



INNOVATIONS FOR SUCCESSFUL SOCIETIES

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Innovations for Successful Societies, Bobst Center for Peace and Justice
Princeton University, 83 Prospect Avenue, Princeton, New Jersey, 08544, USA
www.princeton.edu/successfulsocieties

BOUTELLIS: Today is the seventh of April, 2008 and we are now sitting with Neela Ghoshal from Human Rights Watch in Bujumbura, Burundi. First thank you for your time and before we start I'd like you to please confirm that you have read, understood, and signed the informed consent and legal release forms.

GHOSHAL: Yes, I have. Thank you.

BOUTELLIS: To start the interview I'd like to ask you about your personal background and maybe how did you get involved into working on police issues in Burundi in the context of your work with Human Rights Watch.

GHOSHAL: *First of all my name is Neela Ghoshal. I've been working with Human Rights Watch in Burundi since September 2007 as a researcher. While much of the work I do is transferred directly to Human Rights Watch, in the case of this interview I'm speaking as a personal researcher who has experience with the police and not as a representative of Human Rights Watch.*

When I first arrived in Burundi in September 2007 I began my work by asking a number of people what were the most pressing human rights issues in Burundi at this moment. Our mandate is fairly broad when it comes to human rights. We look into all sorts of human rights abuses, civil and political, economic, social and cultural rights, human rights violations committed by governments but also by other armed forces. What we attempt to do is investigate abuses, publicize them through reports and press releases and other forms of publications and then to do advocacy both at the local and international level to find ways in which those abuses can be redressed.

So when I arrived here a number of people from local NGOs as well as from the international community mentioned that one of the major problems with human rights in Burundi was abuses committed by members of the national police. So about a month after I had been here, in October, before I had clearly defined a research project that I wanted to work on, because generally we carry out thematic research on issues that are particularly pressing. So before I had come around to defining the policing issue that I was going to work on, there was an incident that took place in Muramvya province which is in central Burundi.

I received information through a local human rights NGO, APRODH (Association Pour La Protection Des Droits Humains et Des Personnes Detenue, Association for the Protection of Human Rights and Detained Persons) that a number of people had been detained and tortured in a clandestine jail in Muramvya. So this is of course the kind of thing that we're concerned about at Human Rights Watch and so I went to Muramvya with some APRODH human rights observers to investigate the situation.

BOUTELLIS: APRODH being a Burundian NGO?

GHOSHAL: Yes, APRODH is a Burundian human rights NGO, Association Pour La Protection Des Droits Humains et Des Personnes Detenue, for the protection of human rights and detained persons. So they have local monitors throughout the country who visit jails and who have centers where people can come in and talk to them about human rights abuses. So someone had come to APRODH and told them that people were being detained in an illegal fashion and were being tortured. By the time we arrived, we were told where the site was and that it had been set up by a special unit of the police called the GMIR which is the

Groupement Mobile d'Intervention Rapide, it is sort of a special forces within the police that does rapid intervention actions where there is a problem that has suddenly arisen and it needs to be dealt with one might say in a sort of hard-line way. These police are more heavily armed than other police. They travel in large groups with grenade launchers and with tear gas and with other things that other types of police are not usually equipped with.

So we learned that a unit of police from this GMIR they're called, had set up a clandestine jail. We went to the site and we found that the detainees who had been there had already been freed but we were able to come into contact with a number of the detainees who had been held there. So we spoke with the about their experiences and we were able to document a number of both procedural irregularities and human rights abuses. Among those being that for this particular group of GMIR police to detain people in itself is illegal. There is a distinction between two different types of police in the country. Public Security Police or Interior Security Police I guess it might be in English and Judicial Police. Only the Judicial Police can authorize detention. So the fact that this group of police who are part of the Interior Security Police at the time were detaining people was in itself illegal.

