza waramenye ko hari imirwi yitwaje ibigwanisho itavuga rumwe na Leta yateye ibirindiro vy'igipolisi n'ivy'igisirikare, kandi ko habaye ibitero bikomeye mu kwezi kwa Mukakaro 2015 mu ntara ya Kayanza, no kw'igenekerezo rya 11 Kigarama 2015 i Bujumbura no mu micungararo yaho. Ariko Umurwi w'amatohoza ntiwashoboye kuronka amakuru avuga ko imirwi yitwaje ibigwanisho yateye abanyagihugu batari abasirikare canke abapolisi. Igikorwa co gutohoza ivyabaye mu Burundi nticari coroshe; vyari bigoye gushikira ivyabona kuko benshi bari mu gihugu ; Leta ikaba yaranse gufashanya n'Umurwi w'amatohoza.

## C. Guhonyanga agateka ka zina muntu

### 1. Agateka ko kutakwa ubuzima

29. Umurwi w'amatohoza wararonse ivyemezo vyinshi vyagiriza ivyaha vyo kutubahiriza n'ugukingira ubuzima vyobazwa Leta y'u Burundi. Ivyo vyaha bikaba ari nko gukoresha inguvu z'umurengera kugera no kwica zakoreshejwe n'inzego za gisirikare n'izijejwe umutekano mu gihe c'imyiyerekano yabaye kuva muri Ndamukiza gushika muri Ruheshi muri 2015. Muri ivyo vyaha hariho ivyakozwe n'abapolisi nyuma yaho abariko

bagira imyiyerekano bakoze ivyaha vyakurikiwe n'urupfu rw'abapolisi nu rw'abanywanyi b'umugambwe uri kubutegets. Abari mu rwego rushinzwe gukingira inzego z'igihugu (API), abo mu rwego rwo kurwanya imigumuko (BAE) be nabo mw'ikambi "bataillon génie de combat" barakoze nabonyene ivyaha vy'ubwicanyi ndengerabutungane mu ma kartiye amwe amwe y'i Bujumbura, cane cane kw'igenekerezo rya 13 Gitugutu 2015 mu Ngagara no kw'igenekerezo rya 31 Gitugutu 2015 i Buringa (mu ntara ya Bubanza). Mu kwihora ibitero vyabitwaje ibirwanisho vyabaye ku birindiro vyinshi vya gisirikare i Bujumbura n'i Mujeju (mu ntara ya Bujumbura) kw'igenekerezo rya 11 Kigarama 2015, bamwe mu bapolisi n'abasirikare barakoze ubwicanyi ndengerabutungane mu kugandagura abantu bagera mu ma cumi mu gisagara ca Bujumbura, cane cane mu Nyakabiga no ku Musaga. Ibiziga vy'abantu bagandaguwe vyaratowe kandi muri komine ya Mukike (mu ntara ya Bujumbura). Ubwicanyi ndengerabutungane bwo muri Kigarama, bwabaye bwinshi gusumba ubwari bwarakozwe kuva muri Ndamukiza 2015, bwakozwe canke bwakurikiwe n'ivyaha vyo kuboreza igufa, gufata ku nguvu no guhagarikwa binyuranye n'amategeko.

30. Ivyabona vyinshi vyamenyesheje ko nyuma y'ivyabaye muri Kigarama, abategetsi bashinzwe intwari bategetse guhamba ibiziga mu binogo rusangi, nko mu Kanyosha (mu gisagara ca Bujumbura) no ku Mpanda (mu ntara ya Bubanza). Kw'igenekerezo rya 29 Ruhuhuma 2016, Umukuru w'igisagara ca Bujumbura yamenyesheje mu binyamakuru ko hatowe ikinogo rusangi ku Mutakura (mu gisagara ca Bujumbura), yemeza ko ibiziga vyarimwo ari vy'abanywanyi ba CNDD-FDD bishwe n'abatavuga rumwe na Leta. Kwishikira aho havugwa ko hari ibinogo rusangi hamwe n'itohozwa rikozwe n'abahinga mu vy'amategeko n'ubuganga hamwe n'amatohoza anonosoye nivyo vyoshobora kwemeza ko ivyo bivugwa ari ukuri.

31. Umurwi w'amatohoza wararonse amakuru ku bwicanyi ndengerabutungane bwakorewe abasirikare, cane cane abahoze mu gisirikare ca kera (*ex-FAB*). Akarorero, Jenerali Athanase Kararuzi, yahoze ari umujenama mu vy'umutekano na gisirikare mu Biro vy'Icegera cambere c'umukuru w'igihugu, umukenyezi wiwe, umukobwa wiwe hamwe n'umusirikare amugendanira (*Agent de transmission -AT*) baragandaguwe i Bujumbura n'abapolisi n'abasirikare kw'igenekerezo rya 25 Ndamukiza 2016.

32. Ivyabona vyaravuze ko hariho abantu bapfuye kandi bari mu minwe y'abashinzwe umutekano, harimwo no mu mabohero.

33. Ibiziga vyaratowe kenshi mu ntara zitandukanye, kenshi amaboko yavyo aboheye mu mugongo, canke bitagira umutwe. Kenshi, abategetsi batanze amategeko yo gufuba ivyo biziga batabanje kumenya imyindondoro yavyo, canke batabanje gukora amatohoza yokwizera, aho bakaba batubahirije amategeko ajanye no kwubahiriza no gukingira ubuzima bwa zina muntu. Ahandi naho, abahohotewe babaziza ko boba bariyamirije ikindi kiringo ca Perezida Nkurunziza canke ko boba ari abanywanyi b'imigambwe itavuga rumwe na Leta. Ibiziga rimwe na rimwe bibohereye amabuye vyaratowe mu ruzi Rusizi no mu kiyaga Tanganyika. Ababibonye baremeje ko abantu bafashwe n'abapolisi, abasirikare canke Imbonerakure bajanywe mw'ishamba rya Rukoko aho babagandaguriye.

