

# Human Rights Watch

## Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Part of a Special Review on Burundi during the 58th session of the CAT

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Human Rights Watch welcomes the opportunity to contribute to the [United Nations Committee against Torture](#) (the Committee) July 28 special review of Burundi.

This memorandum highlights areas of concern Human Rights Watch hopes will inform the Committees consideration of the Burundian governments compliance with the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention). It proposes specific measures that we hope the Committee will recommend to the Burundian government.

This submission focuses on torture and ill-treatment by the Burundian state security forces and members of the youth league of the ruling party, the *Imbonerakure*, between April 2015 and June 2016.

During this period, Human Rights Watch also documented numerous extrajudicial executions, other killings, disappearances, and arbitrary arrests in Burundi, which are not described in this submission.

#### Torture by Intelligence Services and Police

The Burundian intelligence services have a [long history](#) of torture, extrajudicial killings, arbitrary detention, and other human rights abuses against suspected government opponents, going back many years. However, torture and ill-treatment appear to have become more widespread, and torture techniques more brutal and frequent, following a failed coup in May 2015.

The Committees 2014 concluding observations on the second periodic report on Burundi on November 26, 2014 expressed concerns about credible, corroborative and persistent reports of a large number of acts of torture and extrajudicial killings committed by members of the Burundian National Police and the National Intelligence Service.

Throughout 2015 and the first half of 2016, the Burundian intelligence services (*Service national de renseignement*, SNR) have continued to use torture to force detainees to confess to alleged crimes, incriminate or denounce others, and to intimidate them. The majority of victims were suspected government opponents. These practices directly contravene Article 1 of the Convention and Article 251 of the Burundian Criminal Procedural Code. Members of the Burundian police and *Imbonerakure* have also committed serious abuses, often in collaboration with the intelligence services.

Human Rights Watch documented [more than 148 cases](#) of alleged torture or ill-treatment, mostly by intelligence and police officials, between April and July 2015 in four provinces and in the capital, Bujumbura. Since then, Human Rights Watch has talked to scores of other victims of torture and ill-treatment in 2015 and 2016, from nine provinces and Bujumbura. The actual number of torture and ill-treatment cases in Burundi in 2015 and 2016 is likely much higher than the sample Human Rights Watch was able to document and confirm.

Between April and June 2016, Human Rights Watch [interviewed more than 40 torture victims](#). Victims and other sources said that members of the security forces or intelligence services had hit people repeatedly and slammed gun butts into detainees faces or limbs, in some cases breaking their bones or smashing their jaws so that some of their teeth fell out. SNR agents have also beaten detainees with steel construction bars, driven sharpened steel rods into their legs, tied cords to detainees genitals and pulled them, used electric shock, and poured liquid on detainees, which burned them.

In early 2016, a justice official told Human Rights Watch confidentially that some detainees arrived at police detention centers with their teeth knocked out, bloody, swollen faces and in great pain. Some detainees were then beaten again by high-ranking national or provincial police officials with steel bars, rocks or bricks.

One victim described in mid-2016 how a police official pulled out his tooth with pliers, because he allegedly worked for human rights.

Despite Burundis Criminal Procedural Code guaranteeing detainees access to a doctor and legal assistance, lawyers told Human Rights Watch that the intelligence services prevented them from entering their headquarters in Bujumbura where people were detained.

In November 2014, the Committee noted that Burundis Constitution prohibited torture, but were concerned that there were numerous shortcomings of the organization and command structure of the countrys security services, particularly the Burundian National Police (Police nationale du Burundi) and the National Intelligence Service (Service national de renseignement).

Former detainees and a judicial official who had long-term access to the intelligence headquarters in Bujumbura confirmed to Human Rights Watch that the head of the SNR (*administrateur gnral*) is aware that torture is taking place. In addition, intelligence agents who report directly to him have frequently tortured perceived opponents in the SNR headquarters in Bujumbura and in SNR provincial offices.

Provincial intelligence agents and senior officials who suspect detainees possess information about hidden weapons or armed opposition activities have tortured them in provincial intelligence offices and frequently transferred them to Bujumbura for further torture or ill-treatment there.

One victim said a provincial intelligence agent smashed bones in his legs with a hammer in April 2016 and then sent him to the intelligence headquarters in Bujumbura where he spent 13 days. A judicial police officer questioned him and accused him of being an opposition member who allegedly helped combatants cross into Rwanda. Intelligence officials frequently assigned judicial police officers known to be loyal to the ruling party to question detainees suspected of collaborating with the opposition.