Then the detainees described circumstances such as being beaten with batons and clubs for several days, being subject to mock executions where police officers would aim a gun at them and tell them they were going to be shot because they didn't confess to what they were accused of and then would shoot right next to their heads. A number of other people received death threats. One watched the police dig a grave for him and was told he was going to be buried in it. There were other people. Some of the people who were beaten, a number of them described being picked up off the ground by their arms and legs and beaten on the behind with clubs by a number of police officers so that they couldn't sit down for the next couple of weeks.

So these abuses that were being described clearly fell under the convention against torture and were clearly illegal on a number of counts. Additionally the detainees described having paid bribes in order to get out of the detention center. So this particular incident spurred me to go ahead and conduct more in-depth research into the police to find out how common these types of abuses area, what causes them? Are they generally isolated problems or are they something that is more systematic. In the course of my research I talked to police authorities at all levels ranging from the Director and the Assistant Director of the Police, the Commissioners of the two main branches of the police, the Judicial Police and the Public Security Police, as well as the head of the GMIR special unit as well as a number of police officers, lower-ranking police officers to get their opinions. I also spoke to a number of Burundian lawyers about the law that governs police behavior and I also spoke to other local human rights organizations about their experiences documenting police abuse.

BOUTELLIS: Just to clarify because the GMIR is not something that is often talked about, we're talking about the Police Nationale du Burundi (PNB) which is the new police created after the Arusha Accords?

GHOSHAL: Yes.

BOUTELLIS: Who do they respond to because there is the Service Nationale Renseignement (SNR, National Intelligence Service) directly to the presidency whereas all the other, the rest of the new Police Nationale responds to the Minister of Public Security, right?

GHOSHAL: *Exactly.*

BOUTELLIS: So the GMIR falls under—?

GHOSHAL: *They also respond to the Minister of Public Security. The direct chain of command has recently altered. So in 2007 when I arrived here, the National Police of Burundi was divided into four Commissariats, the Judicial Police, the Interior Security Police, the Penitentiary Police and the Police of Borders, the police who deal with borders, customs and foreigners. The GMIR fell under the Internal Security Police, Interior Security Police at that time. There was a restructuring of the police in December of 2007 after the events took place that spurred me to research the police and in that restructuring the GMIR was removed from the Interior Security Police and became a separate unit that responds directly to the Director of the Police. So there is no Commissioner in between the Director of the Police and the GMIR commander but at that time it was the Commissioner of the Interior Security Police who the GMIR were directly accountable to.*

BOUTELLIS: So in the course of your work, you mentioned that you met with a number of different police, members of the Police Nationale du Burundi at all levels. What were some of the major challenges they mentioned to you and how receptive were they maybe to some of the issues you brought to their attention?

GHOSHAL: *I would say all of them were aware that training and discipline within the police are serious problems. They mentioned to me the fact that when the national police was born on December 31, 2004, it integrated people coming from a number of different sources including from the various armed rebel movements. Those people were integrated directly into the police without having any training, literally not one day of police training. They were given the uniform and the gun and basically told to get to work.*

The same thing applied to people who had come from the Burundian army. Clearly they had been well trained in military methods but they were transferred directly into the police without a single day of training to make clear to them the difference between military methods and policing methods. So both of those groups, the police acknowledged have been a source of problems. There was only a very small minority of the new police force that had been previously police, trained police. So in December when I first spoke to the Director of the Police about this who was new at the time. He estimated that really only a third of the police had had any training at all. They were at that time initiating a Belgian program of training that they're undergoing right now that takes place over several one-week modules. But he recognized that even that was not really sufficient because to be well-trained, police needed something like six months or a year of intensive training. Unfortunately that's not happening right now.

So there was a recognition that training is lacking and that people who are in the police who come from armed movements as well as the Burundian military, that their ways of dealing with problems are not necessarily appropriate to the police. They're very quick to resort to force for example. So that understanding was there. On some levels we saw a strong initiative to deal with it from some people within the police; and from others we tended to see more justification and a bit of denial. Even though they recognized it was a problem, they said, "Well, this is something that is going to take time." And they sort of brushed off other questions. So I saw different levels of willingness to confront the problem.