34. Umurwi w'amatohoza wararonse kandi amakuru y'ubwicanyi ndengerabutungane bwakozwe n'Imbonerakure zifadikanyije n'abashizwe umutekano canke babukoze kugiti cabo. Akarorero, kw'igenekerezo rya 5 Myandagaro 2015, mu Cibitoke (mu gisagara ca Bujumbura), Imbonerakure ziri kumwe n'abapolisi baragandaguye abagabo babiri kandi imbere yaho bari babategetse gupfukama no gushira amaboko hejuru.

35. Umurwi w'amatohoza wararonse amakuru menshi yerekeye ivyaha vyo kugandagura canke kugerageza kugandagura rigamije abantu bamwe bamwe bikaba vyakozwe n'abakozi bo mu Biro vy'iperereza canke abapolisi. Akarorero ni igandagurwa rya Zedi Feruzi, Umukuru w'umugambwe utavuga rumwe na Leta, UPD Zigamibanga (*Union pour la paix et le développement*) kw'igenekerezo rya 23 Rusama 2015, igerageza ryo kugandagura Pierre Claver Mbonimpa, Umukuru wa APRODH (*Association burundaise pour la protection des droits humains et des personnes détenues*) kw'igenekerezo rya 3 Myandagaro 2015 n'igandagurwa ry'umuhungu wiwe, Welly Nzitonda, kw'igenekerezo rya 6 Munyonyo 2015.

36. Umurwi w'amatohoza waregeranije amakuru kw'igandagurwa ryakozwe n'abantu utashoboye kumenya. Ni nk'igandagurwa rya Jenerali Adolphe Nshimirimana, yahoze ari Umukuru w'Iburo vy'igihugu bishinzwe iperereza kw'igenekerezo rya 2 Myandagaro 2015 ; Umukukuruke Koloneli Jean Bikomagu, kw'igenekerezo rya 15 Myandagaro 2015 ; Umuvugizi wa UPD, Patrice Gahungu, kw'igenekerezo rya 7 Nyakanga 2015 ; Umukwe wa Pierre Claver Mbonimpa, Pascal Nshimirimana, kw'igenekerezo rya 9 Gitugutu 2015 ; Liyeten Koloneli Darius Ikurakure, kw'igenekerezo rya 22 Ntwarante 2016 ; Umushingamateka w'Ishirahamwe ry'ibihugu vya Afrika y'ubuseruko, Hafsa Mossi, kw'igenekerezo rya 13 Mukakaro 2016 n'Umushikiranangaji w'amazi n'ibidukikije, (*Ministre de l'eau, de l'environnement, de l'aménagement du territoire et de l'urbanisme*), Emmanuel Niyonkuru, kw'igenekerezo rya 1 Nzero 2017. Umukuru w'i Biro bikuru vy'intwaramiheto, Jenerali Majoro Prime Niyongabo, n'umuhanuzi mukuru mu vyo kumenyesha amakuru mu Biro vy'umukuru w'igihugu Willy Nyamitwe, bararusimvye aho bahakwa kugandagurwa ku matariki ya 11 Nyakanga 2015 na 28 Munyonyo 2016, ariko abantu benshi barahasize ubuzima.

## 2. Inyuruzwa n'izimanganywa ry'abantu

37. Uburyo abantu bafatwa kandi bagafungwa mu Burundi birorohereza inyuruzwa n'izimanganywa ryabo. Umurwi w'amatohoza wararonse intahe nyinshi ko abantu benshi banyurujwe bakazimanganywa inyuma yaho bafashwe n'abakozi bakora mu Biro vy'iperereza canke abapolisi. Akarorero, kw'igenekerezo rya 9 Ntwarante 2016, abapolisi 9, barikumwe n'Imbonerakure imwe akaba ariyo yabereka inzira bari mu modoka y'igipolisi, barahagaritse i Bujumbura, Hugo Haramategeko, umukuru w'umugambwe, *Nouvelle alliance pour le développement du Burundi*. Umuryango wiwe nt'amakuru yiwe ufise gushika ubu. Ahandi naho, abakozi bakora mu Biro vy'iperereza canke mu gipolisi barasavye amafaranga incuti n'abagenzi babantu bazimiye bakagenda amazimayongo. Augustin Hatungimana, umunywanyani w'umugambwe *Mouvement pour la réhabilitation du citoyen-Rurenzangemero*, yafashwe n'igipolisi i Bujumbura, kw'igenekerezo rya 9 Kigarama 2015, kugera n'ubu ntawuzi irengero ryiwe. Umuryango wiwe waratanze amafaranga ibihumbi amajana atandatu y'amarundi (600 000 FBu) ku bantu bidondoye bavuga ko ari abakozi b'iperereza kugirango aboneke.

38. Ukuntu habaye abantu benshi bagiye amazimayongo kenshi ugasanga umwe canke benshi muri abo abantu baronderwa kuko baba ari abatavuga rumwe na Leta, abari mu mashirahawe ategamiye ivya politike canke abahoze bari mu gisirikare ca kera, amajambo yo gutera ubwoba bababwira imbere yo kubanyuruzwa nayo babwira imiryango yabanyurujwe nyuma y'inyuruzwa, n'ifatiro rihagije ryo kwemeza ko hari inyuruzwa ry'abantu bakazimanganywa. Muri ico gihe, abategetsi bategerezwa kutanguza amatohoza. Akarorero, umukozi wo mu Biro vy'iperereza, Savin Nahindavyi, yaranurujwe arazimangana kw'igenekerezo rya 1 Rusama 2016; umwe mubari bamurongoye ku kazi yaragiye guhoza umuryango wiwe ariko gushika n'ubu ikiziga ciwe ntikiraboneka. Ayandi makuru menshi yerekana ko abakozi bo mw'iperereza canke mu gipolisi boba bafise uruhara mw'inyuruzwa rya Marie-Claudette Kwizera, umunyabigega w'Ishirahamwe rijejwe agatega ka zina muntu Ligue Iteka (*l'association des droits de l'homme*) kw'igenekerezo rya 10 Kigarama 2015 ; ry'umumenyeshamakuru Jean Bigirimana, w'ikinyamakuru Iwacu, kw'igenekerezo rya 22 Mukakaro 2016 na Oscar Ntaso, yahoze ari umukenguzamateka akaba ari nyene **hôtel Nonara** y'i Bujumbura, kw'igenekerezo rya 21 Ndamukiza 2017.

