



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

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Consideration of reports submitted by State parties
under article 19 of the Convention

Replies of Burundi to the list of issues in relation to its third periodic report*

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* The present document is being issued without formal editing.



Introduction

1. The present report is a response to the list of issues concerning the third periodic report on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was prepared by the Interministerial Standing Committee for the Drafting of Initial and Periodic Reports,¹ which reports to the human rights ministry.

Articles 1 and 4

2. In every society, legislation is a response to the concerns of the day. The same applies to Burundi. Thus, any attempt to commit an offence is punishable under the Criminal Code and this includes attempted torture (see article 15 of the 2017 Criminal Code).

3. As clearly stated in paragraph 2, public officials, including law enforcement officers, may not invoke an order from a superior officer or a public authority as a justification for torture. The principle of individual responsibility continues to apply. Furthermore, in talks about ethics, commanders constantly remind their subordinates that both civilians and military and police personnel are subject to criminal and civil proceedings in connection with the offence of torture.

4. The Burundian military criminal code is currently being revised. In the preliminary draft, all offences under ordinary law that are committed by military personnel are defined as crimes. These offences include acts of torture and ill-treatment. Under articles 206 to 209 of the Criminal Code, these offences carry fairly heavy penalties (ranging from 10 years' imprisonment to life imprisonment, depending on the circumstances). Moreover, under article 211 of the Criminal Code, these are minimum sentences.

Article 2

5. In order to ensure the availability of medical services, including psychiatric services, in places of detention, the State, as represented by the Ministry of Justice, has signed an agreement with the Ministry of Health on the provision of medical care by the latter ministry for all persons in detention.

6. Various sports, cultural and training activities have been organized by the State to enhance the reintegration and rehabilitation of prisoners, as shown in the table below.

Breakdown of prisoner reintegration and rehabilitation activities

Activities/training	Prisons	Centres	Number of beneficiaries
Literacy			117 (including 84 men and 33 women)
	Mpimba		61
	Ngozi men's facility		57 and 6 minors
	Ngozi women's facility		14
	Rumonge		
		Ruyigi	14
Sewing	Rumonge		10
	Ngozi men's facility		18
	Muramvya		2
	Mpimba		10
	Bururi		7
		Ruyigi	15
		Rumonge	15

¹ Ministerial Order No. 225/1361 of 18 November 2021, amending Order No. 225/559 of 17 June 2021, on the establishment of a standing committee for the drafting of initial and periodic reports on the treaties ratified by Burundi.

<i>Activities/training</i>	<i>Prisons</i>	<i>Centres</i>	<i>Number of beneficiaries</i>
Welding		Rumonge	15
		Ruyigi	15
Soap production	Rumonge		
Carpentry		Ruyigi	20
		Rumonge	20
Bicycle mechanics		Ruyigi	7
Hairdressing		Ruyigi	17
Arts and crafts		Ruyigi	12
Wickerwork	Mpimba		12
	Muramvya		60
	Muyinga		60
	Ngozi women's facility		118
Language learning (Kiswahili, French and English)	Mpimba		79
	Ngozi men's facility		20
	Rumonge		43
Fish farming	Bubanza		3
	Muramvya		2
Cattle farming	Rumonge		11
	Muramvya		3
	Bururi		1
Goat farming	Bururi		1
	Ruyigi		5
		Ruyigi	3
Pig farming	Muramvya		3
	Ruyigi		5
	Rumonge		13
Traditional drumming	Gitega		1
	Ngozi		1
Dancing group	Gitega		1
	Ruyigi	Ruyigi	2
	Mpimba		1
	Ngozi		2
Football teams	Gitega	Ruyigi	2
	Ruyigi		1
	Ngozi		1

7. On the spiritual front, religious groups of all denominations and affiliated movements are formed in all prisons and the two rehabilitation centres for minors.

8. Measures taken to reduce prison overcrowding include release on parole, pretrial release, suspended sentences, fines, community service and presidential pardons. The following table shows the number of detainees who have been given parole or a presidential pardon.

<i>Time period</i>	<i>Parole</i>	<i>Presidential pardon</i>	<i>Total beneficiaries</i>
2018	206		206
2019	336	2 381	2 717

Time period	Parole	Presidential pardon	Total beneficiaries
2019–2020	-	-	-
2020–2021	5	2 778	2 783
2021–2022	1 376	-	1 376
2022–2023	1 040	-	1 040
Total	2 963	5 159	8 122

9. Article 34 of Act No. 1/09 of 11 May 2018, amending the Criminal Code, provides for time limits on investigations and police custody. During police custody, the criminal investigation officer must draw up a police custody report that includes details of the identity of the person held in custody, the nature of and grounds for the custody, the conditions in which the person is being held and the location where the person is being held. The report must be signed by the person in custody, who must be given a copy of the report.

10. Women who are more than six months pregnant or who are breastfeeding a baby under the age of 6 months cannot be held in custody, except in connection with a serious offence and with authorization from the public prosecutor's office.² In such cases, women are held in pretrial detention to prevent them from absconding or escaping before the case has been prepared. The Code of Criminal Procedure furthermore provides that police custody must be arranged in such a way that women and men are held in separate quarters and are guarded by police officers of the same sex.³

11. A restriction on freedom of communication during police custody has been introduced by the 2018 Code of Criminal Procedure with a view to preventing communications that could lead to the disappearance or destruction of evidence of a crime. That being said, under the Code, the criminal investigation officer responsible for the police custody must *ipso facto* inform the family of the person in custody or any other interested party of the action that has been taken and the place of custody.

