State of Internet Freedom in Burundi 2016

Charting Patterns in the Strategies African Governments Use to Stifle Citizens' Digital Rights

December 2016

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Credits

This research was carried out by the Collaboration on International ICT Policy for East and Southern Africa (CIPESA) as part of the OpenNet Africa initiative (www.opennetafrica.org), which monitors and promotes Internet freedom in Africa.

The report presents the findings of a study on what the government in Burundi is doing to inhibit citizens' access to ICT, for example content blocks, censorship, filtering, infrastructure control, law-making, court cases; using ICT activity and data to monitor citizens; and how government bodies and functionaries are using propaganda, impersonation, threats, cloning, and other tactics to shape online content in their favour. Other country reports for the Democratic Republic of Congo, Ethiopia, Kenya, Rwanda, Somalia, Tanzania, Uganda, Zambia and Zimbabwe as well as a regional State of Internet Freedom in Africa 2016 report, are also available.

CIPESA recognises the contributions of Jean Paul Nkurunziza - Internet Society Burundi Chapter and Alain Ndikumana - Institut des Statistiques et Etudes Economiques du Burundi (ISTEEBU).

Editors
Ashnah Kalemera, Lillian Nalwoga, Juliet Nanfuka, Wairagala Wakabi (PhD)

Design
Ish Designs
muwonge_issa@yahoo.com

State of Internet Freedom in Burundi 2016: Charting Patterns in the Strategies African Governments Use to Stifle Citizens' Digital Rights
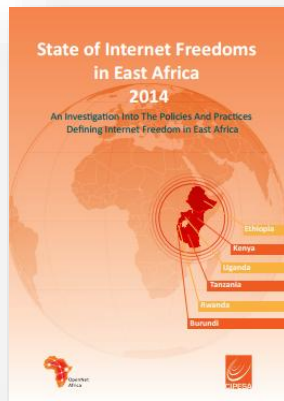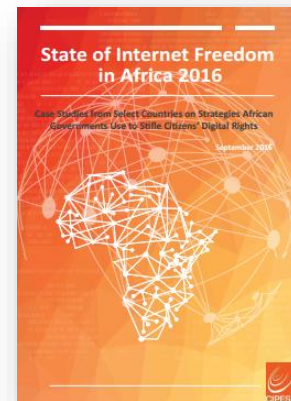Published by CIPESA | www.cipesa.org
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1.   Introduction

Burundi, a small land-locked country in central Africa, is embracing the use of Information and Communication Technologies (ICT) for socio-economic development amidst a turbulent political landscape. However, emerging laws indicate that the government has identified a need to control the use of these digital technologies, increasingly at the cost of freedom of expression and media freedom. Burundi is experiencing turbulent political times characterised by civil unrest, arrests of activists, a clampdown on independent media, and unexplained killings of civilians and activists. This unrest is linked to President Pierre Nkurunziza's decision last year to stand for election for a third term, even though the constitution barred him from doing so.

In order to promote internet freedom in the country, there is a need to understand what the state of internet freedom is, what the obstacles are, which stakeholders are most at risk, and what the tactics the government and other actor use to curtail internet freedom. This report therefore discusses the factors influencing ICT use in Burundi and how laws and policies affect internet freedom. The report focuses on the controls initiated by the government to inhibit citizens' access to ICT, such as internet shut downs, censorship, law-making, court cases against internet users, and surveillance. Further, the report investigates how government bodies and functionaries are using propaganda and online activism to shape online content in their favour. The report concludes with a series of recommendations.

The research results presented in this report focus on recent legal and policy developments, as well as on abuses and violations of internet freedom over the 12 months period to November 2016. To establish trends on strategies used by the government, the study takes an interest in practices over the last five years.

2.   Methodology

The research presented in this report was conducted through a mixed methods approach. Researchers based in Burundi interviewed key informants who were purposively selected. The informants were chosen on the basis of known or presumed knowledge about issues related to or affecting internet freedom in the country. They included activists and human rights defenders that are advancing free expression and association, as well as some of those who had been victims of abuses and violations. Others were internet and telecom service providers, officials from the telecommunication regulatory authority of Burundi and the ministry in charge of ICT. In total, 20 key informants were interviewed for this report.

Policy analysis was conducted to generate an understanding of the laws that affect digital rights. The analysis took an interest both in policies and laws that have been used to curtail internet freedom and those that could potentially be employed in curtailing freedom of expression and access to digital technologies. Besides the existing laws, an analysis was done of relevant Bills currently under consideration by Parliament. Moreover, document review was done, including of open access sources such as media articles and secondary research reports, as well as analysis of records such as court orders and regulatory decisions, some of which are not readily available in the public domain.

