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Burundian intelligence officials, police, and youth from the ruling party have arbitrarily arrested and ill-treated scores of suspected opponents. Officials accuse many of the mostly young men arrested of trying to leave the country and planning to join an armed rebellion.

Human Rights Watch documented more than 148 cases between April and July 2015 in four provinces and in the capital, Bujumbura, involving intelligence officials, police, and members of the ruling National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD) youth league, known as Imbonerakure ("those who see far" in Kirundi). Most of these cases occurred in June and July. Many of those arrested were beaten, tortured, or otherwise ill-treated.

Human Rights Watch interviewed more than 80 victims, lawyers, human rights activists, judicial officials, and other sources in these four provinces and in Bujumbura. Human Rights Watch is also investigating reports of similar cases in other provinces. The total number of cases across the country is likely much higher. To protect the security of victims and witnesses, Human Rights Watch is not making public the locations of some of the incidents.

"The Imbonerakure have no legal right to arrest anyone, yet they have been stopping people arbitrarily, beating them, and handing them over to the intelligence services, who have tortured some of them," said Daniel Bekele, Africa director at Human Rights Watch. "The Burundian government should publicly order all Imbonerakure to stop arresting people and ensure that Imbonerakure and intelligence officials responsible for ill-treatment and torture are brought to justice."

Since demonstrations against President Pierre Nkurunziza's bid for a third term began in April and were brutally suppressed by the police, international attention has largely focused on human rights abuses in the capital. However, numerous abuses have also been taking place across Burundi's provinces, away from the media spotlight. The government's closure of Burundi's main private radio stations - one of the few sources of information on events outside the capital - has meant that many of these abuses have gone unreported.

More than 140,000 Burundians have fled the country since March, seeking refuge in neighboring Rwanda, Tanzania, or the Democratic Republic of Congo.

There have been persistent rumors that some Burundians have been forming an armed opposition movement in exile. On July 10, there was an attack by an unidentified armed group that allegedly crossed from Rwanda into Kayanza province, in northern Burundi. Authorities arrested more than 200 people who they claim were part of this group, some of whom are on trial. These events occurred against the backdrop of local and parliamentary elections on June 29 and presidential elections on July 21.

Victims in several provinces told Human Rights Watch that Imbonerakure arrested and beat them, sometimes in the presence of intelligence officials. They described being hit with sticks and clubs, forced to roll in muddy pits, and punched in the face. Imbonerakure often handed those they arrested directly to intelligence officials, who transferred them to offices of the national intelligence service (Service national de renseignement, SNR).

Once there, former detainees said SNR agents and policemen beat them with electric cables to force them to admit to trumped-up charges, such as planning to join an armed rebellion in Rwanda. Others were hit with gun butts and heavy wooden rods. In some cases, SNR agents forced them to undress and engage in humiliating and painful exercises, such as hopping like a frog and walking like a duck, or making them crawl on their elbows in gravel.

One man told Human Rights Watch that SNR agents forced him and other detainees to stand on their heads while they beat them. A senior SNR official in the province gave orders to his driver and police to beat the detainees. SNR agents said to the detainees: "You imbeciles! You are mad at only 10 years [the period Nkurunziza has been in power] whereas you governed for more than 30 years [presumably referring to Burundi's long period of Tutsi-dominated rule]."

A justice official privately confirmed to Human Rights Watch that some members of the SNR tortured detainees. Human Rights Watch tried repeatedly to contact Telesphore Bigirimana, the spokesman for the SNR, but was unable to reach him.

When contacted by telephone, Pascal Nyabenda, president of the CNDD-FDD at the national level, refused to talk to Human Rights Watch.

Denis Karera, the national president of the Imbonerakure, told Human Rights Watch in a meeting that he was not aware of all the allegations against individual Imbonerakure. He said some people committed offenses then tried to blame them on Imbonerakure. He said: "I'm against all violence. Whether it's an Imbonerakure or not, I can't tolerate it. They should be tried and punished in accordance with the law. An Imbonerakure has no privilege over other citizens. Nobody is above the law. If an Imbonerakure is doing something illegal, he should be punished."