12. The maximum period of police custody is seven clear days, which may be exceptionally extended to double that length of time by decision of the public prosecutor.⁴ The reason for this exception is that criminal investigation officers in communal police stations that are far from the main town of the commune have difficulty finding means of transport to transfer detained persons and their case files to the prosecution offices within their jurisdiction.

13. Burundi also revised the Code of Criminal Procedure on 11 May 2018. Articles 41, 43 and 44 of the Code provide that a person can be held for a maximum of 24 hours for being intoxicated in public, for the completion of identity checks or for being found in a dangerous mental state. In other cases requiring a thorough investigation, the duration of custody remains seven days, renewable once by the prosecutor.

14. With respect to the rights guaranteed to persons held in police custody or pretrial detention, according to article 138 of the Code of Criminal Procedure, accused persons must be informed of their rights before being questioned in order for the proceedings to be deemed valid. The Code of Criminal Procedure grants certain guarantees to accused persons to enable them to exercise their right to a defence, in particular the right to be assisted by counsel during the investigation and to remain silent in the absence of counsel.

15. There are no longer video surveillance systems in interrogation centres in Burundi. The same applies to public hearings, at which all parties may be assisted by a lawyer or by a person specially approved by the court in the individual case to speak on the person's behalf. Unless the defendant objects, the judge may ask the President of the Bar to appoint a lawyer who is a registered member. Juvenile defendants must be assisted by defence counsel.⁵

² Code of Criminal Procedure, art. 32 (3).

³ Art. 32 (4).

⁴ Code of Criminal Procedure, art. 34.

⁵ Code of Criminal Procedure, art. 222.

16. The National Independent Human Rights Commission operates on a fully independent basis in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), as set out in Act No. 1/04 of 5 January 2011, by which the Commission was established.

17. In addition, the National Independent Human Rights Commission regained accreditation A status as a national institution for the promotion and protection of human rights on 28 June 2021. Its compliance with the Paris Principles is reflected in its remit, composition, its guarantees of independence and the pluralism of its membership.

18. The Commission is configured in such a way as to guarantee the independence and pluralism recommended in the Paris Principles. The following characteristics show how it meets these requirements: (i) the composition of the Commission and the appointment of its members by election are determined following a procedure that provides all the necessary guarantees to ensure pluralist representation of the social forces involved in the promotion and protection of human rights in Burundi; (ii) in its work, the Commission is subject only to the law (arts. 2 and 29); (iii) no State body may issue it with orders in connection with the performance of its duties (art. 2); (iv) all State services must provide it with the necessary assistance and support (art. 2); (v) the Commission is entitled to receive a budget from the State, as well as donations and bequests, and the Chair of the Commission is the authorizing officer (arts. 31, 32, 33 and 34); (vi) the Commission has managerial autonomy and its own budget and defines its working strategies independently of the executive branch, from which it is therefore independent; and (vii) in addition to the budget allocated by the State, by law, the Commission may collaborate with technical and financial partners to carry out its activities.

19. As part of its quasi-jurisdictional powers, the Commission is empowered to hear complaints and requests concerning individual cases. Individuals, their representatives, third parties, non-governmental organizations, trade union associations and all other representative organizations may refer matters to it. It has comprehensive powers to investigate all matters falling within its remit⁶ and has free access to and makes use of all lawful sources of information, including victims' complaints, witness statements, official reports and documents and statements by alleged perpetrators.⁷ It has the legal power to obtain any document held by the administration or private individuals in order to shed light on cases in progress. It can refer cases of human rights violations to the Public Prosecutor's Office⁸ and can request the assistance of the police, the administration and other State services to give effect to the powers granted to it by law.⁹ It also has the authority to summon any public or private person to its head office in order to clarify cases that have been submitted to it. Those parties are obliged to respond.¹⁰ Refusing to appear or to give evidence or giving false testimony before the Commission are deemed as offences that are punishable by law.

20. The table below shows the budgetary resources allocated to the Commission by the Government of Burundi since 2014.

<i>Fiscal year</i>	<i>Operating costs</i>	<i>Capital expenses</i>	<i>Total</i>
2014	912 165 493	20 191 000	932 356 463
2015	912 165 493	20 191 000	932 356 463
2016	784 462 324	12 114 600	796 576 924
2017	784 462 324	12 114 600	796 576 924
2018/2019	784 462 324	12 275 545	796 737 869
2020/2021	1 434 462 324	12 275 545	1 446 337 869
2021/2022	1 677 496 194	12 643 811	1 690 140 005

⁶ Article 36 of Act No. 1/04 of 15 January 2011, establishing the Commission.

⁷ Articles 36, 37 and 41 of Act No. 1/04 of 15 January 2011, establishing the Commission.

⁸ Article 4 of the same Act.

⁹ Article 37 of the same Act.

¹⁰ Article 37 of the same Act.

21. With regard to cases of torture and other cruel, inhuman or degrading treatment or punishment, the Commission carried out investigations into cases of alleged torture that were brought to its attention during 2019, 2020, 2021 and 2022. Some of the cases proved to be well founded, and the Commission referred them to the public prosecutor's offices. For example, case No. RMP 21573/NJC was opened against alleged perpetrators at the Bubanza public prosecutor's office. Case No. RMP 21 710/ND.S was opened in relation to other cases of alleged torture reported in Makamba. Case No. RMP 53872/ND.P/NG.C was opened in relation to allegations in Gitega.