3.   Country Context

3.1   ICT Access

Burundi has a population of 11 million inhabitants, more than 48% of whom are under the age of 16 years, according to the National Institute of Statistics of Burundi.[1] The adult literacy rate stands at 86%[2], while the agriculture sector is the main employer with 90% of the population working in this sector.[3]

The country is connected to undersea fibre optic cables that run along the east African coast. The Burundi Backbone System,[4] run under a public-private partnership comprising Burundian telecom companies and the government, with support from the World Bank, has laid a fibre optic backbone in 17 of the country's 18 provinces, covering a distance of 1,250 km.[5] In addition, Viettel, a Vietnamese company which has since 2014 operated in Burundi under the name Lumitel, has laid over 5,000 km of fibre, according to a company official.[6] As of June 2016, mobile phone penetration stood at 47% of the population[7] while the internet penetration rate was estimated at 7.2%, enabled by 11 internet service providers (ISPs) and four mobile phone operators: Lacell, Onatel, Ucom and Viettel.[8] The state-owned Onatel and Viettel also offer landline services.

The average daily cost of 1GB mobile internet across operators is Burundian Francs (BIF) 1,000 (US$ 0.60). According to the regulator, costs of voice calls on the same network vary from BIF 96 (US$0.06) to 168 BIF (US$0.10) per minute while off-net calls range from 150 BIF (US$0.09) to 210 BIF (US$ 0.12) per minute. Burundi does not have a Universal Service Fund but provisions within the National ICT Policy Plan for 2010-2025 call for ensuring rural connectivity.[9]

3.2   Media Environment

According to the ARCT, as of July 2015, Burundi had 30 licensed radio stations and three TV stations with Radio Television Nationale du Burundi (RTNB) the only one owned by the state. During the April/May 2015 coup attempt, the premises that housed five independent radio stations - Radio Publique Africaine, Radio Television Rema, Radio Isanganiro, Radio Bonesha FM, and Radio Television Renaissance – were destroyed. Radio Isanganiro and Rema have since re-opened after being authorised by the National Communication Council (CNC).[10] Before the coup attempt, CNC figures showed that there were 14 online newsletters, among them Iwacu (http://www.iwacu-burundi.org/), Net Press (http://netpress.bi/), and Igihe (http://www.igihe.bi), and 39 print newspapers.

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1 Institut des Statistiques et d'Etudes Economiques du Burundi, http://www.isteebu.bi/index.php/economie-en-bref
2 UNESCO, National Literacy Programme, http://www.unesco.org/uil/litbase/?menu=13&programme=161
3 World Bank, Burundi Country Overview, Jan 12, 2015, http://www.worldbank.org/en/country/burundi/overview
4 See Burundi Backbone System at http://bbs.bi/
5 ARCT, Summary of some key ICT sector statistics in Burundi, http://www.arct.gov.bi/images/statistique/donneestati.pdf
6 Interview with Lumitel official, November 15, 2016
7 ARCT, Telephone Market Second Quarter 2016, http://www.arct.gov.bi/images/observatoire/obset2.pdf
8 ARCT, Summary of some key ICT sector statistics in Burundi, http://www.arct.gov.bi/images/statistique/donneestati.pdf
9 See Politique Nationale De Developpement Des Technologies De L'information Et De La Communication Du Burundi (2010-2025), http://www.burundiconference.gov.bi/IMG/pdf/Politique_Sectorielle_TIC-3.pdf
10 Réouverture de deux medias sur 7 fermés le 14 Mai 2015, http://www.isanganiro.org/spip.php?article10840

Presently, many Burundians rely on online-based news by journalists in exile for independent news, following the unrest that saw the burning of radio stations and a clampdown on independent media that forced numerous journalists to flee into exile.[11] Because Burundi's media operate in a turbulent political climate, they are subject to self-censorship and occasional government censorship.[12] The country is experiencing growing insecurity and continuing violence, including numerous human rights abuses.[13]

3.4   Laws and Policies Affecting Internet Freedom in Burundi

The right to information is not explicitly provided for in Burundi's constitution of 2005, but freedom of expression and freedom of opinion are guaranteed in Article 31 of the constitution. Article 28 of the constitution guarantees the right to privacy of personal communications although it does not make explicit mention of online communication. Under Article 285, the constitution provides for establishment of a National Communication Council (NCC) to ensure freedom of the press, freedom of expression and of opinion. The Council was set up under the Law No 1/03 of 24 January 2013.

The Press Law No 1/15 of 9 May 2015 covers all types of communication, radio, television, cinematography, print, on internet and all public or private media, according to its Article 1.[14] This law amended the Law No 1/11 of 4 June 2013, which was contested by journalists in the local constitutional court and the East African Court of Justice for infringing media freedom. In January 2014, the Constitutional Court squashed several provisions from the law, leading to the enactment of the new law in 2015.[15] The new law requires the NCC to provide justification for refusing to accredit a journalist or cancelling an accreditation. Moreover, an aggrieved journalist can challenge the NCC's decisions in courts of law. These two provisions were absent from the earlier version of the law. The new law also removed hefty fines earlier imposed on media for reporting deemed lacking balance and accuracy. According to Jean Claude Kavumbagu, director the independent online news magazine Net Press, the new law is a triumph for Burundian journalists.