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

A 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.

One high-level 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 [CNDD-FDD] party members give an order. When Imbonerakure arrest people, we watch powerlessly. We can't do anything about it."

The United Nations and the African Union (AU) should consider deploying observers to monitor how the justice system handles cases of alleged opponents and to report on violations of judicial procedures, Human Rights Watch said. They should also monitor and report on government or ruling party interference in the justice system. This could be one of the functions of the new team of AU human rights observers being deployed to Burundi.

The UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, and the UN special rapporteur on the independence of judges and lawyers, should urgently visit Burundi and investigate recent abuses, Human Rights Watch said.

"The Burundian intelligence services behave as if they are completely unaccountable," Bekele said. "Those in power have politicized the justice system, turning it into a weapon against the opposition. The authorities should release detainees against whom there is no evidence of criminal activity, and ensure that the judiciary can function independently and that human rights violations can be investigated without fear."

For further information and accounts by those interviewed, please see below.

Attacks by Imbonerakure

Human Rights Watch interviews with victims, witnesses, judicial officials, lawyers, ruling party members, human rights activists, and other sources in several provinces indicate close collaboration between SNR agents and some Imbonerakure, as well as some local government officials.

On June 27, two days before local and parliamentary elections, a 40-year-old man had a run-in with six Imbonerakure who were his neighbors:

They asked me: "How are you going to vote?" I said: "I'm going to do as you do." They said: "Since Rwasa [leader of the FNL opposition party] has pulled out, who are you going to vote for?" I said: "I'm going to vote for the eagle [the symbol of the ruling party]." They said: "Say this out loud." I did, because I wanted to leave.

That night, at around 2 a.m., the same Imbonerakure came and took the man away.

They took me to a place where people fetch water; it's a muddy place. They put me in the mud. They said: "Lie on your stomach and roll in the mud so we can soak the jacket of Rwasa." They know I am a member of Rwasa's party. When they saw I was totally wet, they said: "Get up! Go home! When we find out you didn't [vote] for Nkurunziza, you'll see what will happen."

On June 30, the man was chatting with friends when he saw an Imbonerakure approach.

He kicked a bucket and said: "It's on!" He was with a group of around 30. There were five of us. When I was on the ground, they really hit me. They had sticks as thick as a man's wrist. They said: "Let him die! Let him die! Let him join Rwasa!" When I was almost dead - it was impossible to even breathe - I pretended to be dead. They touched me and said: "It's finished for him." They picked me up and threw me in a house. They thought I was dead.

The man was seriously injured. Twelve days later, he said he was still finding it hard to breathe because they beat him so severely in the ribs. Two of the Imbonerakure who assaulted him were

arrested, but rather than ensuring they were brought to justice, a local government official proposed to "reconcile" the two sides. The victim refused to participate.

On July 5, at around 11:30 p.m., a group of Imbonerakure tried to lure a 32-year-old man from his house. When they were unsuccessful, they approached a member of his family and told him: "We heard [he] is in a party which refused to vote for the president. Call him. We are going to give him some advice." The man's relative convinced him to go outside and talk to the Imbonerakure. The man said:

They asked me why I hadn't voted [in elections on June 29]. I said I was sick. They said: "We know your games. You are against the third term. You didn't want to vote for the president. We are going to kill you." There was a pit nearby that was a meter and a half deep. The head Imbonerakure gave the order to the others to fetch water to fill it. Then they made me lie down in it. Two Imbonerakure were on either side of the pit. They spared my head, but hit me with sticks all over my body. They said: "Your child gets free health care, but you don't want to vote for the government."