22. Articles 207 to 209 of the 2017 Criminal Code prescribe penalties for acts of torture. The following cases related to torture that are currently before the courts show how the Convention is being implemented in practice: No. RMP 152724, No. RMP 155353, No. RMP 155357, No. RMP 155358 and No. RMP 155366. The following cases have been closed: No. RP 3181; No. RMP 4342/SN, with a sentence of 5 years' imprisonment; No. RMP4265/SN/KAJ, with a sentence of 2 years' imprisonment and a fine of 50,000; and No. RP 3178 RMP4223/NEN, with a sentence of 8 months' imprisonment and a fine of 50,000.

23. With regard to legislative measures, Burundi has begun the process of revising certain texts that have gaps when it comes to combating forms of violence against women. Specifically, these include Decree-Law No. 1/024 of 28 April 1993, revising the Persons and Family Code, and Act No. 1/013 of 22 September 2016 on the prevention and suppression of gender-based violence and protection of victims. In addition, the Ministry of Justice has set up a database in the courts and public prosecutor's offices to manage cases of gender-based violence.

24. To date, 2,645 cases of gender-based violence have been recorded, of which 1,339 have been processed and closed, with the sentences indicated in the table below.

0–2 years' imprisonment: 242

>2–5 years: 252
>5–10 years: 74
>10–20 years: 186
>20–30 years: 12
Life: 121

25. In the courts, files are kept in folders of specific colours. The specialized chambers and sections set up within the courts and public prosecutors' offices continue to operate in such a way as to guarantee impartial and rapid handling of cases of violence against women.

26. The State has made great strides in the fight against gender-based violence. By way of illustration, in 2021 a department responsible for the prevention of sexual and gender-based violence and the delivery of holistic care for victims was established in the ministry responsible for gender issues. Other significant reforms have taken place, namely (i) the Family and Community Development Centres became Provincial Family and Social Development Directorates¹¹ with two advisers in each province and two social workers in each commune; (ii) State-run and private centres have been established to provide holistic care to victims of gender-based violence.¹²

27. Various measures have been taken to eradicate sexual and gender-based violence. In addition to the strategic planning tools for combating gender-based violence, there have been extensive national awareness-raising campaigns, designed to bring about a change in attitudes and behaviour. A case in point is the 16 Days of Activism to Fight Violence against Women campaign, which takes place every year from 25 November to 10 December. Dialogues have been held to create and develop spaces for listening, sharing and exchange within communities and families, especially for problem couples, with the aim of reviving

¹¹ Decree No. 100/160 of 7 July 2021, on the mission, organization, composition and functioning of the Family and Social Development Directorates.

¹² Joint order No. 225/630/580/550/179 of 23 February 2023.

dialogue within households. The idea is to restore the key position of the family as the cornerstone for the construction of a harmonious society, but also to increase awareness activities with a view to the empowerment of women and girls.

28. In the educational domain, measures have been taken to prevent sexual violence in schools. The Criminal Code prescribes a penalty of 25 years' imprisonment and dismissal from public service for any educator who rapes a pupil. In addition, action has been taken to institutionalize the "school father and school aunt" services and to set up school clubs to combat sexual and gender-based violence.

29. The Ministry of Justice has a legal aid department responsible for providing legal support and assistance to vulnerable groups, including victims of sexual and gender-based violence, and the courts regularly grant reparation measures to compensate victims. The ministry responsible for human rights provides gender-based violence victims with socioeconomic reintegration kits.

Article 3

30. Article 50 of the Constitution of 2018 states that "the right of asylum is recognized under the conditions provided for by the law". Refugees' effective access to their rights is guaranteed under articles 24, 25 and 26 of Act No. 1/25 of 5 November 2021 regulating migration in Burundi. The National Office for the Protection of Refugees and Stateless Persons has a department that deals with persons with specific needs, such as children, persons with disabilities and older persons. Generally speaking, Burundi receives requests from asylum-seekers without any distinction. These requests are dealt with in accordance with the law.

Article 5

31. Burundi has made significant progress towards incorporating the relevant provisions of the Convention into its legislation through article 19 of the Constitution. Articles 207 to 209 of the Criminal Code define acts of torture or other cruel, inhuman or degrading treatment as criminal offences. Article 10 of the Code establishes territorial jurisdiction over these offences by providing that "any major or serious offence that is committed overseas by a Burundian or a foreign national may, subject to the existence of an extradition treaty, be punishable under Burundian criminal law, if the perpetrator is in Burundi or the victim is a Burundian national and the offence is punishable under the law of the country where the offence was committed".

Article 6

32. Article 49 of the Code of Criminal Procedure enumerates the specific methods to be followed in the investigation, prosecution and trial of a range of offences, including torture and other cruel, inhuman and degrading treatment.

33. Extradition requests sent by the State must first be processed on technical grounds by the public prosecutor's office. They will then be sent to the Ministry of Justice, which in turn will send them to the Ministry of Foreign Affairs to be sent to the requested State through the diplomatic channel. Requests sent to Burundi go through the same channel.

Article 7

34. The procedure for prosecuting offences against torture and other related offences does not specify any particular measure reserved for the perpetrators of these offences. The law states that any person accused of any offence, including torture, must be tried in accordance with the provisions of articles 8, 9 and 10 of the Criminal Code, subject to extradition treaties between Burundi and other States.