BOUTELLIS: You mentioned APRODH as one of the Burundian NGOs involved in monitoring human rights abuses of all kinds. Can you just give us a quick picture of both on the NGO side and civil society side of thing, what are the recourses that people have in terms of human rights violations and also from your interaction with the police what are some of the maybe internal mechanisms of control that exist and have there been any changes, any reform in this particular area.

GHOSHAL: *Burundi is lucky to have a number of human rights organizations, local human rights organizations that are very active and are places where people can go for example if they've been abused by the police. Among the main local organizations are APRODH, also Ligue Iteka. Both APRODH and Ligue Iteka deal with all sorts of human rights abuses but abuses committed by the police figure highly among them. Then there's another organization called ABDP, Association Burundaise pour la Défense des droits des Prisonniers. (Burundian Association for the Defense of the Rights of Prisoners). That focuses specifically on abuses within prisons but also within jails. So that organization is also dealing with police abuses.*

ABDP has offices in Bujumbura, Gitega and Ngozi and the other two organizations APRODH and Ligue Iteka have offices in all the provinces. So if someone is abused, they can go to the provincial headquarters and essentially file a complaint there and then consult with the local human rights workers to see if they want to pursue a judicial complaint. There is another international organization that is Burundian run called ACAT, Action des Chrétiens pour l'Abolition de la Torture and they also visit jails and prisons to identify cases of torture. When they find them they refer them to Avocats sans Frontières which is an international NGO based in Belgium that provides lawyers to people who are victims of torture who want to proceed with legal complaints.

So Burundians who are tortured or mistreated in prison have a number of options. Unfortunately the majority of them who initially come and talk to human rights organizations don't want to go ahead and file complaints. I'm not sure I could say the majority, I don't know the numbers, but I would say a good number of them don't want to file complaints because they're afraid that there could be repercussions. Some of them do go ahead and file complaints and then unfortunately they often find that those complaints get dismissed or they take a very, very long time to work their way through the legal system and in the meantime the victim himself or herself becomes sort of disenchanted with the process and doesn't follow up on it. So it is rare that these complaints are actually followed through the entire year or couple of years that it might take for a complaint to get through the judicial system.

In terms of the Burundian authorities themselves, within the police, there is a Police Inspectorate and they are charged with monitoring the behavior of the police as well. They, when I last spoke with them, I believe also in November or December they described that they have a team of seven people who go out and visit jails and look for signs of abuse. They seem to have a very strong initiative to identify cases of abuse and to act on them, but they seem to be under resourced. They felt that they could do their job better if they had more resources. Their way of dealing with things is that when they find abuses, they don't file legal complaints, they'd go directly to the superior, the hierarchical superior within the police of for example the particular guard of a jail who might have abused someone. So they bring the issue to the attention of the superiors.

They had also mentioned the possibility, a bill had been proposed at one point of making the inspectorate sort of a center of collection for all sorts of complaints

and for follow up so that they would be the ones who would be able to keep track of any complaints against police officers and whether there was judicial follow up and whether it was done properly. Right now a mechanism like that doesn't exist unfortunately. So when you go and talk to the police for example, I've gone and asked the police a number of times, can you tell me how many police are currently in jail for torture or mistreatment, they have a very hard time coming up with those numbers because nobody keeps track of them. So they can tell you and they will tell you sort of proudly that 200 police are in jail, or some number like that. They give that as an indication that there is a crack down on this kind of behavior, but, in fact, a number of the cases of police in jail are there for theft or getting drunk and shooting their weapon and other types of abuses. Of course they ought be sanctioned for those but they are not directly linked to human rights abuses of detainees and that's what we're particularly concerned about at the moment.

BOUTELLIS: So you mentioned this group of seven or eight people with the Inspector General Police Nationale du Burundi visiting the jails, but the incident you mentioned at the beginning of our conversation was actually related to a clandestine jail that they would possibly not even know about.