39. Amatohoza yo kumenya ivyo biziga vyatowe hamwe no kuzura ivyo biziga vyahambwe ku mategeko y'abategetsi bishobora gufasha mu gutora abantu bagiye banyuruzwa bakazimanganywa.

## 3. Uburenganzira bwo gukingirwa no kw'ishira ukizana.

40. Umurwi w'amatohoza wasanze ko ivyaha vy'ihagarika n'ipfunga binyuranye n'amategeko arivyo vyavuzwe gusumba ibindi bikaba vyongeye bigakurura ibindi vyaha, nk'ivyaha vy'ubwicanyi ndengerabutungane, inyuruzwa nizimanganywa ry'abantu, ivyaha vyo gukubagurwa n'ivyaha vyo gusinzikarizwa ubuzima no gufatwa bunyamaswa n'amabi afatiye ku gitsina.

41. Uko guhagarikwa kunyuranye n'amategeko kwatewe n'uko ababikoze, nk'Imbonerakure, batari babifitiye uruhusha canke batari bakwirikije amategeko abiteganyanya. Vyongeye, benshi mubabikorewe ntibamenyeshejwe igituma.

42. Umurwi w'amatohoza uratewe amakenga n'integuro yo guhindura igitabo c'amategeko mpanavyaha hamwe n'igitabo c'amategeko agenga ingene imanza z'ivyaha zitohozwa zikaburanishwa, ikaba, hamwe hamwe, itanga uruhusha rwo gusaka ata ruhusha no gusaka mw'ijoro bikorwa n'abapolisi b'inyamiramabi.

43. Mu matohoza menshi yakozwe, Umurwi w'amatohoza wasanze ko abantu bagiye bahagarikwa babajana ku Biro vy'iperereza canke mu busho bw'igipolisi bagasinzikarizwa ubuzima canke bagafatwa bunyamaswa imbere yo kubafungura canke kubarungika mu mabohero. Amakuru menshi yaravuze ko hari ibibanza vyo mu kinyegero aho abahapfungiwe batabonana n'abari hanze. Akarorero ni mu kigo c'Iburo vy'iperereza i Bujumbura, mu mazu y'abantu canke mu ma kontenere mu ntara nyinshi z'igihugu.

44. Benshi mu bafungwa ntibaronse uburenganzira bahabwa n'amasezerano mpuzamakungu yerekeye uburenganzira ndemanwa ku bantu n'itunganywa ry'igihugu (Pacte international relatif aux droits civils et politiques) n'amategeko y'Uburundi, nko kuronswa Umushingwamanza akunganira, uburenganzira bwo kwivuza, uburenganzira bwo kwitura sentare kugirango yemeze ko ifungwa rikurikije amategeko hamwe n'uburenganzira bwo ku bonana n'abawe. Benshi mu bafungwa bafunzwe mu buryo umuntu yofata ko ari gusinzikarizwa ubuzima no gufatwa bunyamaswa, kenshi mu kiringo kirenze igitegekanijwe n'amategeko yo gufungwa ic'amaso, gisanzwe kitarenga iminsi indwi ishobora kwongerezwa incuro imwe. Kurekurwa cari igihamana, vyashika mu gihe ihagarikwa ryamenyekanye canke kuba uwahagaritswe afise incuti muri Leta. Kenshi, amafaranga menshi cane yarasabwe n'abakozi bo mu Biro vy'iperereza, abo mu gipolisi, abashikirizamanza canke n'Imbonerakure kugirango bapfungure abafungwa canke babarungike mu mabohero.

#### 4. Ivyaha vyo gusinzikaza no gufata bunyamaswa.

45. Umurwi w'amatohoza wararonse ivyemeza ko ivyaha vyo gusinzikarizwa ubuzima no gufatwa bunyamaswa vyoba vyarabandaniye bikorwa kuva muri Ndamukiza 2015. Ivyabona vyinshi vyamenyesheje ko ivyo vyaha vyakorera mu Biro vy'iperereza biri hafi ya Katedrali y'i Bujumbura ; abandi bavuze aho ivyo vyaha vyakorera ko ari aho igipolisi cafungira abantu hitwa « kwa Ndadaye » hakoreshejwe cane cane muri 2015, n'Umurwi w'igipolisi ujejwe kurwanya imigumuko. Hariho n'ibindi bibanza vyinshi, harimwo n'ibitazwi n'amategeko, vyakoreshejwe n'igipolisi hamwe n'i Biro vy'iperereza, i Bujumbura no mu zindi ntara.

46. Abakorewe ivyaha babwiye Umurwi w'amatohoza uburyo bwakoreshejwe kenshi mu gusinzikarizwa ubuzima, babakubita cane cane bakoresheje indembo, ibiti vy'inkoho (crosses), amabayoneti (ibisu vy'inkoho), ivyuma, iminyororo y'ivyuma canke itsinga z'umuyagankuba, ivyo bikaba vyatumye ahenshi bavunagurirwa amagufa abandi nabo bata ubwenge. Ishinge ndende canke imiti itazwi ubwoko bwayo yaratewe mu mubiri yabakorewe amabi canke kuzurwa inzara. Abakorewe amabi bamwe barabashize hamwe n'ibiziga canke babarisha ku nguvu amazirantoki. Ivyaha vyo gufata ku nguvu navyonyene vyarakozwe hamwe n'ivyaha vyo gukubagura ibihimba vyirondoka vy'abakorewe amabi. Abari bapfungwe ntibahishijwe aho abandi bariko baragandagurwa kandi nabo bazi neza ko nabo bagire bagandagurwe. Ivyo vyaha vyo gusinzikarizwa ubuzima no gukubagurwa vyajana kenshi n'ukwenyagurizwa, nk'ibitutsi bijanye n'ubwoko n'uguterwa ubwoba bwo kwicwa hakoreshejwe inkoho canke gerenade. Akenshi, amabi yasize ububabare bwo k'umubiri no gutuntura ku mutima ku bayakorewe.

47. Abakorewe amabi baravuze ido n'ido uburyo baribafashwe aho bari bapfungiwe bushobora kuba ari ivyaha vyogufatwa bunyamaswa no guteshwa ubuntu, nk'igitigiri c'umurenge c'abapfungwa mu mabohero, kutaronswa ibifungurwa n'imiti ikwiye hamwe no kubima kugoresha akazu ka sugumwe canke ukudatandukanya abakuze n'abana nko mu Biro vy'iperereza biri i Bujumbura.