Article 8

35. In addition to two extradition treaties, one with the United Republic of Tanzania and the other with the members of the Economic Community of the Great Lakes Countries, Burundi has recently approved a memorandum of understanding, dated 16 July 2023, with

the United Republic of Tanzania on the transfer of prisoners. No cases of extradition pursuant to an agreement between Burundi and any other State have been reported in relation to the application in practice of the provisions of the Convention on extradition.

Article 9

36. At the international level, Burundi is a party to a number of instruments on mutual legal assistance, namely: (i) the United Nations Convention against Corruption,¹³ ratified by Burundi through Act No. 1/03 of 18 January 2005; and (ii) the International Convention for the Suppression of Acts of Nuclear Terrorism, ratified by Burundi on 21 August 2008.

37. In addition to these international instruments, Burundi is a party to four regional treaties dealing specifically with extradition and judicial cooperation, namely: (i) the African Union Convention on Preventing and Combating Corruption, adopted by the ordinary session of the African Union in Maputo, Mozambique, in July 2003 and ratified by Burundi through Act No. 1/02 of 18 January 2005; (ii) the Pact on Security, Stability and Development in the Great Lakes Region, which serves as the legal framework for judicial cooperation in the region; (iii) the judicial convention between the Republic of Burundi, the Rwandese Republic and the Republic of Zaire, adopted on 21 June 1975, and its protocol on mutual assistance in criminal matters between the member states of the Economic Community of the Great Lakes Countries; and (iv) a convention on extradition and mutual judicial assistance in criminal matters between the United Republic of Tanzania and the Republic of Burundi, adopted on 27 April 1988.

Article 10

38. The Government of Burundi provides training in human rights, including on combating torture and inhuman or degrading treatment, for all public officials, in particular members of the security forces, agents of the National Intelligence Service, military personnel, judicial personnel, prison staff and medical staff employed in prisons. These training courses are organized by various ministries, including those responsible for human rights, national security, defence and justice.

39. The training courses are structured around different themes, depending on the target group, including the content of the Convention against Torture, professional ethics, peacekeeping, the protection of civilians, the protection of vulnerable groups, individual responsibilities and obligations with regard to good conduct, and human rights standards relating to arrests, detention and investigation techniques. To assess the effectiveness of the training programmes, Burundi has introduced a quarterly national human rights report, which provides information on the advances and challenges observed in the field of human rights.

Article 11

40. Regarding the procedures in place for ensuring compliance with article 11 of the Convention, for information on interrogation rules, instructions, methods and practices and arrangements for custody that have been introduced since the consideration of the State party's second periodic report, please see paragraphs 12, 13, 14 and 15. Legislation is revised depending on the circumstances.

41. In addition, the Government of Burundi adopted a prison policy in 2018 to reduce prison overcrowding and enable prisons to self-manage so that they can meet the most urgent needs of detainees. The objective of this national policy is not to increase the size of prisons, but rather to improve living conditions and reduce the number of detainees. Renovation work at the Gitega, Ngozi and Rumonge central prisons began straight away.

42. With regard to conditions of detention linked to sanitation, ventilation, beds, suitable food and drinking water in prisons and other places of detention, Burundi has implemented Act No. 1/24 of 14 December 2017, revising the prison regime, articles 31 and 32 of which guarantee sanitation, ventilation, beds, suitable food and drinking water for detainees in prisons. With regard to medical and psychiatric care, please see paragraph 5. Regarding

¹³ Adopted by the General Assembly on 31 November 2003.

action to enhance reintegration and rehabilitation activities in prisons, please see paragraph 6. On concrete measures taken to reduce prison overcrowding, please see paragraph 8. With regard to measures taken to meet the special needs of minors, women, people living with disabilities, lesbian, gay, bisexual and transgender persons and older persons in detention, specialized women's prisons have been set up in Ngozi. A section for minor girls was established in Ngozi prison and two rehabilitation centres were opened up for juveniles in conflict with the law, one in Rumonge and one for boys in Ruyigi. In addition, chapter 8 of the 2018 Code of Criminal Procedure details the procedure to be followed in relation to the preliminary investigation, investigation, prosecution and trial of minors under the age of 18 and the provision of legal aid for children. Older persons and persons with disabilities are given priority when it comes to pardons. Articles 45 to 53 of Decree No. 1/24 of 14 December 2017, revising prison regimes, specifies how to deal with this category of person.

43. Under the current legislation, lesbian, gay, bisexual and transgender persons receive the same treatment as other detainees. The ministry responsible for social protection pays the hospital fees of vulnerable persons.

44. It is easy to track the progress of a detainee's case, depending on whether he or she has been charged or convicted. Officials in the public prosecutor's offices have access to the files of the detainees whose cases they are investigating, unless the deadline for presenting the detainee in chambers has passed.

45. In the Burundian judicial system, the term pretrial detention is not used when a sentence has already been served, because pretrial detention implies that the case is still under investigation. Indeed, in accordance with article 48 of the Burundian Criminal Code, any period of detention spent prior to a final conviction for an offence will be deducted in full from the total prison sentence that is handed down.

46. Investigating judges who fail to bring the accused before the pretrial detention judge are liable to disciplinary and criminal sanctions.

47. As for the measures adopted to reduce the disproportionate use of pretrial detention, it must be said that even the country's highest authority is constantly calling on the judicial authorities to curb the practice of detention.