Lawful interception of communications is provided for under Article 92 of the Law No. 1/10 of 3 April 2013 on the reform of the Code of Criminal Procedure.[16] As per this article, an authorised officer has the right to surveil a person's communications including telegrams, letters and any other objects but only if this is essential to the establishment of the truth during a criminal investigation. This law makes no explicit mention of digital or online communications. Whereas the Law No 1/011 (1997) obliges communications service providers and their staff to protect the privacy of their subscribers, Article 24 of same law requires service providers to provide confidential information upon demand, if that demand is proven to be lawful as per the mandate of the telecommunications regulatory authority, ARCT. Additionally, Article 40 provides for punishment of any staff member of a service provider that violates the confidentiality of communication.

Since September 2011, mobile phone operators are obliged to register all their subscribers in a purported bid to maintain national security. Subscribers are required to provide their national identity

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[11] Julia Steers, How Burundi's activist journalists fill a news void using Facebook and WhatsApp, February 23, 2016, http://qz.com/622660/how-burundis-activist-journalists-fill-a-news-void-using-facebook-and-WhatsApp/

[12] BBC, Burundi country profile, http://www.bbc.com/news/world-africa-13085064

[13] UN, Burundi: Chronology of events, http://www.securitycouncilreport.org/chronology/burundi.php

[14] Article 1 of the law, http://assemblee.bi/IMG/pdf/15%20du9%20mai%202015.pdf

[15] Constitutional Court quashes several repressive provisions of Burundian media law, http://www.ifex.org/burundi/2014/01/08/articles_quashed/

[16] See the revised Code of Criminal Procedure here: http://www.assemblee.bi/IMG/pdf/n%C2%B01_10_2013.pdf

card number, a passport photograph and full address. Telecom service providers are also required to disclose this user data to competent legal authorities.[17] Like many other African countries, Burundi does not have data protection and privacy legislation. The absence of such a law, coupled with mandatory SIM card registration, makes users' information vulnerable to abuse by both service providers and state actors.

On March 17, 2016, the Ministerial Law No 540/356 was adopted with the objective of addressing fraud in electronic communications.[18] Article 1 of the law prohibits the possession of two SIM cards from one telecom operator. Any user requiring two SIM cards from one telecom operator has to be authorised by the ARCT. Article 3 obliges mobile operators to verify that subscribers use the exact SIM card they registered. Also, Article 3 obliges mobile operators to "take all the necessary measures" to verify if SIM card users are the "real subscribers" and if they detect an anomaly, to block the SIM card. Failure to comply with this article may result in the operator facing a fine of 5 million Burundi Francs (US\$ 2,967). Although the online news site Iwacu criticised the law terming it "a roundabout way of putting us under monitoring"[19] the Director of ARCT defended it, stating that after discussions between his organisation, the police, the secret services and telecom operators, it had been established that most of the fraud in the country was perpetuated by individuals that owned more than one SIM card.

Under Article 5 of the same law, the regulator and its Technical Partner[20] are authorised to request from operators information necessary to fight fraud. Among others, service providers have to provide a secured web application to the regulator, allowing the latter to have access to end users' register.[21] This Article makes it easy for government to conduct surveillance. The surveillance is further enabled by Article 6, which states that, should a case of fraud be detected, the operator has to divert all the outgoing calls of the suspected offender to a voice server whose number would be communicated by the regulator. The regulator or its technical partner would check if the operator has performed the requested action within four hours. Should the operator fail to comply with the requested actions, a fine of two million Burundi Francs (US\$ 1,190) shall be applied for each hour of delay. Furthermore, Article 9 grants the regulator and its technical partner the right to demand from ISPs the identity and other details of an internet service subscriber, including an IP address. Further, the article hands the regulator and its technical partner the right to install probes for IP control in the installations of ISPs. However, in an interview, a high-ranking officer in charge of technical services at a leading ISP revealed that no request to install probes had been received from the regulator as of November 2016.[22] It is unclear whether this is the case for other ISPs.

Meanwhile on May 26, 2015, Burundi promulgated the Law 100/166 that imposes a single gateway for all incoming and outgoing telecom traffic from Burundi. On August 26, 2015, the president issued a decree[23] granting exclusive rights of managing the gateway to a Turkish company named

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[17] ARTC, ICT Consumer Rights and Obligations, http://www.arct.gov.bi/index.php/droits-et-obligations-du-consommateur-tic

[18] A version of the law is available here: http://www.arct.gov.bi/images/image0008.pdf

[19] Fabrice Manirakiza, March 31, 2016, Lutte contre la fraude ou mise sur écoute des abonnés? http://www.iwacu-burundi.org/lutte-contre-la-fraude-ou-mise-sur-ecoute-des-abonnes/

[20] The law repeatedly mentions the "technical partner" but does not state who this is. Nonetheless, ARCT defines a technical partner as anyone who has received an operating license from ARCT and has the necessary equipment that meets international standards.