GHOSHAL: *Exactly.*

BOUTELLIS: What is the occurrence of such sort of clandestine jails? Is it something that is widespread?

GHOSHAL: *We don't hear of it very often. This is the only case I've heard of an actual clandestine jail that was established in such an official manner where there were a number of detainees there and a number of police officers involved. But the other problem that we do see is that civilians are occasionally detained in police camps or in military camps which is illegal. The only circumstances in which civilians can be detained legally in a police camp or a military camp is if they're arrested at night and there is no other place to take them but there. So for example, there is a police camp here in town called Camp Socarti and it is a GMIR camp, a GMIR base. They have a jail there, but that jail is supposed to serve for internal discipline of police officers, for police officers who for example come to work drunk can be put in the police jail. In exceptional circumstances if that particular police unit arrests someone late at night they can put them in that jail and they're supposed to directly the next morning transfer them to the judicial police, because there are not any judicial police officers within the GMIR.*

But we've heard of a number of cases of people being incarcerated at Camp Buyenzi for two or three days before they're either liberated, which means their case never was officially registered in the system or they're finally transferred to the judicial police. We also see this problem at military camps occasionally. The military are not really supposed to be arresting anyone at all except in the same capacity that anyone can carry out a citizen's arrest if they catch someone red-handed in the course of a crime. But there are a few military camps where we've also noted that people are arrested and then kept there and interrogated for two or three days, often because the military thinks they have something to do with FNL (Forces Nationales de Libération). But this is not authorized by law to keep people at these camps.

BOUTELLIS: So you mentioned arrest and detentions as some of the issues. Are there other major issues in terms of human rights violations committed by the security forces?

GHOSHAL: The other human rights abuses that are committed by police, some of them that I do believe that the police are trying to deal with right now are sort of the issues of isolated abuses by police who are acting, not in their functions as police officers. For example right now they all carry their guns home with them at the end of the day. There's no place to store their guns. So a number of them have the habit of getting drunk, going to bars and getting into fights. Because they have the gun and the authority of the police behind them it raises the stakes a bit. So there are a number of cases in which people get injured or even killed in this type of bar fight and it is due to a police officer. So that's a human rights abuse that is linked to the police because of the fact that the police are not coming up with another way to deal with people's weapons facilitates this type of abuse. We also occasionally see, not related to detention, we occasionally see cases of police beating people on the streets. In the case of what happened in Muramvya, around the same time, the same police unit, we received reports from at least five people who were beaten, who were not arrested but who were beaten on the streets in town. Often it was because they said something that was interpreted as a criticism of this police unit. For example, someone saw a man getting arrested by some of these police and said, "Why is he getting arrested, he didn't do anything." She was then subsequently beaten up by the police right there in town, on the spot.

Here in Bujumbura we have cases like this as well. In October a journalist saw the police arresting two young girls on the street and sort of put on his journalist hat and went to ask the police why they were arresting the young girls, what they had done. He was beaten on the spot as well. So you see that there are some police who become very angry about what they interpret as interference into their work and their response is to resort to violence. We also hear from talking to a number of police officers, there are cases that they have mentioned that I have not been able to verify or confirm, but there are cases that they have mentioned in which police have also been used to carry out extrajudicial executions. This is something that obviously we're very concerned about. There was a case in December where an intelligence agent was, where a car carrying a group of intelligence agents was fired on, or essentially the police attempted to arrest these people and then killed several of them.

BOUTELLIS: Intelligence, Service Nationale Renseignement?

GHOSHAL: Yes, Service Nationale Renseignement. Essentially what happened was, what we first heard was that a van full of bank robbers had been apprehended and that some of them had tried to escape and had been killed by the police, had been shot by the police while they were trying to escape. As more news emerged, it turned out that the people in the car were predominantly intelligence agents and that according to one of them who escaped and spoke to the media before he fled the country, this was—again, I'm saying I haven't verified any of this, this is what he says, but it's something that we're very interested in looking into. He says that he was given a mission to have these other intelligence agents killed because of certain things that they knew and because they didn't seem to be loyal any more to the intelligence service. So when this car, sort of a bank robbery was organized, that was not a real bank robbery. They were sent to Rutana and the police were waiting there to arrest them and to kill several of these agents.

