

I. Summary

In October 2007 officers of the Burundian national police (*Police Nationale du Burundi*, PNB) illegally detained at least 22 persons in Muramvya province, most for periods of a few days but some for up to three weeks. Security police beat detainees with clubs and batons at a temporary police post established at a health center. At least two men were subjected to mock executions.

Additionally, members of the same police unit subjected residents to public beatings. In four cases reported to Human Rights Watch, this was in response to residents' questioning police conduct. In another case, that of a police officer, it came after he spoke out about torture.

After Burundian human rights monitors reported the abuses, local officials intervened to limit police excesses, freeing some detainees immediately and transferring others to an official jail from where they were subsequently released. Not a single detainee was charged with a criminal offence. Shortly afterwards the police unit responsible was transferred back to the capital, Bujumbura.

Subsequent action to identify and investigate the perpetrators of human rights violations has been slow and inadequate. A police inquiry into the police misconduct was initiated only several weeks after the events and was subsequently abandoned, with no disciplinary action taken against any officer. The officer in command of the unit has since been promoted. Three victims submitted criminal complaints to the Muramvya Prosecutor in late October, but for over a month, no action was taken to investigate the complaints. Judicial investigations against three police officers were initiated only after an international NGO offered legal support by preparing collective complaints on behalf of 13 victims. Despite the gravity of the charges against them, those officers have remained in service and in direct contact with the population while the investigations are carried out. The authorities' reluctance to take action against the perpetrators is consistent with a wider failure of the authorities to hold the perpetrators of human rights abuses accountable, and points to the continuing challenge of impunity in Burundi.

The Burundian government must take immediate steps to end the climate of impunity that allows police officers to act outside the law. Human Rights Watch is calling on the authorities to bring police officers alleged to be responsible for human rights abuses in Muramvya promptly to justice. In addition, the authorities should ensure that effective procedures are put in place to combat ill-discipline and that all officers are given adequate training, including in human rights standards.

Formally established in 2004, the Burundian police force is made up of officers from the former government police, former government soldiers, and combatants from the several armed groups that waged war against the government for more than a decade. The integration of demobilized combatants has caused the number of police to swell from 2,300 in 2000 to somewhere between 15,000 and 20,000 officers in 2007. Many officers have received little or no training and some fail to abide by, far less enforce, the law. Police misconduct is an issue of significant concern to civil society.

The current government was democratically elected in 2005, after the majority of rebel groups agreed to a peace deal that included the integration of their members into the government, the army, and the police. In July 2007, the *Forces Liberation Nationale* (FNL), the last remaining armed group in opposition, withdrew from talks with the government and started a new round of recruiting, while also mounting sporadic attacks on government troops. Their withdrawal coincided with an increase in violent crime, some of it attributed to FNL members. The widespread possession of firearms by civilians is apparently contributing to both the number and the violence of crimes.

The government has relied on the police, including three Rapid Mobile Intervention Groups (*Groupements mobiles d'intervention rapide*, GMIR), to combat crime, to search for unregistered firearms, and to limit attempts by the FNL to recruit new members and to collect funds and other kinds of support from sympathizers.

While the national police is conducting training programs intended to improve the conduct of police officers and to increase their effectiveness in enforcing the law, progress towards building a well-trained, professional force has been slow. Police

training is necessary, but must be complemented by simultaneous measures holding officers accountable for abuses.

Methodology

This report is based on over 65 interviews, including 5 group interviews involving between two and five people, conducted by a Human Rights Watch researcher in Bujumbura and Muramvya Province between October 2007 and March 2008. Most of the information on abuses was provided by victims themselves, some of them referred to Human Rights Watch by other non-governmental organizations, some of them identified by other victims, and some located by the researcher in jails in Muramvya. Most of these interviews were conducted in Kirundi with the help of an interpreter and most were done in small groups.

The researcher also interviewed police officers, other government officials, representatives of local and international nongovernmental organizations (NGOs), United Nations (UN) officials, representatives of international donors and Burundian jurists.¹ A number of interviews in Muramvya province were conducted jointly with representatives of either the Association for the Protection of Human Rights and Detainee Persons (*Association pour la Protection des Droits Humains et des Personnes Detenus*, APRODH), a Burundian non-governmental organization, or with representatives of the Human Rights and Justice Division of the United Nations Integrated Office in Burundi (BINUB).

For reasons of security, the names of some persons interviewed are omitted from the citations.

¹ A number of the police officers mentioned in this report were transferred to new positions but remained in active service following a reshuffling of police leadership on December 13, 2007. Unless otherwise noted, titles given refer to police officers' positions in October 2007. Decret No. 100/360 du 13 decembre 2007 portant nomination de certains cadres de la Direction Generale de la Police National du Burundi.

II. Recommendations

To the Government of Burundi

- Take disciplinary action against officers who breach their obligations and prosecute those alleged to have committed criminal offences, including such human rights violations as torture, ill-treatment, and unlawful detention.
- Ensure that prosecutions of police officers who have been charged with crimes in Muramvya are carried out promptly, fairly, and in accordance with international trial standards.
- Ensure that all police officers comply with human rights standards relating to police functions (including those set out in the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Peoples and Human Rights, and the Convention against Torture), and abide by Burundian laws that reflect these standards (including Article 146 of the Burundian Criminal Code, and the 2004 law on the creation, organization, missions, composition, and operation of the National Police).
- Ensure that all police officers receive appropriate and sufficient training to understand their responsibilities to respect human rights as defined by the international conventions to which Burundi is a party and to prevent violations of these rights.
- Establish an official system to record and respond to complaints of abusive conduct and to track disciplinary or criminal action taken against police officers.
- Ensure prompt passage of a new criminal code prohibiting and punishing torture and inhuman and degrading treatment.
- Ensure prompt passage of a new criminal procedure code reforming the system of pre-trial detention so that Burundian law complies with international human rights standards.

To Donor Partners

- Press the Burundian government to fully investigate and sanction all abuses committed by police officers.

- In all assistance programs directed at the Burundian police, include training on human rights with a particular focus on enforcement of the prohibitions of torture and the excessive use of force. Follow through in the establishment of a proposed police working group as part of the Partners' Coordination Group (*Groupe de Coordination des Partenaires, GCP*) to ensure that aid to the police is directed toward initiatives that promote human rights.
- Provide support for the Inspectorate of National Police in its efforts to gather data and track complaints against police officers.

To the UN Peacebuilding Fund

- Closely monitor the use of funds disbursed to the police by the United Nations Peace Building Fund in order to ensure that they are used in a manner consistent with the protection and promotion of human rights.