[21] Under Network Switching Systems, the relevant registers are known as Home Location Register (HLR) and Visitor Location Register (VLR). The law allows the regulator to access both the HLR and the VLR.

[22] Interview with official of a privately-owned ISP in Bujumbura, November 2016

[23] See: http://presidence.gov.bi/IMG/pdf/decret_15.pdf

International Telecom Services (ITS).[24] In November 2016, an ARCT official said the company was not yet operational in Burundi.[25]

4. Results

4.1 Internet Blockages

In April 2015, protests erupted in Burundi against President Nkurunziza's bid for a new term in office. Social media networks such as Twitter, WhatsApp, and Facebook were blocked on mobile devices on April 29, 2015 following a directive from the Regulator.[26] However, it is unclear where the shutdown order originated from. A high-ranking official of the regulator, ARCT, said in an interview that during the protests, the director of ARCT received a verbal order from the national secret services to ask telecom operators to shut down social media. This official explained that this directive was thereafter given to all telecom operators in a meeting at ARCT offices.[27] The reason for the shutdown, according to the anonymous ARCT official, was that "people were using those social media to spread dangerous rumours and helping protesters to organise their movements, which could endanger national security." Indeed, with just less than 10% of Burundians access the internet, the protesters were able to use social media to quickly communicate and mobilise.[28]However, social networks were available on fixed Internet connections.[29]

During the blockage, many users adopted the use of Virtual Private Networks (VPN) to bypass the blockage.[30] The block was lifted on May 13, 2016. In an interview with a telecom operator, it was revealed that the regulator simply phoned and ordered them to unlock access to the social media platforms. This was again confirmed by an official at ARCT, during the course of this research. No official documents both online and in hardcopy about this blockage or the lifting of that blockage have been seen in the course of this research. With persisting political unrest in Burundi, it is conceivable that in the coming months the country could again order a blockage to some parts of the internet, notably social media, particularly if what is left of the political opposition in the country calls mass for demonstrations.

4.2 Surveillance Strategies

Whereas the extent of surveillance is not known, recent laws such as the Law No. 1/10 of April 3, 2013 on the reform of the Code of Criminal Procedure and the Ministerial Law No 540/356 of 2016 greatly widened the latitude for surveillance by state agents. Notably, recent events such as the arrest of WhatsApp users suggest that government has informers that snoop on social media groups. In addition, the government had steadfastly propagated the notion that it can access citizens' private communications.

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[24]ITS Telecom, www.itstelekom.com

[25] Interview with an ARCT official, November 2016

[26] Protest-hit Burundi cuts mobile social network access, http://www.thesundaily.my/news/1399504

[27] Interview with ARCT official, October 14, 2016

[28] Despite low Internet Use, Burundi Blocks Viber and WhatsApp, https://www.eff.org/deeplinks/2015/04/despite-low-internet-use-burundi-blocks-viber-and-WhatsApp

[29] Burundi : Twitter, Facebook et WhatsApp inaccessibles sur mobiles à Bujumbura, http://www.jeuneafrique.com/230700/politique/burundi-twitter-facebook-et-WhatsApp-inaccessibles-sur-mobiles-bujumbura/; http://fr.canoe.ca/techno/mediassociaux/archives/2015/04/20150429-090058.html

[30] In Burundi, the coup attempt directly with bloggers Yaga Burundi
En savoir plus sur http://www.lemonde.fr/afrique/article/2015/05/14/au-burundi-la-tentative-de-coup-d-etat-en-direct-avec-les-blogueurs-de-yaga-burundi_4633538_3212.html#T4ZTG3CllWPUsZlK.99,

On August 20, 2016, some 56 individuals said to belong to a WhatsApp group were arrested in a club in the centre of the capital Bujumbura.[31] Pierre Nkurikiye, spokesperson of the National Police of Burundi, took to Twitter to accuse the group of spreading defamatory and abusive statements on the social network.[32] According him, those individuals physically met in order to plan a new defamation campaign, and the police which had been informed about the meeting point, "caught the group by surprise". Nonetheless, the spokesman alleged that "the crime" of spreading false information had caused chaos in the country, prompting some citizens to flee from their homes due to "rumours and misleading information" propagated by WhatsApp groups and other media.