They took me out of the pit and said: "Here you were in the water. We didn't hit you very well. Lie down here. We are going to beat you. You don't have the right to complain about this to the administration." I counted 100 blows with sticks. The rest, I couldn't count because I was almost unconscious.

On June 26, a 29-year-old aid worker said he was waiting near the border with Rwanda to help a family leave Burundi. A man he did not know approached and told him to sit on the ground. Suddenly four policemen and four Imbonerakure surrounded him. They took his money, phone, and documents.

They told me that my passport shows clearly I often go to Rwanda, and I should tell them why I made all these visits. I told them I went to visit members of my family. They said: "Maybe you are going for the rebellion that is now taking shape in Rwanda." The head Imbonerakure called the local head of the SNR in front of me. He told him he'd just apprehended a rebel. I told them I did humanitarian work but they didn't accept this.

SNR agents arrested him and the family he had been waiting for, and drove them to the SNR compound. On their way there, they picked up three young men who had also been arrested trying to flee. The man watched as police working with the SNR beat the three young men with electric cables and military belts and told them to admit they knew the aid worker:

After they beat them, they locked us all up in a small room, including the mother and baby in the family. We stayed there for two days. We were then brought to the judicial police. During this time, I never saw a judge, or a prosecutor, or an OPJ [judicial police officer]. I found several people from different provinces there who had spent more time than I had [in detention] who had never seen a judge. I paid a police officer so I could use his phone and I called a lawyer. The lawyer talked to the prosecutor who said he didn't find any charges against us and he considers us free. When the lawyer told this to the head of the judicial police, he said: "The head of the Documentation [a term commonly used to refer to the SNR] has the last word."

The man was released after 14 days.

On June 26, a group of Imbonerakure arrested a 25-year-old unemployed man and four other young men who were attempting to cross into Rwanda. The leader of the Imbonerakure told the others: "We need to call the intelligence police because they [those they had captured] are numerous." He called an SNR official and said: "I just arrested some youth who wanted to cross the border to participate in the rebellion." SNR officials came and picked them up. The man said:

The SNR handcuffed us. They wanted us to confess we were rebels who were against Pierre Nkurunziza. [The SNR official] said: "You must freely accept this. We know you are rebels who are going to attack our country and its institutions." Each question was accompanied by lashes, kicks, and punches to terrorize us. Twice we were interrogated by this official and each time we were beaten. They also asked us to collaborate with the SNR in order to be freed.

After two days at the SNR, he was transferred to the judicial police. A judicial police officer (officier de police judiciaire, OPJ) told him he could help release him "if you accept the fact you went to participate in a rebellion. If you accept this, the fault can be reduced." The man was released on July 10, after SNR agents extorted about \$250 from detainees to drive them to their home province.

Victims told Human Rights Watch that some local government officials collaborated with Imbonerakure during attacks.

On June 30, an 18-year-old student was told by an Imbonerakure who lived in her area that someone wanted to talk to her. A local government official who is also an Imbonerakure then arrived and assaulted her:

I saw the vehicle of the [official] pull up. I saw [four Imbonerakure] get out of the vehicle. They greeted the Imbonerakure who was with me. [The official] came toward me. When I was getting up to greet him, he said: "Get on your knees, you imbecile," and spat in my face. He started to slap me. Two Imbonerakure said they would get some wood to make a pole to beat me. [The official] said: "Beat this imbecile who is tarnishing our country." When they brought the sticks, [the Imbonerakure] beat me on the arm. I was wearing a sweater with a zipper. [The official] unzipped it. He pulled hard on my breast. He said: "We're going to rip off your breast and you won't be able to feed your children." They said that they were going to shove a stick in my vagina.

They lifted up the back of my top and hit me on the back with sticks. While they were doing this, [the official] said: "These imbeciles who continue to stain our country! Where did the 60 votes come from [presumably in reference to those who voted for opposition parties in elections the previous day]? The victory is ours. We are going to govern you like we want for the next five years." They said that if someone saw me coming back [to the nearby town], I would be beaten, even killed. They said I was lucky: "If this had been before the elections, you would have been killed and nobody would have found your grave."

