

I. Summary

In the year to September 2006, Burundi's state intelligence agency, now called the National Intelligence Service (Service National de Renseignement, SNR) appears to have been responsible for the extrajudicial execution of at least 38 individuals, and has tortured and arbitrarily detained some 200 more. These serious abuses have been perpetrated largely with impunity.¹

A new government took office in August 2005 but its first year in power was marked by continued conflict with the last remaining active rebel group, the National Liberation Forces (Forces Nationales pour la Liberation, FNL). A harsh campaign to punish FNL supporters led to many civilians being mistreated by government forces, particularly agents of the SNR.

Current legislation grants SNR agents a vague and broad investigative mandate, and subordinates agents to two different authorities, the head of the SNR and the office of the Prosecutor. The head of the SNR reports directly to the president of Burundi.

The intelligence agents are known to be particularly brutal in carrying out their missions and to often act outside the law. There is no mechanism of external oversight by Parliament, and human rights monitors have only rarely been granted access to detainees inside of SNR detention facilities over the past year.

Recently, government authorities have arrested one SNR agent and an SNR associate on suspicion of having committed abuses in two particularly egregious cases in which investigations are reportedly underway. The SNR agent's arrest was in connection with the "disappearance" and presumed killing of some 30 people in July and August 2006. In the other case, five arrests were made for the execution of four men who were in state custody at the time of their deaths, and one of those arrested

¹ Since Human Rights Watch, local human rights organizations and the human rights monitors of the United Nations Operation in Burundi (ONUB) have not been given regular access to detention facilities of the intelligence service, this estimate is based on interviews with individuals who have been released from custody or who have been transferred to another detention facility, and on information gathered from detention registers at the SNR on one occasion.

was found to be carrying an affidavit of affiliation with the SNR. Much more action is needed to investigate and prosecute abuses.

Civilian prosecutors should seek to establish responsibility at all levels of the chain of command in any investigations involving SNR abuses. If convictions for charges of killings and torture are rendered by the Burundian court, compensation should also be awarded to the victims and their families as provided for by Burundian national and international human rights law.

Legislation regulating any intelligence service should clarify the specific powers of agents and subject the service to close supervision generally by the executive, and by judicial authorities during investigations, arrests and detentions, as well as to more intensive scrutiny by Parliament.

This report is based on field research carried out by Human Rights Watch researchers in Burundi from October 2005 to October 2006. Names of victims and witnesses have been withheld in the interests of their security.

II. Recommendations

To the Government of Burundi

- Promptly investigate SNR arrest and detention practices, including their compliance with Burundian and international human rights law, and prosecute all cases of serious violations by SNR agents, whatever their rank.
- Amend the law establishing the SNR to define its powers more clearly and increase judicial supervision over the activities of regular and irregular agents of the SNR.
- Create a standing parliamentary committee for security and intelligence affairs that will exercise civilian oversight over the SNR.
- Take all necessary measures—such as through public statements, training programs and disciplinary actions and criminal prosecution—to ensure that SNR agents act in accordance with Burundian law and international human rights law.
- Revise the criminal code to ensure that all acts of torture are offenses under the criminal law.
- Close SNR detention facilities. Transfer all those detained to a regularly constituted detention facility and have them brought before an independent tribunal to have the lawfulness of their detention reviewed.
- Until SNR detention facilities are shut down, allow officers of the Prosecutor's office, United Nations Operation in Burundi (ONUB) human rights officers, and representatives of human rights organizations access to them and to meet privately with all detainees.
- Ensure that the SNR does not distribute weapons to any civilians, including demobilized combatants.
- Institute a witness protection program to ensure that all witnesses and members of their families who testify in cases involving SNR agents are fully protected from harm and threats of harm. Discipline or prosecute as appropriate those officials implicated in threatening or harming witnesses and their families.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

To Donor Governments

- Urge the Burundian government to investigate fully the cases documented in this report, to report publicly on such investigations, to prosecute any agents of the SNR suspected of such crimes, and to ensure future compliance of SNR and other state agents with international human rights law.
- Urge the Burundian government to provide unhindered access to the detention facilities of the SNR for ONUB human rights officers and human rights groups.

To the United Nations Operation in Burundi

- Continue to investigate and denounce violations of international human rights law and Burundian national law by agents of the SNR, and to share results of investigations with relevant Burundian officials and make findings public.

To the UN Security Council

- Ensure that the mandate of the Human Rights Section of the future Integrated United Nations Mission for Burundi (Bureau Intégré des Nations Unies au Burundi, BINUB) includes investigating and monitoring violations of international human rights law.
- Ensure that BINUB has sufficient personnel and resources from the start of its mandate on January 1, 2007, to carry out effective monitoring of human rights violations.