Subsequently, 46 of those arrested were released but eight remained in the central prison of Bujumbura over charges of slander and defamation against public officials and institutions.[33] The arrest was widely condemned, with Innocent Muhozi, Chairperson of Observatoire de la Presse Burundaise, stating that "authorities are not trying to fight against rumours, but against the journalists in exile who continue to get and share information about Burundi online." WhatsApp has become a major source of news on social and political developments in Burundi, following the clampdown on independent print and broadcast media. Alexandre Niyungeko, an exiled journalist who created the online Radio Inzaba, noted that, even in the face of arrests of WhatsApp group members, Burundians had no choice but to continue using the messaging service. Besides using the service to share updates on issues like the security situation, according to Niyungeko, users download online news editions and share them via WhatsApp.[34]

Earlier in May of 2016, the public security minister had warned against the misuse of social networks and said the police had instituted measures to fight cyber criminality.[35] This was not the first such warning. On January 7, 2014, ARCT issued a notice warning the public against transmitting SMS and anonymous calls that could fuel tensions. The notice came at a time when opposition leaders were mobilising, including via SMS, for mass protests against proposed constitutional amendments. The communications regulator stated that it would work with service providers "on cooperation mechanisms in the traceability" of communications.[36] To-date, there is no evidence that any citizen was arrested over transmitting an SMS or phone call. There is nonetheless increasing concern by citizens when it comes to state surveillance of their communications. The 2015 report on the State of Internet Freedom in East Africa showed increased fears by journalists and activists who highlighted cyber security concerns such as 'stolen passwords' or change of their passwords by unknown actors and interception of their communications.[37]

During the electoral period of 2015, ISPs providing non-mobile Internet access were reportedly contacted by secret services and asked to monitor users who were considered to be fueling the protests and block them, according to an informant who works with an ISP, who was interviewed for this research. According to this official, some ISPs responded that they did not have the capacity to monitor users.

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[31] RFI, Burundi: arrestation des membres d'un groupe de discussion WhatsApp, http://www.rfi.fr/afrique/20160824-burundi-arrestation-groupe-WhatsApp-communication

[32] See: https://twitter.com/PierreNkurikiye/status/767321566174666752

[33] *LIGUE-ITEKA, Quarterly bulletin of the Burundian League of Human Rights, July-September 2016,* http://www.ligue-iteka.bi/images/Bulletin/Bulletintrimestriel.pdf

[34] DW, "On va continuer à utiliser WhatsApp", http://www.dw.com/fr/on-va-continuer-%C3%A0-utiliser-WhatsApp/a-19507309

[35] Bujumbura met en garde les cybercriminels, http://www.iwacu-burundi.org/bujumbura-met-en-garde-les-cybercriminels/

[36] ARCT, Communiqué de presse, January 7, 2014

[37] CIPESA, State of Internet Freedom in East Africa 2015, http://cipesa.org/?wpfb_dl=193

4.3 Arrest and Intimidation of Journalists and Social Media Users

Arrests and intimidation of journalists has been used as has been orders for blockage of online content. Print, broadcast and online journalist all face regular intimidation and harassment by state authorities. Regarding online journalists, Jean Claude Kavumbagu, editor of the online newspaper Net Press, was detained for 10 months between July 2010 and May 2011 as a result of an article that criticised the ability of Burundi's security forces to defend the country against terrorist attacks. He was charged with treason and defamation under the 2003 Press law. Throughout his detention and trial, the Net Press website remained accessible. As of September 2016, the article in question, published online on July 12, 2010, was still available on the Net Press website.[38] Prior to 2010, Kavumbagu had been arrested and imprisoned five times over content published on his online newspaper.[39]

A more recent incident was the May 31, 2013 order handed to Iwacu, a print newspaper with an online presence, to shut down its website (www.Iwacu-burundi.org/) for a period of 30 days. In making the order, the CNC argued that comments posted on May 28 and May 29, 2013 were defamatory against official institutions and violated Articles 10 and 50 of the Press Law of 2003 regarding "attacks on national unity, public order and security, inciting ethnic hatred, defending criminal activity and insulting the head of state." The CNC chairperson, Pierre Bambasi, was quoted as saying, "We cannot have individuals or groups screaming abuse on the internet, stirring up ethnic hatred, talking of taking up arms and urging the people to rise up."[40] Article 10 of the 2003 law, under which Iwacu was sanctioned, prohibited journalists from publishing any information prejudicial to national unity, public security, morality, and national sovereignty. Meanwhile, offenses under Article 50 were punishable by six months to five years imprisonment and a fine of BIF 100,000 to BIF 300,0000 (US$ 60 to US$ 178). The Iwacu management contended that the blockage decision did not specify the alleged defamatory comments although it promised to improve filtering mechanisms within three weeks.[41] Ultimately, Iwacu suspended publication of any articles on the whole website for 30 days before being reinstated. It continues to publish to-date.

Following the failed coup in May 2015, operations of several independent radio and television stations were interrupted and some remain off air. The offices of Net Press, an online news publication sharing physical office space with Radio Bonesha, were inaccessible for at least a week during the coup period. "I was forbidden by police agents from entering into my offices when I came at work in the morning of 14 May 2015. The police had even put its lock on the main door of the office and all my working tools were inside. The police had no written permission neither from the National Communication Council, nor from the Attorney General," Kavumbagu, Director of Net Press, said.