So again, to what extent we can trust the word of this particular intelligence agent who escaped when he realized that he was going to be killed as well is unclear, but his story is consistent with things that other police officers have told me about the way things occasionally work within the police. I would not say that this is

something that happens regularly, but the fact that it happens at all is a huge concern.

BOUTELLIS: So when you engaged the leadership of the national police, you mentioned earlier that they blamed part of the abuses on lack of training, the recent integration of former military, former rebels, members of the rebellion. So more than 2/3 probably of the new police not being police officers.

GHOSHAL: Yes.

BOUTELLIS: Originally—what is your diagnostic, some of the reasons why so many of these things. The reason might be different regarding different types of abuses.

GHOSHAL: *Yes, I think there are several and I think it's exactly right that the reasons are different depending on the abuse. I think that they're absolutely correct that the lack of training and the lack of professionalism is a major problem. I think better training could resolve a number of the problems that we see. But I think those are more the isolated problems that will be dealt with by better training. I also think that there is a serious problem of impunity. This is something that some of the police officials were rather reluctant to accept because they do have all these statistics of all the police who are in prison. But since they couldn't break it down for me, my interviews with detainees and with other people who have been abused, seem to indicate that there is impunity for police officers who abuse detainees. It is very, very rare that anyone will be prosecuted for this and that they'll be convicted. Until that is addressed, even with all the training in the world, you're still going to have some police officers who commit abuses because they think they can get away with it.*

Also regarding the issue of police officers asking bribes in order to free people, we saw that in the case of Muramvya, but that's not the only place we've seen that, that's relatively frequent that someone will be arrested and a police officer will say, "Okay, if you can give me 5,000 francs or whatever amount they ask for, ranging from very small amounts to very high amounts, I can let you go. That's relatively common. That comes from both the fact that the police are not well paid—but of course, that doesn't justify this kind of corruption. It also comes from the fact that corruption is very widespread in Burundi and is generally accepted and is generally done with impunity.

So you have impunity regarding human rights abuses themselves, you have impunity regarding corruption. You have poor training and you also have what looks like, for example in the case of these intelligence agents who were killed, you have what looks like irregular chains of command at work, in certain cases, where people are not taking orders directly from their superiors within the police but where they may be other agencies that are involved and that may be collaborating to carry out certain abuses. We saw in the beginning of this year, in January, several people were killed in Kinama and Kamange which are two poor marginal communes on the north of the city districts. Several people were killed there who were affiliated with the FNL.

In one case, an agent of the intelligence service was identified as the perpetrator. In another case, a member of the Presidential Guard, a police officer who is a member of the Presidential Guard was identified. In both of these cases we've spoken to multiple witnesses who have identified these people. In both cases the police were nearby at the time of the crime, arrived on the site a couple of minutes later after the killing and yet, according to the victims did not carry out their own investigations, didn't go looking around the neighborhood immediately

to find the perpetrator even though in one case someone pointed out the perpetrator a few blocks down the street and said, "That's the guy who just shot these people." The police said, "Okay, we'll do the investigations tomorrow."

So there seem to be some cases in which, for reasons of political allegiance police are reluctant to investigate crimes committed either by other police or by other security agents.

We also saw for instance, this is diminished a little bit but there is a concern that it may increase again because we're now seeing more repression of the political opposition. In 2006 there were several cases where the police were used. For example, in one case a politician left the ruling party and he organized a press conference at his house to explain why he was leaving the ruling party. The press conference was surrounded by the police and the journalists who were there were essentially held hostage for seven hours, at the site, surrounded by police and told they couldn't leave. Several of the journalists were beaten by the police. That clearly seemed to be a political usage of the police to intimidate both this man who had said he was leaving the ruling party and the journalists who had gone to cover his statement.