Abuses by Intelligence Agents

Numerous people who had been held in SNR custody described serious ill-treatment there. More than a dozen victims in various parts of the country said that intelligence agents beat or tortured them. Several were subjected to humiliating and strenuous exercises, beatings with electric cables, and other ill-treatment to force them to confess to false accusations. Some said the provincial heads of some SNR offices pressured them to confess to joining an armed rebellion.

A 30-year-old teacher said a senior SNR official in his province arrested him on April 28, accusing him and three others of preparing a demonstration against Nkurunziza's bid for a third term in a small town outside Bujumbura. The SNR official forced them to undress and perform exercises in a courtyard:

[The SNR official] said: "Take them to Golgotha [the hill on which Jesus was crucified]." At the Documentation, they beat us with police clubs and the butts of their guns. They made us put our heads on the ground in the gravel. They then ground our heads into the gravel and beat our ankles. When we were tired, they made us crawl on the ground on our elbows. When we were lying on our backs on the ground, they stood on our chests and stomachs. [The SNR official] gave the

orders. It was like a military training. The bodyguard [of the SNR official] and his driver beat us. The driver said: "You, you imbeciles, you governed for more than 30 years."

The teacher and three other detainees were eventually transferred to police custody, but were not allowed to seek medical treatment for their injuries because, they were told, there weren't enough police to accompany them. The teacher was released on May 4. He has since occasionally seen the SNR agent who interrogated him. On two occasions, the SNR agent accused him of having guns, forming a rebellion, and distributing opposition leaflets. He warned the teacher: "Try to hand out those leaflets again, and I'll slit your wrists."

A 53-year-old businessman said four men approached him on June 25, forced him into a car and took him to the local SNR office. SNR agents accused him of organizing night patrols in the capital and of teaching youth how to handle weapons and grenades:

When I denied everything, they hit me with an iron bar on my rear end and on my feet. While they hit me, they continued to ask the same questions and I continued to deny it. They brought an iron sheet with nails pointing up. They made me stand on the nails. When they saw I would reveal practically nothing, they left and brought a small, 5-liter jug, which would usually contain oil. The jug was full of sand. They attached it to my testicles and made me stand up. They said I should stand up until I confessed. After I stood for around 40 minutes, I realized I couldn't take it any longer.

They said: "Confess immediately, otherwise you'll have to stand on the nails." They took me to the sheet with the nails - the jug was still suspended from me - and I stood for a short time on my heels [so that the nails wouldn't hurt the soles of his feet], then I fell on the ground. They brought a 1-liter jug of acid. They said: "This time, you have to confess." They poured the acid on the ground. They told me to take my clothes off and sit in it. I refused. They forced me to sit down. It felt like fire. I tried to get up, but couldn't. I fell and lost consciousness. I woke up locked in a cell.

The man said SNR agents questioned and beat him again and attached the jug of sand to his testicles a second time. He said he escaped from SNR custody on July 1.

Violations of Detainee Rights

Many detainees were held unlawfully by the police for prolonged periods, Human Rights Watch found. The Burundian Code of Criminal Procedure specifies that detainees should not remain in police detention for more than seven days. They should then be brought before a prosecutor who will decide whether to release them or transfer them to a prison. The period of police detention can be extended for a maximum of a further seven days, on the authorization of a prosecutor.

International law requires bringing detainees before a judicial officer or equivalent - which would not include prosecutors - "promptly" to review the legality and necessity of the detention. Detainees should also be informed "promptly" - within a few days - of any charges against them.

When detainees arrive at the police station, an OPJ should take a statement. Detainees have the right to have a copy of their statement and to have access to a lawyer. However, lawyers, judicial officials, and former detainees told Human Rights Watch these provisions were regularly flouted.