Esdras Ndikumana, a journalist working for the French international news agencies RFI and AFP, fled to exile in Kenya in August 2015 after reportedly being beaten up by security agencies for taking photographs of a murdered army officer, Major General Adolph Nshimirimana. A May 2016 communiqué by the Ministry of Public Security named Ndikumana as contributing to the spread of hatred by practicing partial journalism.[42] That communiqué also condemned some activists on social

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[38] Une intervention militaire controversée qui en rappelle une autre,
http://burundi.news.free.fr/actualites/netpressprison.html
[39] PEN, Jean-Claude Kavumbagu, https://pen.org/defending-writers/jean-claude-kavumbagu
[40] RSF, Media regulator suspends comments on press group's website, May 31, 2013,
https://rsf.org/en/news/media-regulator-suspends-comments-press-groups-website
[41] Iwacu, Memorandum d'information sur la Décision du Conseil National de la Communication (CNC),
http://www.Iwacu-burundi.org/wp-content/uploads/Memorandum.pdf
[42] VOA, Le gouvernement burundais accuse le journaliste Esdras Ndikumana de "penchant",
http://www.voaafrique.com/a/burundi-le-gouvernement-accuse-le-journaliste-esdras-ndikumana-de-penchant-/3356073.html#

networks.[43] There are many other cases of threatened journalists in Burundi. According to Reporters Sans Frontières (RSF), the extent of control and intimidation of popular personalities and media practitioners continues into neighbouring countries where some live in exile. It cites the example of Boaz Ntaconayigize, a journalist of Bonesha FM in exile in Uganda who was stabbed on July 31, 2016.[44] Nonetheless, many journalists who fled the country during the coup continue to work using online platforms to provide reporting that is critical of the government.[45]

4.4   Online Propaganda and Digital Activism

Since 2015, Burundians have been caught in crossfire online and offline between supporters of President Nkurunziza and those opposed to him. There has been an increase in fake news online about the country's political turmoil, with some stories appearing to readers to be correct.[46] In January 2016, France 3 became a victim to online fake news in Burundi when it broadcast video footage of alleged massacres of people opposed to the government.[47] After analysis, it was discovered that the images had been taken in Nigeria and that the language spoken on the video was unknown in Burundi. The France 3 channel issued a public apology to the Burundi government.[48]

The government has itself taken to Twitter to counter critical information, and provide its side of the story, which some observers mostly term as propaganda.

Below is an overview of some government online accounts and those belonging to critical actors that have been actively involved in online engagements as of September 2016

Twitter handle	Account holder/Administrator	Number of followers
Pro- presidential term extension Government Twitter Accounts		
@willynyamitwe	Willy Nyamitwe, Advisor Media and Communication at Burundi Presidency	36,574
@GAbayeho	Gervais Abayeho, spokesperson of the President of Republic of Burundi	2,068
@PierreNkurikiye	Pierre Nkurikiye, Public Information Officer at Burundi National Police	3,319
@baratuza2000	Col. Gaspard Baratuza, Spokesperson of the Ministry of National Defense	6,774
@AShingiro	Ambassador Albert Shingiro, Permanent Representative of Burundi to the United Nations	5,991

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[43] Les actes criminels constatés sont des règlements de compte entre Particuliers, http://www.burundi.gov.bi/spip.php?article1071

[44] RSF, Burundi: les journalistes sous la menace du régime, même en exil, https://rsf.org/fr/actualites/burundi-les-journalistes-sous-la-menace-du-regime-meme-en-exil

[45] The Guardian, Burundi turns to WhatsApp as political turmoil brings media blackout, https://www.theguardian.com/global-development/2016/jun/14/burundi-turns-to-WhatsApp-as-political-turmoil-brings-media-blackout

[46] France 24, Photoshop et faux documents : guerre de com' sur les réseaux sociaux au Burundi, http://observers.france24.com/fr/20160224-photoshop-facebook-twitter-guerre-communication-reseaux-sociaux-burundi

[47] France 24, Erreur de France 3 sur "des images de massacre au Burundi", http://observers.france24.com/fr/20160114-erreur-france-3-images-massacre-burundi

[48] Agence Bujumbura, Massacre au Burundi : Le « Soir 3 » s'excuse pour la diffusion d'une vidéo amateur à l'origine douteuse, https://agencebujanews.wordpress.com/2016/01/16/massacre-au-burundi-le-soir-3-sexcuse-pour-la-diffusion-dune-video-amateur-a-lorigine-douteuse/