## 5. Amabi afatiye ku gitsina

48. Naho abakorewe amabi afatiye ku gitsina bagira isoni zo kwigaragaza, Umurwi w'amatohoza warashoboye kuganira n'abarenga 45 muri bo, bari bafise hagati y'imyaka 8 na 71 mu gihe vyaba. Igitigiri c'ukuri c'abakorewe ico caha gishobora kuba kiruta ngaho, benshi bakaba ari abakenyezi, hongerako abagabo n'abana. Ivyaha amabi afatiye ku gitsina vya vuba vyakozwe muri 2017.

49. Umurwi w'amatohoza wegeranije cane cane amakuru yerekeye amabi afatiye ku gitsina yakozwe canke yahatswe gukorwa mu gihe abapolisi canke Imbonerakure, bakorera hamwe kenshi, baba bariko barafata umugabo yubakanye n'uwo mugore bafashe canke umuntu w'umugabo w'incuti yiwe yagirizwa ko ari mu mugambwe utavuga rumwe n'umugabwe uri ku butegetsi, canke ko yari mu myiyerekano, canke yanse kwinjira mu mugambwe CNDD-FDD, canke iyo basanze umugore ari wenyene i muhira. Ivyo vyaha vyajana n'ibitutsi vyerekeye igitsina, politike canke ubwoko. Umurwi w'amatohoza warashize ahabona uburyo bunyamaswa ubwo bubisha bwakozwemwo. Umwana yarashurashujwe ku nguvu n'Imbonerakure zitatu zambaye umwambaro w'igipolisi bahejeje kugandagura umuvyeyi wiwe. Abakenyezi babiri barashurashujwe n'abagabo benshi harimwo Imbonerakure, mu nyuma bonona ibihimba vy'irondeka. Umurwi w'amatohoza wararonse intahe z'abakenyezi bashurashujwe kunguvu n'Imbonerakure canke abapolisi kuri za bariyeri canke hafi y'imbibe kuko abo bakenyezi bariko bagerageza guhunga.

50. Amabi afatiye ku gitsina yarakoreshejwe nk'uburyo bwo gusinzikariza ubuzima bw'abafunzwe kugira babakuremwo inkuru canke babemeze ku nguvu ivyo babagiriza. Ivyo vyaha vyari ibi bikurikira: gushurashuzwa ku nguvu, gutegekwa kugenda utambaye, gukomeretswa bikabije, gutera mu gitsina c'abagabo imiti itazwi canke kubohera ibintu biremereye ku magara. Umurwi w'amatohoza warashoboye kandi kuvugana n'umukenyenzi yashurashujwe ku nguvu n'abapolisi benshi iminsi ine ikurikirana, mu gasho k'Ibiro vy'iperereza, kugirango bamukuremwo inkuru.

51. Abakorewe amabi afatiye ku gitsina bagendana ububabare ku mubiri n'intuntu k'umutima. Abakenyezi barahanduriye umugera wa sida, baratway'imbanyi batifuza, abandi imbanyi zarakorotse bivuye kur'ayo mabi. Mu ngorane abagabo bafise harimwo kudashobora kurangura neza amabanga y'abubatswe n'izindi ngwara zifatira mu bihimba vy'irondeka.

## 6. Uburenganzira bwo gushikiriza ivyiyumviro

52. Intambanyi zo gushikiriza ivyiyumviro zagaragaye muri Ndamukiza 2015 zagumye zongerekana. Mu myaka iheze Uburundi bwari bufise amashirahamwe akerebutse ataho yegamiye mu vya politike (*société civile*) hamwe n'abamenyeshamakuru bigenga kandi bari kwinsi, inzego za demokarasi zaremerera abamenyeshamakuru kuvuga ivyo bipfuzwa kuvuga ata gahato, yamara kuva amagame atanguye ubwo burenganzira bwaragabanijwe cane. Mu kwezi kwa Ndamukiza na Ruheshi 2015, Leta yarugaye amaradiyo yigenga agera kuri ane, amwe amwe yabanje gusamburwa n'abajejwe umutekano. Ubu iradiyo imwe gusa muri izo "Radio Isanganiro" yararonse uruhusha rwo gusubira gukora muri Ruhuhuma 2016. Muri Munyonyo 2016, Umuwi w'igihugu ujejwe ukumenyasha amakuru warahagaritse ikiganiro cayo citwa «Agateka ka muntu ku bamenyeshamakuru». Ishirahamwe ry'abamenyeshamakuru mu Burundi, ryari ryamenyeshaje kenshi ko uburenganzira bw'abamenyeshamakuru butubahirijwe, ryarahagaritswe muri Gitugutu 2016. Abamenyeshamakuru benshi bari mu buhungiro, kuri bamwe Leta yaratanze imitahe mpuzamakungu ibarondera.

53. Umurwi w'amatohoza urarajwe ishingira n'amajambo yo guteranya yavuzwe kuva muri Ndamukiza 2015. Ayo majambo yavuzwe kenshi na kenshi ku mugaragaro, n'abategetsi b'igihugu, n'abakuru ba CNDD-FDD canke abanywanyi b'uwo mugambwe, cane cane Imbonerakure. Ico bagomba gushikako kwari gutera ubwoba abatavuga rumwe nabo canke kubakurako ubuntu nko mu kubagereranya n'ibikoko. Ugukoresha amajambo nka «inyenzi» biratera ubwoba, cane cane kuko mu myaka iheze iryo jambo ryakoreshwa bashakira kuvuga abatutsi mu Rwanda. Ayo majambo atuma bigora gutandukanya ubwo bwoko n'abatavuga rumwe na Leta muri politike.