In Kirundo province, Human Rights Watch visited 24 detainees in police custody. Most had been arrested by Imbonerakure between June 22 and July 16; all but two had been attempting to flee the country. By July 16, only four had been seen by a judicial police officer. Ten were released on July 22 and fourteen on July 23, according to a local human rights activist.

Witnesses said that on July 12, in Muyinga province, Imbonerakure and police arrested an opposition supporter after weapons and ammunition allegedly belonging to him were found at his home. The same day, Imbonerakure and police arrested 34 other people with suspected ties to Amizero y'Abarundi, an opposition party coalition which includes a wing of the National Liberation Forces (Forces nationales de libération) led by Agathon Rwasa and a wing of the Union for National Progress (Union pour le progrès national) led by Charles Nditije. The Imbonerakure accused the people arrested of security-related offenses and of participating in armed groups. A justice official with knowledge of the case said the arrests had no basis and were politically motivated.

A magistrate in Muyinga refused to allow a lawyer access to detainees multiple times. He kept telling the lawyer to wait and said to him: "You want to support the rebels? You are supporting those who attacked the country."

A Broken Justice System

Human Rights Watch spoke with dozens of victims of arbitrary arrests in five provinces. In most cases, judicial procedures were entirely disregarded.

Imbonerakure, despite having no legal powers of arrest, arrested people fleeing the country. Detainees then spent days or weeks in police or intelligence custody. When some were eventually questioned, judicial police officers did not always take down their statement. None of the detainees who spoke to Human Rights Watch received a copy of their statement. Some victims were denied access to a lawyer. Judicial officials told Human Rights Watch privately that ruling party members and SNR officials interfered in sensitive cases, especially those involving people fleeing to Rwanda.

Imbonerakure carrying long wooden staffs arrested four men on June 9 near the border with Rwanda, in Kirundo province. A well-known local Imbonerakure leader arrived and called the provincial head of the SNR. One of those arrested said:

[The Imbonerakure leader] accused us of joining a rebellion that would eventually come back and attack the country. He called the head of the SNR in the province and told him: "Come get these little boys that I just arrested."

SNR agents beat the men, then transferred them to the judicial police, but they were not seen by an OPJ as the law requires. The police commissioner spoke with them a week later and told them to wait another week for the investigation. The four men waited in police detention for three weeks, without any evidence being produced against them.

Human Rights Watch spoke with 24 other young men who had been in detention at the same time. An OPJ had interviewed only four of them. On July 1 the provincial head of the SNR came to the police detention facility and told the police there to release the man quoted above.

Human Rights Watch attempted to meet the prosecutor of Kirundo to discuss this and other cases, but he would not meet without the authorization of the external relations minister.

Human Rights Watch met the prosecutor of Ngozi, Daphrose Buganyira, to discuss concerns about cases in Ngozi. She told Human Rights Watch that the judicial system in Ngozi had no interest in detaining people unjustly. She said her staff carried out daily inspections of the police detention facility in the town of Ngozi and would order the release of any detainees held unlawfully. When asked about detainees who waited for days or weeks before seeing a magistrate, she said, "There are cases that don't come to us." She also contended that some people don't tell the truth.

With regard to arrests by Imbonerakure, she said: "Nobody has the right to arrest people. There are competent people for that. If a case [offense] has been committed, and there isn't someone in charge of security nearby, one should call the competent service." She said she worked independently and there was no interference from the ruling party.

Other senior justice officials, however, told of unlawful practices and political pressure that they were unable to prevent.

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."

A justice official in a different province said: "Sometimes we hear that the head of the SNR here tortures people. When we ask him, he denies it, but we have proof." In late April, the official had dealt with the cases of several men who were tortured at the SNR. They had been made to stand on their heads with their feet in the air.