Twitter handle	Account holder/Administrator	Number of followers
@nyamitwe	Ambassador Alain Aimé Nyamitwe, Minister of External Relations & International Cooperation	5,408
@nancymutoni	Nancy Ninette Mutoni, Senior Advisor, Media and Communication at 1st Vice Presidency of Burundi; National Secretary in charge of Information & Communication at the ruling party @CnddFdd	6,706
@KARERWA1	Karerwa Ndenzako, Deputy Spokesperson for the President of the Republic of Burundi.	3,169
Anti- presidential term extension accounts		
@htmburundi	Belongs to the "Citizens' Movement" or "Campaign Stop third Term"	599
@pnininahazwe	Pacifique Nininahazwe is a human rights defender and is one the leaders of the Citizens' Movement	26,729
@VitalRuyaga	Vital Nshimirimana, a human rights defender and one of the leaders of the Citizens' Movement	5,307
@basindumuja	An online platform for the "Sindumuja" (I am not a slave) activists	1,130
Leaders of opposition parties		
@AgathonRwasa	The account is run by staff of Urunani coalition made up of supporters of Hon. Agathon Rwasa, head of a coalition of political parties called "Amizero y'aBarundi	2,233
@cnaredburundi	The National Council for the Restoration of Arusha Peace Accord (CNARED) is composed mostly by opposition politicians living in exile	4,102
Newly Created Armed Groups with an online presence		
@forebu_emg	Identified as belonging to the armed group called "Republican Forces of Burundi (*Forces Républicaines du Burundi*)	2,412
@Red_Tabara	Identified as belonging to the armed group called Red-Tabara	1,868

Inevitably, some of the content that appears on the Twitter accounts of both government officials and the opposition is often false. A recent example was an August 16, 2016 tweet from Jeff Rukandingona (@jabaga70), a government supporter, claiming that Pierre Claver Mponimpa, a human rights activist who had gone into exile after being shot in Bujumbura in August 2015, had returned to the capital. The tweet was accompanied by a picture of a man who looked like Mbonimpa, and it added that his return to the country was a sign of peace and security.[49] However, on the same day, Mbonimpa's daughter Zygène Mbonimpa, confirmed that this was false information, when she tweeted that, "@jabaga70 ikinyoma cambaye ubusa" meaning "this is not true."[50] There are also sites, such as Burundi 24 and Ikiriho.org, which activists say are the main propagators of information in support of the government.

In a bid to counter government driven propaganda, journalists from the RPA have started to broadcast an online audio news edition called "Humura - Burundi" via the website www.rpa.bi which is also available on short wave radio. Similar to Humura –Burundi is the "Inzamba" website (www.inzamba.org) which contains content filed by journalists. Other journalists initiated the "SOS Medias Burundi", an organisation that uses social media tools, mostly Facebook and Twitter, to

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[49] See https://twitter.com/jabaga70/status/765496432510001152
[50] See https://twitter.com/7ef05b38eee846e/status/765533214819676160

broadcast news critical of the government. These counter-propaganda sites are closely linked to opposition figures who are mostly living in exile since mid-2015.

Furthermore, in order to advance freedom of expression and fight against censorship in Burundi, some citizens are holding online campaigns. Following the disappearance of Iwacu journalist Jean Bigirimana in July 2016, citizens took to Facebook[51], Youtube[52] and Twitter to call for his release under the hashtags "#FreeJeanBigirimana" and #findingjean#. The campaign followed an announcement from Iwacu, who alleged to have received an anonymous call from the journalist's friend informing them of his arrest by Secret Service members of Muramvya province.[53] However, in a tweet dated July 25, 2016, the police spokesperson denied this allegation, further calling upon the journalist's family to help police in its missing person investigations.[54] The journalist's disappearance was widely condemned by Iwacu director Antoine Kaburahe, who called for the police to conduct its operations in a lawful manner, suggesting that the journalist may have been kidnapped.[55] As of September 2016, the whereabouts of Bigiramana remained unknown.

The hashtags #FreeKigingi" and "#RekuraKigingi" trended online in a show of solidarity with Kigingi while also calling for his release following his arrest for "insulting the president" in March, 2016. In June 2015, Alfred Aubin Mugenzi, a popular comedian (also known as Kigingi) performed a sketch on President Pierre Nkurunziza in Kigali, Rwanda. The theme of the sketch was that President Nkurunziza, who is a passionate football player, had refused to leave a football match after receiving two yellow cards. Kigingi was arrested by the national intelligence service known as *Services Nationaux de Renseignement* (SNR) ten months later, following his return to Burundi. His arrest was confirmed by a senior officer at the SNR.[56] Kigingi was freed on April 1, 2016 without being charged in court.

5.   Discussion

The 2015 Burundi constitution recognises citizens' rights to freedom of expression, opinion, and privacy. However, it makes no explicit mention of the Internet and its use nor is there any mention of online rights. Although the Council of Ministers in July 2011 adopted the National ICT Development Plan 2010-2015 with the vision of "access to ICTs for all in order to accelerate the socio-economic development" of the central African country, this plan remains very ambitious, as internet penetration remains low at less than 10% of the population.