54. Muri Ndamukiza 2017, hariho ireresi yerekanywe aho Imbonerakure zishika kw'ijana zariko zikokerereza ngo « Tera inda abakeba bavyare Imbonerakure ». Nyuma yaho Umukuru w'ishami rya ONU rijejwe agateka ka zina muntu yiyamirije iyo mvugo, umunyamabanga ashinzwe kumenyesha amakuru muri CNDD-FDD yaremeye ko ababikoze bazohanwa. Hoba harashingishijwe urubanza, ariko Umurwi w'amatohoza ntiwaronse inkuru n'imwe yerekeye ingene urwo rubanza rwoba rwaragenze, naho Leta yateregezwa gukora ibishoboka kugira iyo nyifato ihanwe. Imbonerakure zarabandanije no mu zindi ntara gukokeza nk'uko nyene.

#### **7. Uburenganzira bwo kuja mu mashirahamwe no gutuganya amanama**

55. Uburenganzira bwo gushinga amashirahamwe ntibwubahirizwa. Amashirahamwe ataho yegamiye mu vya politike, menshi muri yo akaba yitayeho ibibazo vy'agateka aka zina muntu, yari yahagaritswe na Leta mu mpera za 2015, canke amakonti yayo mu ma banki yari yugawe kandi barayimye uruhusha rwo gukorera mu Burundi, kiretse amashirahamwe abiri gusa muri yo. Kw'igenekerezo za 19 Nyakanga 2016, Umushikiranganji w'intwari yo hagati mu gihugu yaramenyeshye ifutwa ry'amashirahamwe akwirikira: APRODH, FORSC, FOCODE; ACAT-Burundi, RCP-Burundi. Haheze iminsi itanu, uwo mushikiranganji yarahagaritse ishiramwo COSOME, CB-CPI, SOS-Torture/Burundi, naho ryashingiwe mu mahanga, na Ligue Iteka. Iri naryo ryafuswe kw'igenekerezo rya 3 Nzero 2017 kuko ryasohoye icegeranyo c'ingene agateka ka zina muntu kaguma gahonyangwa mu Burundi. Abategetsi b'abamashirahamwe COSOME, FORSC, FOCODE na ACAT-Burundi, baronderwa n'umutahe mpuzamakungu wo guhagarikwa kuva muri 2015.

56. Umurwi w'amatohoza urarajwe ishingwa n'ishingwa ry'amategeko abiri muri Nzero 2017: Itegeko ryerekeye amashirahamwe adaharanira inyungu mu Burundi, n'Itegeko ryerekeye amashirahamwe mpuzamakungu ategamiye Leta, kuko ibice bimwe bimwe vyayo mategeko bikomeza cane ugucungera ingene ayo mashirahamwe akora hamwe n'uburyo akoresha.

57. Abari mu migambwe itavugaga rumwe na Leta ntiboroherwa mu kugira inama no kurangura ibikorwa vyabo mu Burundi. Baguma bahatirwa kuja mu mugambwe uri ku butegetsi, benshi muri bo barapfunzwe, barakubagurwa no kwicwa bakicwa.

#### **8. Uburenganzira bwo kwishira no kwizana**

58. Abantu benshi barafashwe, barakubaguwe, rimwe na rimwe barashurashujwe ku nguvu ku mabariyeri y'abapolisi n'Imbonerakure, canke n'Imbonerakure zonyene, hafi y'imipaka, cane cane aho Uburundi buhana urubibe n'Urwanda canke na Tanzaniya. Bamwe mur'abo bantu baratswe amahera menshi ku nguvu n'abapolisi be n'Imbonerakure, canke barambuwe utwabo. Abantu baragizweko itera bwoba, barapfunzwe canke barasinzikarizwa ubuzima kubera bafashije abandi guhunga. Benshi mu ncuti z'abahunze barabagirako itera bwoba. Harimwo n'abafashwe barapfungwa mu buryo bunyuranye n'amategeko abandi boba baranyurujwe barazimanganywa.

59. Abantu boba barabaye canke baratembereye mu bihugu bihana imbibe n'Uburundi, cane cane mu Rwanda, bagarutse mu Burundi barahagaritswe mu buryo bunyuranye n'amategeko kandi barasinzikarijwe ubuzima, kuko abategetsi b'Uburundi babagiriza ko boba barakoranye n'imirwi yitwaje ibigwanisho iri mur'ivyo bihugu.

60. Abategetsi b'Uburundi barafashe ingingo zo kubuza abantu kwidagemya, nk'akarorero ni « agatabo k'urugo », igitabo umukuru w'urugo rwose yandikamwo abantu bose barubamwo hamwe n'abashitsi. Ivyo bitabo vyama bisuzumwa n'abapolisi iyo baje kugendura imihana, bigatuma igipolisi cama kizi ivyerekeye abanyagihugu vyose. Uko kuntu abategetsi bacunga cane bituma abantu batidegemvya mukurungura imirimo yabo itandukanye.

#### **9. Ukudakora neza kw'inzego z'ubutungane n'izindi nzego**

61. Umurwi w'amatohoza wararonse ivyemeza ko abacamanza n'abashikirizamanza bashizweko igitugu n'abagenzi babo, n'abaserukira Leta canke abanywanyi b'umugambwe uri ku butegetsi. Abashingwamanza benshi barahunze igihugu, bamwe nyuma yaho

bagizweko iterabwoba. Nkuko amakuru Umurwi w'amatohoza ufise avyerekana, ni bake cane mu bagirizwa ko bahonyanze agateka ka zina muntu barengukijwe imbere y'ubutungane. Umurwi washinzwe n'Umushikirizamanza Mukuru nyuma y'ivyabaye muri Ndamukiza 2015, y'igandagurwa ry'abantu icenda mu Ngagara kw'igenekerezo rya 13 Gitugutu 2015 n'ivyabaye kw'igenekerezo rya 11 Kigarama 2015 ntiwahagarariye ukuri nkuko vyaserutse mu vyegeranyo vyasuzumwe n'Umurwi w'amatohoza.