48. With regard to reports that the public prosecutor's office regularly circumvents court orders for the release of pretrial detainees and keeps people in detention after they have completed their sentences, the State would like to inform the Committee that this is a wanton assertion that should be treated with some scepticism.

49. All persons who are arrested are held in known, official locations and are generally not subjected to torture or ill-treatment. If a case of torture is identified, the perpetrator is punished in accordance with the law.

50. The State should like once again to make it clear that the Imbonerakure are not above the law and are certainly not State officials. It is therefore incomprehensible that they should be associated with acts of torture, given the definition of torture set out in the Convention against Torture and article 206 of the Burundian Criminal Code. Those who describe the Imbonerakure ("those who see far" in Kirundi) as a militia are part of a demonization effort that can be attributed to an international conspiracy orchestrated by detractors of the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) Government, with the support of the foreign press. In fact, the Youth League of the National Council for the Defence of Democracy-Forces for the Defence of Democracy has over 4 million supporters out of a population of 12 million, including government officials, business leaders and ordinary farmers, all committed to the unity and development of Burundi.

51. Investigations into these alleged practices have already been launched in some of the country's jurisdictions. For example, case No. RMP 25988/J.Cl was opened at the public prosecutor's office in Mukaza, Bujumbura Mairie, on 6 September 2018 and scheduled to be heard by the court on 6 December 201; and cases were opened at the public prosecutor's office of the Gitega Court of Appeal: case No. RMPG 8079/Ndo, opened on 11 March 2023, and case No. RMPG 8039/N.F, opened on 2 March 2023.

52. The Government of Burundi again informs the Committee that there are no unofficial places of detention and consequently no persons exercising effective control over these alleged places.

53. In addition, the public prosecutors and directors of public prosecution at the appeal courts regularly organize inspections of police holding cells, including those of the National Intelligence Service. All the criminal investigation officers under the jurisdiction of these units are well aware that they have seven days to investigate and close cases. If they need to exceed this deadline, an extension must be granted by the public prosecutor.

54. In Burundi, the term “punishment cell” (*cellule de correction*) is used rather than “solitary confinement” (*isolement*). Whatever the reasons for placement in a punishment cell, the consequences can be serious for those subjected to this measure. This is why the use of the cell is subject to monitoring by an oversight committee. Under the country’s internal prison regulations, punishment cells are to be used for prisoners who have shown poor discipline. The punishment period varies from two to three days and an oversight committee must be set up to decide on any cases that arise.

55. The authorities must also take measures to ensure that the material conditions of detention for persons subject to punishment are equivalent to the prevailing conditions in the place of detention as a whole.

56. Particularly vulnerable categories of detainees, such as children, pregnant or breastfeeding women, women with young children, and persons experiencing mental health disorders, should never be placed in a punishment cell.

57. Statistical data on deaths in custody, including those in police custody, are provided in the table below in response to the question that was asked.¹⁴

<i>Places of detention</i>	<i>Number</i>	<i>Sex</i>	<i>Age</i>	<i>National origin</i>	<i>Nationality</i>	<i>Cause of death</i>
The whole country	58	M	25–60 years	Burundi	Burundian	Accidental fire (44) and chronic illness (14)

58. Following investigations, no cases of death have been found that are attributable to violations perpetrated by State officials or other detainees.

59. On the subject of the authorities responsible for monitoring violence between detainees, places of detention are overseen by the Ministry of Justice via the General Directorate of Penitentiary Affairs of the ministry responsible for public security. In addition to this institutional framework, there is an internal structure run by the detainees under the supervision of prison officials. Articles 17, 18 and 19 of Decree No. 1/24 of 14 December 2017, revising prison regimes, address concerns related to preventive measures.

60. Burundi has made respect for human rights its top priority. Speeches by the highest authorities bear witness to this fact. To this end, visits to places of detention were carried out by the ministry responsible for human rights and the National Independent Human Rights Commission. Data on the visits carried out during this period are set out below.

By the ministry responsible for human rights

<i>Year</i>	<i>Visits carried out</i>
2019–2020	31
2020–2021	32
2021–2022	57
2022–2023	78
Total	Locations visited: 269 people released, including 15 women 197

¹⁴ Ministry of Justice, General Directorate of Penitentiary Affairs.

By the Independent National Human Rights Commission

<i>Year</i>	<i>Number of visits to holding cells</i>	<i>Number of visits to prisons</i>
2019	79	13
2020	189	10
2021	271	6
2022	477	30

Articles 12 and 13

61. With regard to allegations of numerous acts of torture and ill-treatment and extrajudicial executions perpetrated by members of the intelligence service, the police, the armed forces and the Imbonerakure, please see paragraphs 55 and 56.

62. Concerning allegations of sexual violence against women and men being inflicted in police or National Intelligence Service detention facilities, as well as in unofficial detention facilities and public places, no cases have been reported by the authorities and consequently no investigations have been opened.

63. Alleged perpetrators of violence are punished in accordance with the law. If a person, including a senior official, commits any offence, he or she will be punished in accordance with the law and held individually responsible for the offence. This is not the responsibility of the State, which would not have ordered the offence. Moreover, the Government, which spares no effort to protect the population, cannot order officials to perpetrate violence.

64. Compensation is payable by the perpetrator of the violence, in accordance with the law. However, the State has set up mechanisms for dealing with gender-based violence (psychological, medical, legal and judicial assistance and community reintegration) that provide services to victims free of charge.