The same official complained of interference by the SNR in judicial decisions, especially relating to people accused of trying to join an alleged rebellion in Rwanda. "When we try to approach [the detainees] for questioning, [the SNR] say: 'Why are you trying to protect them?' When I ask my superiors if I can create a case file, they say, 'leave it alone.' Sometimes it seems (the SNR) controls everything."

Another high-level justice official said:

I'm not free to make a decision. Most people are arrested arbitrarily. One day, they accused people from the opposition of trying to hold a meeting. After listening to them, I decided to release them, but I was given an order to re-arrest them. [A senior national level official] said this. The system we are in... they don't give reasons. If I decide against what [senior officials] say, without a doubt, something bad will happen to me later.

I can do nothing in the face of violation, yet I have the task of doing something about human rights violations.

Killings in Mutakura, Bujumbura

Abuses have taken place in Bujumbura both in the lead-up to and throughout the election period, with repeated clashes between the police and opponents of Nkurunziza's bid for a third term.

Throughout June and July, there were numerous violent altercations in some neighborhoods of Bujumbura, often at night. It is unclear whether protesters or police initiated the violence.

One of the most serious incidents was on the morning of July 1, when police entered the Mutakura neighborhood to scatter protesters. After the police dispersed the crowd with gunfire and demonstrators had fled, residents described hearing a grenade detonate. It is unclear who threw it.

It has been difficult to ascertain the exact sequence of the events that followed because many residents fled the area when shots broke out, and others hid. The account below is based on Human Rights Watch interviews with some of the survivors, witnesses, and other local residents.

About 15 police entered a house on 8th Avenue, where the grenade hit, and accused the occupants of throwing a grenade at them. A 26-year-old witness said:

They didn't knock. They forced open the door. They came in to look for "the enemy," that's what they said. They found three of us in the house: me, the domestic worker, and my nephew. They started to hit me, saying: "This is the Tutsi dog who just threw a grenade at me." They hit me all over. I have injuries where they hit me with the gun barrel.

The witness said the police searched his house for weapons and didn't find any. The police forced him and other young men out of their homes onto the main avenue. Outside his family compound, they beat him again:

A policeman came and kicked me in the stomach. Another came from behind and kicked me. I lost my balance and fell. When they were beating me, another policeman came and said: "Do you see how you are playing with him? That's the one who threw the grenade. This Tutsi dog can throw another grenade." [Another policeman] came to hit me in the face but another policeman held him back. He picked me up. He said: "Don't kill him." He told me: "Don't run, or they'll shoot you."

The police then entered another compound on 8th Avenue. When they were inside, shots rang out and an exchange of gunfire ensued. A witness also said he heard a grenade go off at this time. During this exchange of gunfire, a policeman was killed.

Then, as the police were marching the first man, his nephew, and domestic worker to the main road, a police officer fired at the nephew, injuring his hand:

The domestic worker tried to explain to the police officer that [my nephew] was a student and that he knows nothing. The policeman then shot [our domestic worker] in the stomach. I looked back and he had his hands in the air. The same policeman who shot him the first time then killed him. He had worked for us for 10 years.

At least five people were killed in Mutakura on July 1, Human Rights Watch found. A sixth died later from his injuries. Four were shot inside a compound where a member of the opposition party Movement for Solidarity and Democracy (Mouvement pour la solidarité et la démocratie, MSD), who was an organizer of the protests, lived. The protest organizer said he believed the police were looking for him at the time of the raid. He said that two students who were killed, Frank and Fleury Hakizimana, had not participated in demonstrations. Their father, Pantaléon Hakizimana, a money changer, was also killed. All three were shot in the head.

The police deputy spokesman, Pierre Nkurikiye, told Iwacu newspaper on July 6 that six civilians were killed during a police search in Mutakura. He was quoted as saying: "People could have been hit by stray bullets during the operation to pursue a group of assailants who attacked the police, killing one and injuring four others." Nkurikiye said some people among the group who attacked the police were killed and the police seized weapons and ammunition.

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