62. Umurwi w'amatohoza waregeranije amakuru yerekana ingene ukuburanisha imanza zimwe zimwe biteba ku rugero rudasanzwe, ukugene imanza zimwe zimwe ziburanishirizwa mu ma bohero, bituma abarorerezi badashobora kuhashika, hamwe n'imanza ziburanishwa gihutihuti bakurikije amategeko agenga imanza "z'ikibiraho" (*procédure de flagrance*). Akarorero, umupolisi umwe, abasirikare indwi hamwe n'abasivili cumi na babiri, bahagaritswe ku bijanye n'igitero cabaye ku kambi ya gisirikare ya Mukoni (mu ntara ya Muyinga), mw'ijoro ry'igenekerezo rya 23 rishira kuwa 24 Nzero 2017, baritavye imbere y'ubutungane kw'igenekerezo rya 26 Nzero, ata mushingwamanza abunganira. Sentare nkuru y'i Muyinga yabakatiye ibihano biremereye iraniyobagiza ivyaha vyo gusinzikarizwa ubuzima bakorewe bagifatwa kandi bari babishirije imbere y'ubutungane. Uko gusinzikarizwa ubuzima kwatumye bamwe muri bo badashobora kuhagarara igihe bariko baraburanishwa.

63. Uko kutagira ubwigenge bw'inzego z'ubutungane kwagaragaye kuva kera mu Burundi kukaba kunyuye ukudahana mu gihugu. Kuva muri Myandagaro 2013, inama rukokoma y'urwego rw'ubutungane ibaye, icegeranyo c'ivyavuye muri iyo nama kikaba kitigeze gishirwa ahabona. Iyo nama yarashimikiye kuburyo urwego rw'Intwari rurengera Inama nkuru y'Ubutungane isanzwe irongowe n'umukuru w'igihugu ikaba inagizwe ku rugero rurengereye n'abantu baba bagenywe na Leta. Igitugu c'ubutegetsi ku rwego rw'ubutungane kigaragara mw'igenwa ry'abacamanza no kubarungika gukorera hirya no hino, bikaba binyuranye n'ingingo yo kutanyiganyiza abacamanza. Ubushikiranganji bw'ubutungane ni bwo bujewe gutanga amapete kubacamanza kandi bushobora gusaba ko bashingwa ayandi mabanga canke ko bahagarikwa.

64. Umurwi w'amatohoza wasanze inzego z'igihugu zishinzwe gucungera uko agateka ka zina muntu kubahirizwa n'abategetsi zitagira ubwigenge, nk'Umurwi wigenga ujejwe agateka ka zina muntu mu gihugu n'urwego rw'Umuhuza, kuva habaye ihindagurika ry'abategetsi na bamwe mu bagize izo nzego muri 2015 na 2016.

[...]

## B. Ihonyabwoko

75. Naho Umurwi w'amatohoza washoboye kwerekana ko kuri bamwe, cane cane ku bahagaritswe bagafungwa, ababorejwe igufa canke abashurashujwe ku nguvu, hejuru y'ivyo vyaha bakorewe hageretweseko ibitutsi bijanye n'ugutyozwa abari mu bwoko bw'abatutsi, ntiwemeza ko habaye ho ishaka ryo guhonya « abari muri ubwo bwoko bwose canke igice cabo », hisunzwe insiguro y'ihonyabwoko itangwa mu ngingo ya 6 y'amasezerano y'i Roma.

76. Ariko Umurwi w'amatohoza urerekana umwitwarariko ufise ku bijanye n'imvugo zikoreshwa n'abaserukira Leta canke abarongoye umugambwe uri ku butegetsi. Naho izo mvugo zitoba ari izo guhamagarira abantu imbona nkubone gukora ihonyabwoko, ziratuma abantu bankana urunuka, zikabatera ubwoba zigashobora kuvamwo imbarutso yo kugarukana uruhagarara hagati y'abadasangiye ubwoko.

## C. Abakoze ivyaha ku giti cabo

77. Umurwi w'amatohoza urafise ifatiro rihagije ryo kwemeza ko ivyaha vy'agahomerabunwa vyo guhohotera kiremwa muntu watohojeko, mu bo vyagirizwa harimwo abategetsi bari mu nzego zo hejuru za Leta, abasirikare bo mu rwego rwo hejuru, abari mu rwego rw'iperereza, rw'igipolisi hamwe n'Imbonerakure.

78. Umurwi w'amatohoza waragize urutonde, n'aho atawokwemeza ko rurimwo bose, rw'abakakwa kuba barakoze ayo mabi, hamwe n'ivyerekeye ivyo bagirizwa canke bategetse abo batwara gukora. Umurwi w'amatohoza waratandukanije kandi ivyaha vyega

umuntu wese ku giti ciwe n'ivyaha vyobazwa abarongoye inzego za gisirikare n'abari mu nzego zibakurira nkuko amasezerano y'i Roma abitegekanya.

79. Mu ntumbero yo kubahiriza uburenganzira bw'umuntu wese yikekwako icaha bwo "gufatwa nk'umwere imbere yuko acirwa urubanza" (*présomption d'innocence*) hamwe n'intumbero yo gukingira abakorewe ivyaha n'amasura yabo, Umurwi w'amatohoza wahisemwo kudashira ahabona urwo rutonde ariko ukazorushikiriza Umukurru w'Inama ya ONU ijejwe kwubahiriza agateka ka zina muntu. Ni we ashobora kuzoshikiriza urwo rutonde urwego urwo ari rwo rwose rwigenga rufise uburenganzira bwo kugira amatohoza canke ruzorondera gutohoza inkuru zerekeye abo bantu canke inzego zagirizwa ivyaha, hisunzwe ivyo urwego rw'Ishirahamwe Mpuzamakungu ONU rujejwe.

#### **D. Uburyo bwo gutohoza no kugaragaza abakoze ivyaha**

80. Kubera bimaze kwibonekeza ko ubutungane bw'Uburundi butigenga, kandi ivyaha bikorwa n'abari ku butegetsi canke abari mu mugambwe uri ku butegetsi, dufatiye ku karorero k'Imbonerakure, Umurwi w'amatohoza ubona y'uko Leta y'Uburundi idafise ugushaka canke ubushobozi bwo kugira amatohoza yigenga, guhana ivyaha no kurengutsa imbere y'intahe ababikoze. Muri ico gihe, Sentare Mpuzamakungu Mpanavyaha (CPI) ni yo iheza igatohoza ivyo vyaha, ikadoma urutoke abo vyagira n'igihano bakwiye kuronka.