One 22-year-old student told Human Rights Watch that unidentified men arrested him in February 2016 in Bujumburas Ngagara neighborhood and bundled him into a truck. The student believed they were intelligence agents. As they drove off with him, one of the men said to him: Turn over the weapons that you have. They stomped on his chest as he lay in the back of the truck and asked him about the identity and whereabouts of others in his neighborhood. They ordered him to undress and told him: When we hit you enough times, you will end up talking. They beat him on the legs and back with an electrical cable.

The victim attempted to escape but was caught. The perpetrators sliced him on the chest with a hot knife and asked him questions about the location of hidden weapons and the people who allegedly had guns in the neighborhood. When the man was unable to respond, they pushed a sharpened steel bar into his leg until he passed out.

In March 2016, a taxi driver in his early 30s said someone knocked on the door of his house. When he opened it, an unidentified man was standing in front of him, pointing a gun at his head. Three pickup trucks escorted the taxi driver to a military position in Bujumbura. The perpetrators tied his arms behind his back and tied his legs, then tied his legs to his hands. The men hung him from a nail in the wall and beat him, while telling him to hand over the weapons he allegedly possessed.

The taxi driver estimated that the soldiers suspended him for three hours, then took him down and beat him for several more hours. They told him to reveal the location of hidden weapons. The next day, they took him to the SNR headquarters in Bujumbura, where an agent said: That dog [name withheld] has returned. An SNR agent made him lie down on his stomach in a gutter and beat him with a thick stick on his feet and rear end. Then another person poured liquid on him. He said: I felt like I was burning. I begged them to kill me. They said: You, you criminal, you are going to die slowly.

He said he was beaten twice more. He was in such pain he asked to be killed again. A policeman who worked at the SNR told him: Who would dirty themselves with your blood? The taxi driver said he can no longer sit down because of his injuries.

Several former detainees said they were locked in a small toilet room at the SNR headquarters in Bujumbura. Others said they stayed locked in cells for long periods. An official with access to the SNR said that senior intelligence officials, demobilized rebel fighters, and *Imbonerakure* members beat detainees and hid them from international monitors.

The Burundian Criminal Procedure Code in article 34 states that detainees can be held for a maximum of seven days, renewable only once, before judges decide whether they should be provisionally released or remain in detention. A delay of seven days after detention appears to violate article 9 (3) of the International Covenant on Civil and Political Rights that states all detainees should be brought before a judge or equivalent promptly. In any event, this period is routinely disregarded, with many detainees held in police or SNR custody for longer than the maximum period provided by the law, and with no due process.

### **Abuses by *Imbonerakure***

The ruling party and intelligence services have often used *Imbonerakure* members to identify suspected government opponents. Despite having no legal powers of arrest, some *Imbonerakure* have frequently arrested people, beaten them, and handed them over to intelligence agents who tortured some of them.

Victims in several provinces told Human Rights Watch in 2015 that *Imbonerakure* hit them with sticks and clubs, forced them to roll in muddy pits, and punched them in the face. *Imbonerakure* often handed those they arrested directly to intelligence officials, who transferred them to the SNR offices.

A former detainee said an intelligence agent interrogated him in February 2016 while an *Imbonerakure* dripped melting plastic on him. They also used pliers to cut his genitals, while an *Imbonerakure* told him: You will end up revealing the secrets of [opposition leader Alexis] Sinduhije.

Residents from some provinces told Human Rights Watch that *Imbonerakure* often gave orders to the police and that low-level police appeared powerless to stop *Imbonerakure* abuses.

In one northern province in early 2016, *Imbonerakure* told a policeman who asked them why they were beating a man: What are you doing here? Get out of here! The policeman left. *Imbonerakure* beat the victim with cables that resembled fiber optic cables. A pickup truck belonging to the SNR provincial commissioner arrived and four policemen put the man in the back. The policemen beat him as he was driven to the SNR office, where a senior official accused him of collaborating with the armed opposition.

## Events of December 11, 2015

On December 11, 2015, armed opposition members attacked four military installations in and around Bujumbura. From about 8 a.m., police and military pursued the alleged attackers into Nyakabiga and Musaga, two of the Bujumbura neighborhoods where there were widespread demonstrations against Nkurunziza's third term in 2015. In both neighborhoods, armed opponents engaged the security forces in a sustained gun battle.

After the gun fight, police and military forced their way into some homes and accused residents of having weapons and harboring opposition fighters. Residents recognized some *Imbonerakure* wearing police uniforms. Soldiers from Camp Muha and Camp Muzinda, two large military camps in Bujumbura, provided reinforcements.