65. With regard to guarantees against enforced disappearance, the Government of Burundi reaffirms its full commitment to combating enforced disappearances. Burundi investigates every reported disappearance. Thus, Organic Act No. 1/03 of 20 February 2017, on the mission, organization, composition and functioning of the National Police of Burundi, provides for the referral of cases involving allegations of enforced disappearance.

66. All communal and local holding cells and prisons have booking registers that include information on the identity of detainees. This guarantees protection for the fundamental rights of detainees.

67. These registers may be consulted by any interested party at any place of detention, in accordance with current regulations. Rehabilitation centres for minors in conflict with the law also have registers.

68. The General Directorate of Prison Affairs has all the details and centralizes the data on a regular basis.

69. With regard to the taking of steps to ensure that all allegations of violations are referred to a commission [of inquiry], the State informs the Committee that decision on the establishment of a commission of inquiry is taken by the judicial authority of the public prosecutor's office whenever it deems it necessary. The violations committed during the crisis that has racked the country since 2015 have been examined by various commissions of inquiry, as indicated in the report under consideration.

70. The commission of inquiry into the insurrection that began on 26 April 2015 stands out. That commission investigated anyone who was remotely involved in the uprising. The perpetrators prosecuted include civilians, police and military personnel, both high-ranking and lower-ranking, who have all been convicted by the Burundian courts. Case No. RPSA 859 was opened in the Supreme Court and a finding of guilt was handed down. However, some alleged perpetrators escaped justice, having fled the country before being arrested. Burundi deplores the non-execution of the international arrest warrants that have been issued and is still waiting for cooperation from other States for their execution.

71. A commission of inquiry was also set up to look into allegations of extrajudicial killings during fighting that followed the attack on four military camps on 11 December 2015. The commission was established after attacks on four military camps by armed assailants, which were met with resistance from Burundian soldiers who defended themselves and repelled the enemy. Following the fighting, in which some of the assailants died on the battlefield and others were captured, reports were made alleging violations, including the existence of mass graves. The public prosecutor's office therefore set up this commission, which produced a report.

72. Lastly, another commission of inquiry into the Ruhagarika massacres in the Buganda commune of Cibitoke Province was set up to investigate allegations of violations following armed attacks in this locality on 14 May 2018. At the end of the investigations, criminal cases were opened. These are cases No. RMP 11359/GAP, No. RMP 11359 bis-RPC 19, No. RMP 153421/HF and No. RMP 153417/MB.B. Verdicts were handed down in accordance with the Burundian Criminal Code. Among those prosecuted are civilians and high-ranking and lower-ranking police officers and military personnel.

73. The Government informs the Committee that, in addition to the establishment of various commissions, the public prosecutor's offices opened up investigations every time a complaint or allegation was brought to their attention, and prosecutions have been brought in accordance with the law.

74. With regard to the measures taken by the State to ensure that the commissions are independent and not subject to interference, the Government informs the Committee that the commissions were essentially composed of judges from the public prosecutor's office, vested with full powers to arrest and interrogate all persons, including high-ranking members of the defence and security forces.

75. As for the measures taken to ensure that public officials who are alleged perpetrators of violations are immediately suspended from duty for the duration of the investigation, the Government informs the Committee that all alleged perpetrators have not only been suspended, but also arrested and to prevent them from evading justice and putting pressure on witnesses and victims.

76. With regard to guaranteeing adequate compensation for the victims of these violations, the Burundian Code of Criminal Procedure provides that any person who has been the victim of a violation may bring civil proceedings to request compensation. There is also provision for the public prosecutor's office or a human rights association to seek compensation for the victims of violations.

77. With regard to the measures taken to strengthen the capacity and independence of the judicial system, the Constitution of the Republic of Burundi guarantees the independence of judges and provides that they must issue rulings in accordance with the law and their own convictions. The Ministry of Justice has begun recruiting judges on the basis of a competitive examination.

78. With regard to Organic Act No. 1/02 of 23 January 2021, which gives the Supreme Council of the Judiciary the power to monitor the quality of judgments, rulings and other judicial decisions, as well as their enforcement measures, it should first be emphasized that the Supreme Council of the Judiciary "oversees the proper administration of justice. It guarantees the independence of judges in the exercise of their duties". Secondly, "the Supreme Council of the Judiciary is the highest disciplinary body in the judiciary. It hears complaints from individuals or the Ombudsman concerning the professional conduct of judges, as well as appeals from judges against disciplinary measures or complaints concerning their work". Its duties include the quality control of judgments and other judicial decisions.

79. It should be noted that the Council does not have a jurisdictional role, and can under no circumstances modify a judicial decision, as the Constitution clearly states that "justice is dispensed by the courts and tribunals throughout the territory of the Republic in the name of the Burundian people".

80. Given the lack of relevant information in the State party's special report, the Government informs the Committee that the allegations of atrocities committed by young

Imbonerakure affiliated to the ruling party are false. The young Imbonerakure, like all other young people affiliated to approved political parties in Burundi and any other Burundian citizen, are prosecuted for their actions in accordance with the national laws in force.

81. The accusations levelled against the Imbonerakure are nothing more than stigmatization, using information that has not been cross-checked or verified. It should be noted that internal security is maintained throughout the country, in particular through the introduction and operationalization of community-based policing, a modern form of policing that is close to the people.