The National Communication Commission and the intelligence service are among the bodies at the forefront of trampling freedom of expression, including curtailing internet freedom. Burundi has used a gamut of measures to curtail online expression – law making, internet shutdown, order of website blockage, arrests and intimidation of journalists and social media users, among others. Amendment to retrogressive provisions in the 2013 press law that led to the new law (Law No 1/15 of 9 May 2015) provide some hope for press freedom in the country – but only if the government respects the law, which it does not. Nonetheless, the amendments show that media and rights activist's advocacy efforts can score in pushing for respect of free speech.

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[51] See https://www.facebook.com/search/top/?q=%23freejeanbigirimana

[52] #FreeJeanBigirimana https://www.youtube.com/watch?v=rqPt8TTuyS4

[53] Alert - Jean Bigirimana, Iwacu journalist arrested and detained in an unknown location, http://www.iwacu-burundi.org/alerte-jean-bigirimana-journaliste-diwacu-arrete-et-detenu-dans-un-lieu-inconnu/

[54] See https://twitter.com/PierreNkurikiye/status/757673926055043072

[55] See http://yaga-burundi.com/2016/08/01/signifie-lenlevement-journaliste-jean-bigirimana/

[56] Burundi: arrest of comedian Kigingi, http://www.rfi.fr/afrique/20160401-burundi-arrestation-humoriste-kigingi-alfred-aubin-mugenzi

The press law specifically controls online media, and was used in 2013 as the basis for ordering Iwacu to cease publishing reader's online comments for a month. Although the Ministerial Law No 540/356 of 17 March 2016 seeks to address electronic fraud, it instead widens the scope for surveillance and delineates intermediary liability. Together with the reforms made to the Code of Criminal Procedure in 2013 and the Law 100/166 that imposes a single gateway for all incoming and outgoing telcom traffic in Burundi, there is wide latitude for surveillance by state agents.

These laws supported by direct and passive attacks on the media have contributed to the perception of surveillance among Burundi citizens leading to limited freedom of expression while also increasing self-censorship. Nonetheless, citizens are fighting back on these crackdowns through use of digital security tactics like encryption to protect their privacy online while also engaging in digital activism for better governance in the country. The case of Burundi also shows that during political tensions, citizens and government officials ramp up the use of ICT particularly social media for deliberation and mobilising support. This is seen in the rise of online propaganda platforms used by both parties as they seek to dominate and shape the online narrative. As shown in the sections above, this has led to the spread of false news that could threaten legitimate online discussions.

Ultimately, it is the ordinary Burundi citizen who loses out when access to the internet is limited both in terms of a lack of actual connectivity and indeed, in the absence of accessible content due to shutdowns or self-censorship and limited opportunity to freely engage with the state while demanding accountability and transparency.

6. Recommendations

6.1 Government

The government should pursue multi-stakeholder consultations with stakeholders such as civil society organisations, telecom operators, ISPs, academia, media and end-users prior to enacting laws and policies relevant to ICT use and online freedom. Further, the Government of Burundi should develop and enact a data protection and privacy law following a multi-stakeholder process.

The government should desist from ordering internet shutdowns as it they violate citizens' right to information and freedom of expression guaranteed in the Burundi constitution. Government should instead utilise internet platforms as avenues for engagement with citizens in addressing their concerns.

6.2 Telecom Companies and ISPs

Service providers must protect subscribers' data and privacy and be more transparent by releasing government user data request reports. The documentation of data requests made by the state is key in determining whether lawful data requests are being made and with legitimate reason. Telecom companies and ISPs should also join other digital rights stakeholders in advocating for respect of users' rights to privacy, free speech and access to information.

6.3 End users

End users need to refrain from hate speech and cyber bullying. Information, messages, audios, videos that incite hatred, divisions of any kind (ethnic, religious, racial, regional, sexual, etc.) must not be diffused online. Users need to develop a culture of verifying information shared especially on social media before sharing it onwards. Users are also urged to acquire digital safety skills.

6.4 Civil society organisations

Civil society should collaborate with other partners in conducting sensitisation campaigns to protect end users' privacy and security online. Further, civil society should also conduct media literacy campaigns for end users and help social media users to find means of verifying information they receive.

6.5 Media

The media should conduct educational campaigns about online safety and privacy, including informing the general public about violations of internet freedom and the legislative environment.

6.6 Academia

Academics should conduct research in order to provide best practices on how to advance freedom of expression and the free flow of information online, in law and in practice. Overall, regional, sub-regional and international bodies should join efforts in urging the Burundian government to stop intimidation and arrest of political dissidents by implementing legal and regulatory frameworks that respect citizens' rights as guaranteed in the Burundi constitution and international human rights instruments.

This report was produced by the Collaboration on International ICT Policy in East and Southern Africa (CIPESA) under the OpenNet Africa initiative (www.opennetafrica.org) which monitors and promotes internet freedoms in a number of African countries including Ethiopia, Kenya, Rwanda, Burundi, Tanzania, Uganda and South Africa. As part of the project, we are documenting internet rights violations, reviewing cyber security policies and how they affect internet freedoms, promoting information availability and conducting awareness-raising.