One man told Human Rights Watch that he heard someone yell at him to come out of his house. Outside, he saw almost a dozen police from the unit responsible for guarding state institutions (*Appui pour la protection des institutions*, API). Three of them had machine guns, three had rocket launchers and others had Kalashnikovs with grenades. Some had what looked like an ax a butcher might use. They were drunk. He said:

They made us lie down on our backs and spread our arms and look at the sun. One of them cocked his gun and put it to my temple. Then he asked another (if he should kill me). I thought I was finished. Another said: Wait. Then another one came and cut me (on my arm) with an ax. I had a wide wound and blood was shooting up like this into his face. I said: You're killing me! You're killing me! He said: I didn't know it was so sharp.

On the same day, a 39-year-old man from Musaga left his house during a lull in the gunfire. *Imbonerakure* in police uniforms cut him on the head with a bayonet and he lost consciousness. Police from the API and the anti-riot brigade (*Brigade anti-meute*, BAE) tied him up and made him and some of his neighbors lie down on their backs. The police were drinking beer, and when they finished, they balanced the bottles on the men's throats. The victim said: When the bottle fell, they either kicked us or hit us with their gun butts. It was a form of punishment. They knew good and well that when you are tied up and looking at the sun, you can't hold out. Men came and kicked me. All of them kicked me like it was a game of soccer.

Scores of people were killed and many others seriously injured on December 11 in what was the [single deadliest episode](#) since Burundi's crisis began in April 2015. The Prosecutor General, Valentin Bagorikunda, set up an inquiry into the December 11 events on December 17, 2015. Summarizing the inquiry's main conclusions on March 10, 2016, he did not mention killings or abuses of Bujumbura residents by the security forces. He claimed that those killed on December 11 were armed combatants wearing police or military uniforms.

## Impunity for SNR and Police Torture

In 2014, the Committee noted with concern the slow pace and limited scope of the investigations and judicial proceedings and found it regrettable that no information about cases that have gone to trial or the outcome of those trials has been forthcoming. Human Rights Watch is not aware of any intelligence agents who have been arrested, prosecuted or convicted for torture since the crisis began in 2015.

Judicial officials, lawyers and human rights activists told Human Rights Watch that SNR and ruling party officials continued to heavily influence judicial decisions and overrule decisions by prosecutors and others. Cases involving opposition party members were often allocated to judicial officials known to be sympathetic to the ruling party.

This lack of independence in Burundi's judicial and prosecutorial system contravenes Article 12 of the Convention. Human Rights Watch is not aware of any torture victim who has been compensated or received redress for their treatment. This violates Article 14 of the Convention.

A high-ranking justice official who spoke anonymously for fear of reprisals said: The *Imbonerakure* arrest people and take them to the police after beating them and injuring them seriously. Instead of taking them to the hospital, the police imprison them because of political pressure.

Another senior justice official said that in some cases, ruling party members controlled the fate of detainees and gave orders to the police to fabricate accusations against certain people. Some prosecutors collaborated with intelligence agents to determine what charges to file against individuals arrested by the SNR or by *Imbonerakure* and whether to keep them in detention.

The same justice official told Human Rights Watch: The justice system is not independent. Judicial authorities can't act independently according to their conscience. We can release someone, then we get a call immediately and [ruling] party members give an order. When *Imbonerakure* arrest people, we watch powerlessly. We can't do anything about it.

The *administrateur général* of the SNR reports directly to President Pierre Nkurunziza.

The police reports to the minister of public security, Alain Guillaume Bunyoni. Despite numerous cases of police torture, ill-treatment and other abuses documented by Human Rights Watch and other organizations, Bunyoni wrote, in a letter to Human Rights Watch in June 2016, that it was unthinkable that police could have tortured or ill-treated detainees and that it would be a serious error to assert gratuitously that the police arbitrarily arrested, tortured, or ill-treated suspected government opponents. He denied categorically that the police collaborated with the *Imbonerakure*. He said that the police received human rights training.

However, the minister conceded it would be illusory to claim that police never make mistakes and wrote that more than 70 police officers had been prosecuted since 2015, some for abuses committed during the management of the insurrectional movement before and

after the 2015 elections and others for common crimes. He did not provide details of these prosecutions.

**Recommendations:**

Unlawful Detention and Abuse in Unauthorized Places of Detention in Uganda

Torture and Unlawful Military Detention in Rwanda

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