82. The Government informs the Committee that the use of force is regulated in Burundi, particularly when it comes to firearms, which may only be used as a last resort and other means of recourse are no longer possible. According to article 31(2) of Act No. 1/27 of 29 December 2017, revising the Burundian Criminal Code, force may only be used: “when necessary, which is the situation of a person faced with a serious and imminent threat to himself or herself, others or property or the need to stop a crime or an offence, who commits an act that falls under criminal law in order to safeguard a higher interest than the one sacrificed. The means employed must be proportional to the seriousness of the threat”.

83. Force may also be used “in self-defence, which is the reaction of persons who, when faced with an unjustified act of aggression against themselves or others, perform an act that falls within the scope of criminal law, provided that the means used are proportional to the seriousness of the aggression”.

84. Human rights awareness-raising sessions are organized for police officers, who also receive human rights training in training centres (statistical data).

Article 14

85. With regard to redress and compensation for victims of torture, the Government of the Republic of Burundi informs the Committee that the measures already taken at the time of the consideration of the State party’s second periodic report remain in force. The State remains committed to the legislative intention expressed in article 23 of the Constitution of the Republic of Burundi, which guarantees the right of victims to receive compensation.

86. This commitment can also be seen in articles 349 and 350 of Act No. 1/9 of 11 May 2018, amending the Code of Criminal Procedure, which provides for compensation for victims of torture. However, reparation and compensation are not always provided in monetary terms. There are other forms of compensation, including holistic care for victims of human rights violations.

Article 15

87. With regard to the measures taken to ensure compliance with article 90 of the Code of Criminal Procedure, the Government informs the Committee that this article is still in force, as demonstrated by the cases listed in paragraph 28.

Article 16

88. Regarding the protection of human rights defenders, Burundi spares no effort to protect its citizens, including human rights defenders.

89. As for offences committed during the elections, an electoral act is passed before each election period which specifies that related offences will be punished without distinction.

90. Procedures for disciplining lawyers are governed by the Bar Association’s internal regulations and may involve several stages and sanctions. Under no circumstances may the executive branch in Burundi interfere in the internal organization of the Bar Association. The reasons for the disbarment of the individuals in question are known by the Bar Association. In addition, these persons have been convicted by the courts.

91. With regard to political opponents, there are tripartite agreements on the voluntary repatriation of Burundian refugees living in the United Republic of Tanzania between the Government of Burundi, the Office of the United Nations High Commissioner for Refugees and the United Republic of Tanzania. Awareness-raising sessions on voluntary repatriation

for refugees in the Nduta and Nyarugusu camps in the United Republic of Tanzania have been run in the presence of the parties to the agreements. The last session was held from 30 July to 4 August 2023. During these sessions, which are held in the presence of returnees with a view to raising awareness among others about registering for voluntary repatriation, returnees are given the opportunity to talk about their situation upon returning to their country. Of these, none has spoken of having been intimidated, hunted down or forced to return, and no arbitrary detention or enforced disappearance has been reported by any of the parties to the agreement. No Burundian refugees or returnees have been subjected to intimidation, extortion or arbitrary detention when returning voluntarily to the country. As for security in the camps, this is the responsibility of the host country.

92. Burundi is a calm, stable and definitively reconciled country, to which thousands of refugees have returned voluntarily. We regret that some delegations are still using the language of previous years instead of taking note of recent events in Burundi.

93. We thank the United Nations for withdrawing the situation in Burundi from the agenda of the Security Council. Its inclusion was inappropriate and in violation of the Charter of the United Nations.

94. We recall the return to the country of political opponents, including Alice Nzomukunda, Chairperson of the Democratic Alliance for Change (ADR) political party, Mathias Basaboose, Joseph Ntidendereza, Chairperson of the National Union for Development (ANADE) political party, Anicet Niyonkuru, Chairperson of the Patriots' Council (CDP) political party and Executive Secretary of the National Council for Respect for the Arusha Agreement and the Rule of Law (CNARED), Pancrace Cimpaye, CNARED spokesperson, Manassé Nzobonimpa and Jérémie Ngendakumana.

95. As already mentioned in other reports submitted to the treaty bodies, the phenomenon of homosexuality is a red line for the country, and Burundi has no plans whatsoever to promote it.

96. Burundi is highly hostile to homosexuality, as it is a marginal behaviour that undermines Burundian customs and culture, and many Burundians consider homosexuality to be a curse.

97. Concerning the prevention of attacks on persons with albinism, there are laws and policies that take into consideration the needs of all specific groups, including persons with albinism in Burundi.

98. These include: (i) Act No. 1/28 of 29 October 2014, on the prevention and punishment of trafficking in persons and protection for victims of trafficking; (ii) Act No. 1/13 of 22 September 2016, on the prevention and punishment of gender-based violence and the protection of victims; (iii) Act No. 1/03 of 10 January 2018, on the protection and promotion of the rights of persons with disabilities; (iv) the 2017 Burundian Criminal Code; (v) the Burundian national human rights policy (2018–2023), which includes persons with albinism in the group of persons with specific requirements, such as older persons and minorities.

99. Public awareness campaigns have been conducted in an effort to protect persons with albinism, especially children. Community police have been mobilized to provide special protection to persons with albinism.

100. The Government of Burundi has approved the accreditation of organizations that defend the rights of persons with albinism, including *Albinos sans frontières* (Persons with Albinism Without Borders) and the *Organisation des personnes albinos du Burundi* (Burundian Organization for Persons with Albinism), the purpose of which is to assist persons with albinism in defending their rights. Perpetrators have been prosecuted and punished by the courts.