### **IV. Ivyashitsweko n'ibisabwa**

#### **A. Ivyashitsweko bikuru bikuru**

81. Inyuma y'amatohoza, Umurwi w'amatohoza urashobora kwemeza y'uko hariho ivyaha vy'ubwicanyi ndengerabutungane, ivy'ihagarikwa n'ifungwa ridakurikije amategeko, inyuruzwa ry'abantu, ivyo gusinzikariza ubuzima abantu, gufata bunyamaswa abantu, gushurashura abakenyazi n'abagabo ku nguvu mu Burundi kuva muri Ndamukiza 2015 gushika igihe iki cegeranyo c'ivyatohojwe candikiwe.

82. Umurwi w'amatohoza urafise ifatiro rihagije ryo kwemeza ko ivyaha vyakozwe cane cane n'abari mu rwego rw'iperereza, rw'igipolisi, rw'igisirikare hamwe n'Imbonerakure ari ivyaha vy'agahomerabunwa.

83. Umurwi w'amatohoza ubonako uburenganzira bwo kwishira no kwizana mu vya politike bwagiye bugabanuka kuva muri Ndamukiza 2015 kandi ko icuka c'iterabwoba kibangamiye abarundi gushika niyo bahungiyeye. Kubwo uwo Umurwi, abahunze bashobora guhohoterwa mu gihe bosubira mu Burundi, ni co gituma ibihugu vyabakiriye bitegerezwa kwisunga itegeko ryo kudasubiza impunzi kunguvu iyo zaje ziva.

#### **B. Ibisabwa**

84. Ufatiye kuri ico cegeranyo cashitsweko, Umurwi w'amatohoza usaba ibi bikurikira

##### **1. Ku bategetsi b'Uburundi**

85. Guhagarika bidatevye ivyaha vyo guhonyanga agateka ka zina muntu bikorwa n'abakozi ba Leta n'Imbonerakure Leta ifise ko ubasha ;

86. Kugira amatohoza ku vyaha vyakozwe no gukora ibishoboka vyose kugira abagirizwa ivyo vyaha bahanwe mu maguru masha, mu buryo buhumuriza bose, budahengamye kandi abahohotewe baronke indishi ijanye n'ivyaha bakorewe. Mu gihe abakoze ivyaha ari abakozi ba Leta, bitegerezwa guhagarikwa mu mabanga barimwo gushika amatohoza arangire.

87. Gufata ingingo ziboneka kugira agateka ka zina muntu kubaharizwe. Nk'akarorero mu :

- Guhagarika imitahe yo gufata abarongoye ibimenyeshamakuru, amashirahamwe yigenga n'imigambwe itigeze ikoresha canke ngo yigishe iterabwoba no gukora ibishoboka kugira bagaruke mu gihugu umutekano wabo ukingiwe ;

- Gufuta ingingo zo guhagarika vy'imfatakibanza canke burundu ibimenyeshamakuru, amashirahamwe yigenga, no gukora ibishoboka vyose kugira basubire ku bikorwa vyabo mu mwidegemvyo, no gusubira kwihweza amategeko yashizweho mu mwaka wa 2017 yerekeye itunganywa ry'amashirahamwe adaharanira inyungu n'amashirahamwe mpuzamakungu ategamiye ama Leta ;
- Kurekura bidatevye abafungwiye ivya politike ;
- Kubuza abapolisi kuja gusaka mu mazu y'abantu ata mutahe bafise canke mw'ijoro nk'uko Integuro nshasha y'igitabu c'amategeko agenga ingene imanza z'ivyaha zitohozwa n'ingene ziburanishwa ibitegekanya ;
- Gukora ibishoboka vyose kugira abantu bose badafise uburenganzira, cane cane Imbonerakure, batokwivanga mu bikorwa vyo gucungera umutekano, harimwo no mu bibanza bifungirwa mwo abantu kandi ko batokwambikwa impuzu za gisirikare canke z'igipolisi canke ngo bitwaze ibigwanisho ;
- Gushengeza abantu bose bakoresha imvugo y'urwanko canke yo guhamagarira abantu ngo bashamirane ;
- Guhagarika iterabwoba, no gutangishwa amahera ku nguvu bikorwa n'abaserukira Leta hamwe n'Imbonerakure ;
- Gufasha canke kworohereza abashurashujwe ku nguvu n'abasinzikarijwe ubuzima kwivuzwa ingwara zaturutse ku mabi bakorewe.

88. Gusubiramwo bimwe biboneka itunganywa ry'igisata c'ubutungane.

89. Gukora ibishoboka vyose kugira abari mu nzego zijejwe umutekano basonere agateka ka zina muntu mu bihe ivyo ari vyo vyose kandi bakore bisunze inyungu z'abanyagihugu muri rusangi, n'abatari mu mugambwe uri ku butegetsi barimwo.

90. Gusubira ku ngingo yo kuvavanura n'amasezerano y'i Roma no gufashanya na Sentare Mpuzamakungu Mpanavyaha mu matohoza y'ibanze ariko araba, no mu gihe amatohoza nyezina yotangura na cane cane mu gukingira abakorewe ivyaha n'amasura.

91. Guha uburenganzira Ibiro bikuru bijejwe agateka ka zina muntu gusubira kurangura imirimo yo kwegeranya amakuru ku vyaha bikorerwa kiremwa muntu mu Burundi, yahagaritswe kuva muri Gitugutu 2016.

92. Gushira umukono no gushira mu ngiro amasezerano yabaye hagati ya Leta y'Uburundi n'Ishirahamwe ry'Ubumwe bwa Afrika, no gutanga uburenganzira bw'uko abarorerizi b'agateka ka zina muntu ijana (100) n'abahinga mu vya gisirikare ijana (100) bategekanijwe n'ayo masezerano kuva muri 2016 baza mu Burundi.

93. Gukorana n'ibindi bisata canke inzego z'Ishirahamwe Mpuzamakungu ONU, mu kwakira imirwi idasanzwe y'iryo shirahamwe no gushira mu ngiro impanuro zimaze gutangwa.

94. Gufata intumbero yo gutora burundu umuti w'ingorane za politike ziri mu Burundi, mu kwitaba ibikorwa bitunganywa hirya no hino kw'isi vyo guhuza abarundi.

## 2. Ku migambwe itavuga rumwe na Leta n'imirwi yafashe ibigwanisho

95. Guhagarika mu maguru masha ibikorwa vyose bibangamira agateka ka zina muntu n'ibikorwa bitera umudugararo bikorwa n'abanywanyi babo ;

96. Kwirinda imvugo yose ihamagarira abantu gushamirana, hamwe no gufata intumbero yo gutora umuti urama w'ingorane za politike ziri mu Burundi.

## 3. Ku nama ya ONU ijejwe agateka ka zina muntu

97. Kwongereza ikiringo c'umwaka Umurwi w'amatohoza kugira unonosore igikorwa wakoze, ubandanye n'ayandi matohoza ku vyaha vyo guhonyanga agateka ka zina muntu bibandanya bikorwa mu Burundi kuko ata zindi nzego zihari zokora amatohoza yigenga ata gitsure canke ubwoba ku bijanye n'agateka ka zina muntu.

98. Gusaba umukuru w'i Biro vya ONU bijejewe agateka ka zina muntu kugira icegeranyo cerekeye ingene ivyo Biro bikorana na Leta y'Uburundi coshikirizwa mu manama y'agateka ka zina muntu yimirije.

#### 4. Kuri Sentare Mpuzamakungu Mpanavyaha

99. Gutanguza mu maguru masha amatohoza ku mabi yakozwe mu Burundi, hisunzwe ivyo Umurwi watohoje n'ayandi makuru iyo Sentare yakuye hirya no hino.

#### 5. Ku nama ya ONU ishinzwe umutekano kw'isi

100. Gufata nkama ibisabwe n'Umurwi w'amatohoza no kutirengagiza ihonyangwa ry'agateka ka zina muntu mu bihe vyose hazoba inama zerekeye Uburundi, no kwitwararika ishira mu ngiro ry'Ingingo ya 2303 (2016) ;

101. Gushikiriza Sentare Mpuzamakungu Mpanavyaha icaha cose gihanwa n'amategeko mpuzamakungu coba carakozwe mu Burundi inyuma y'igenekerezo rya 27 Gitugutu 2017 ;

102. Gufatira ibihano umwe wese muri bakuru bakuru mu bikekwa guhonyanga agateka ka zina muntu n'ivyaha bihanwa n'amategeko mpuzamakungu, vyakozwe mu Burundi ;

#### 6. Ku Munyamabanga Mukuru wa ONU

103. Gucungera yuko ukwubahiriza agateka ka zina muntu n'ukugarukana intwari ishingiyeye ku mategeko biba mu vyo Intumwa yiwe idasanzwe yashinzwe Uburundi izoshira imbere y'ibindi vyose ;

104. Kwitwararika ko ata muntu n'umwe yagirizwa guhonyanga agateka ka zina muntu canke ivyaha bihanwa n'amategeko mpuzamakungu ahabwa akazi mu butumwa bwa ONU bwo kugarukana no kubungabunga amahoro n'umutekano aho ariho hose.

#### 7. Ku bihugu bigize Ishirahamwe rya ONU

105. Kworohera Abarundi basaba ubuhungiro, kandi kubahiriza itegeko ryo kudasubiza inyuma ku nguvu impunzi no kuzikingira ;

106. Guhana uwo wese yoba yarakoreye mu Burundi ivyaha bihanwa n'amategeko mpuzamakungu akaba ari ku gataka k'ivyo bihugu ;

107. Kugumizaho ibihano vyafatiwe abantu bamwe bamwe, no guhagarika imfashanyo Leta y'ahora ironka mu gihe ata koyoko koboneka kuvyerekeye kubahiriza agateka ka zina muntu mu Burundi ;

108. Guha imfashanyo mu vy'ubuhinga abategetsi b'Uburundi kugirango hakorwe amatohoza yigenga na cane cane mu gusuzuma icishe umuntu, kumenya abishwe hakoreshejwe ubuhinga (*exhumation et identification des corps*);

109. Gushikigira ishinga ry'amavuriro y'ubuhinga ajejwe gufasha abakorewe ivyaha. (*services médicaux et psychosociaux spécialisés*) ;

110. Gushigikira abategetsi b'Uburundi mw'itunganya rishasha ry'igisata c'ubutungane n'igisata c'umutekano mu ntumbero yo gusubira kwubahiriza agateka ka zina muntu.

#### 8. Kw'Ishirahamwe ry'ubumwe bw'Afrika

111. Kunagura umugambi wo kurondera inyishu ku bibazo bihanze Uburundi, bishingiyeye ku kubahiriza agateka ka zina muntu no kwiyamiriza kudahana, nk'uko bitegekanijwe n'amategeko ngenderwako y'Ishirahamwe ry'ubumwe bwa Afrika, kandi rigaragaze ugushaka ;

112. Kwitwararika yuko ata mukazi n'umwe wa Leta y'Uburundi yagirizwa guhonyanga agateka ka zina muntu canke ivyaha bihanwa n'amategeko mpuzamakungu ahabwa akazi mu butumwa bw'Ishirahamwe ry'Ubumwe bwa Afrika bwo gukingira amahoro ;

113. Gukora ibishoboka vyose kugira Umurwi w'abarorerezi b'Ishirahamwe ry'Ubumwe bwa Afrika muvya agateka ka zina muntu n'abahinga muvya gisirikare borungikwa mu Burundi vuba bwango ;

114. Gutegekanya, igihe ingorane ziri mu Burundi zobandanya, gushira mu ngiro ingingo 4 h) y'Amategeko ngenderwako y'Ishirahamwe ry'Ubumwe bw'Africa yemerera gutabara abanyagihigu mu bihe bimwe bimwe, nk'akarorero iyo habaye ivyaha vy'agahomerabunwa.

**9. Kw'Ishirahamwe ry'ibihugu vya Afrika y'Ubugeruko**

115. Kwitwararika yuko kuronderera umuti ikibazo cerekeye agateka ka zina muntu mu maguru masha bija mu bikorwa vya mbere vyo guhuza Abarundi.

**10. Ku bateye igikumu ka masezerano y'i Arusha muri 2000, kubera biyemeje kurwanira amahoro aramba mu Burundi**

116. Gukoranya inama yo kuronderera umuti urama ingorane za politike n'agateka ka zina muntu mu Burundi.

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