Other issues

101. In response to the threat of terrorist acts, the State has: (i) implemented the 2017 Criminal Code, which clearly establishes acts of terrorism and bioterrorism¹⁵ as criminal

¹⁵ Articles 637 to 642 of the Code of Criminal Procedure.

offences and, in its articles 641 and 642, prescribes prison terms for any act of terrorism; (ii) ratified the Protocol to the OAU Convention on the Prevention and Combating of Terrorism, Addis Ababa, 8 July 2004; (iii) established, through Decree No. 100/186 of December 2019, a counter-terrorism operations centre to deal with any terrorist act; (iv) implemented Organic Act No. 1/27 of 9 December 2021, amending Organic Act No. 1/03 of 20 February 2017, on the mission, organization, composition and functioning of the National Police of Burundi, article 56 of which provides for the establishment of a central police station responsible for specialized units, including the anti-terrorist police unit that deals with any terrorist acts.

102. The Government has set up a specialized unit within the finance ministry to detect and combat cases of money-laundering and the financing of terrorism, as provided for in article 12 of Act No. 1/02 of 4 February 2008 on the fight against money-laundering and the financing of terrorism.

103. In addition, article 17 (h) of Organic Act No. 1/17 of July 2019, on the mission, organization, composition and functioning of the National Intelligence Service, states that this agency is responsible, among other things, for detecting acts of terrorism.

104. Lastly, other specific measures taken by the State include: (i) reinforcing operational capacities by setting up security mechanisms in key places such as the Bujumbura Melchior Ndadaye International Airport; (ii) strengthening cooperation with other international organizations; and (iii) organizing simulation exercises in all police regions and setting up rapid intervention units in the country's major cities.

105. With a view to enhancing the professionalism of law enforcement officers engaged in the fight against terrorism, the Government of Burundi has continued its efforts to train them by organizing numerous training sessions. Law enforcement officers also receive counter-terrorism training abroad, particularly in Egypt.

106. Four people have been convicted of acts of terrorism under anti-terrorism legislation.

107. On the question of measures taken by the Government during the coronavirus disease (COVID-19) period, the State informs the Committee that: (i) a national multisectoral committee and provincial committees were set up to prevent the spread of the COVID-19 virus; (ii) all public and private services continued to be delivered in accordance with preventive measures against COVID-19 that were put in place, which enabled everyone to go about their business throughout the country; (iii) barrier measures were implemented to prevent individuals and others from contracting COVID-19 (physical distancing in public places, frequent hand washing, the wearing of face masks); (iv) hand-washing facilities with clean water and soap were set up in public places, including places of deprivation of liberty; (v) soap subsidies were provided to improve affordability for all, including vulnerable persons; and (vi) access to information on COVID-19 prevention was improved using different communication channels adapted to each category of the population, including persons with disabilities.

108. In terms of health services: (i) free screening for COVID-19 was offered throughout the country, which enabled all persons living in Burundi, including persons deprived of their liberty, older persons, hospital patients and persons with disabilities, to have easy access to COVID-19 screening and treatment, and allowed for monitoring of positive cases and contact cases, thereby protecting family members; (ii) vaccination against COVID-19 was introduced for any person aged 18 and over who wanted it, including vulnerable populations; (iii) health-care providers were trained in the prevention, screening and treatment of COVID-19; (iv) health-care providers and community health workers were trained in comprehensive monitoring of the disease and responses at all levels; (v) health personnel were trained in infection prevention and monitoring; (vi) materials, diagnostic and treatment equipment and materials and personal protective equipment were distributed to health facilities for the prevention and management of COVID-19 cases; and (vii) space was made available in health facilities for triage and isolation of cases.

109. At the community level: (i) community-based monitoring of COVID-19 was implemented, including active case-finding, tracing and community follow-up of contact cases; (ii) awareness-raising was conducted for community leaders, religious leaders and civil society on compliance with preventive measures against COVID-19; (iii) awareness-raising

was conducted among the population, including persons deprived of their liberty and persons with disabilities (signing deaf persons), on the importance of respecting barrier measures with a view to behavioural change; (iv) infection prevention and control kits were distributed with soaps, masks and disinfectants to households with a positive case; and (v) home visits were carried out to raise awareness of COVID-19 prevention measures and to monitor contact cases.

110. In prisons: (i) prison medical staff were trained in the prevention and management of COVID-19; (ii) awareness-raising sessions were held for non-medical staff and prisoners on the prevention of COVID-19; (iii) to protect persons deprived of their liberty against COVID-19, dedicated treatment areas were set up inside detention centres and new detainees were screened prior to detention, thus reducing the number of COVID-19 cases in these specific environments; (iv) infection prevention and control kits were distributed with soap, masks, disinfectants and medicines; (v) hand-washing facilities were installed in places of detention; (vi) medical staff involved in geriatric care undertook awareness-raising on COVID-19 prevention and compliance with barrier measures; (vii) awareness-raising sessions were held for older persons; and (viii) personal protective equipment such as face masks, soaps and disinfectants were distributed.

Conclusion

111. In the light of the previous report, this report demonstrates that the State has made significant progress in the promotion and protection of human rights in general and in combating torture in particular.

112. Despite the persistence of some challenges, the Government reiterates its commitment to combating torture and respecting human dignity.