BOUTELLIS: So the integration process is a very recent one. You mentioned the issue of politicization. What are some of the initiatives taken to actually depoliticize and make sure that one group or the other that has recently integrated the police is not used for political purposes?

GHOSHAL: *There are, within the command structure there are generally people who come from different sources, come from different backgrounds. The police, I believe, try to avoid having a situation where there is a particular chain of command where all the people in the chain of command come from either the same rebel group or come from the army. So there seem to be efforts to do that. For example, when there is a commissioner from one group, they attempt to make sure that the assistant commissioner is from another group. However, there are certain elements of the police that seem heavily weighted in one direction or another. For example, within the GMIR itself, the GMIR has a commander and then it has three unit commanders. It is divided into three—or three group commanders I might say.*

At the time of the events in October when I was looking into the GMIR, the overall commander of the GMIR and two out of the three group commanders were all former rebels. So you had a unit that seemed to be more heavily weighted toward former rebels than from people who came from the former governmental army for instance. Either because the people who come from the former rebels happen to be less well trained, or because there may have been an element of politicization, I believe the fact that there was a heavily weighted chain of command within the GMIR perhaps led to or perpetuated abuses in Muramvya.

BOUTELLIS: The issue of politicization and another issue that has been mentioned, the new Service National de Renseignement, that were formerly responding prior to Arusha to the presidency directly. So is the new Service National de Renseignement. What are some of the concerns in terms of—are there any concerns in terms of political use currently or potentially?

GHOSHAL: *Yes, I would say there are definitely concerns. It's not something that I have carried out thorough research on since I've been here so I can speak more from reading documents that have been produced in the past, but also from a few*

conversations I've had since I've been here. In 2006 there were a number of killings of people linked to the FNL.

BOUTELLIS: So the FNL are the last rebel group that hasn't signed the Arusha Agreement.

GHOSHAL: *That hasn't signed a peace accord. They've signed a cease fire agreement but they haven't fully implemented the cease fire agreement and there continue to be a number of violations of that agreement. So in 2006, before they had even signed in a number of cases people linked to the FNL were killed. My predecessor at Human Rights Watch was able to collect a significant amount of evidence pointing to members of the Service National de Renseignement. The fact that members of the service would be used to carry out extrajudicial executions of FNL members is clearly politicization and an improper use of force. At that time they did have the right to arrest FNL members because it was an illegal movement.*

Right now it is no longer an illegal movement so they technically should not even be arresting FNL for their membership in the movement. But at that point there was a legal process that they could have followed. People could have been arrested and tried. In some cases they were and in other cases they were executed and their bodies were found on the streets. So that seems to be linked to the SNR (Service National de Renseignement).

More recently, through most of 2007 we did not see major abuses. In the end of 2007 the human rights observers at BINUB (United Nations Integrated Office in Burundi) documented one case in which some people were held and tortured in the SNR jail. It didn't seem to be a particularly political case. The people had been arrested for committing crimes. But obviously the fact that they were tortured was a concern. The SNR also in 2006 was responsible for the torture of the former Vice President of Burundi, Alphonse Kadege. He, at the time was arrested for allegedly having plotted a coup against the government. He was arrested and tortured. He was eventually found not guilty.

Recently, in December of 2007, a video was released that shows his interrogation. While some parts of the video are cut out, so I believe you don't see the majority of the torture that he says occurred, you see him being beaten by these agents. The fact that this video was released and there has been no official response to attempt to take action against the agents who you can see and hear in this video is somewhat shocking and demonstrates that there is still a good deal of impunity within that service. The video has essentially been dismissed. One person I spoke to on the police force said, "Well, videos can easily be faked." That perhaps is true, but I think this video merits examination and interrogations of potential suspects.

BOUTELLIS: Are there any discussions at the national level, within the Police National Burundais regarding possible reform of the SNR and the change of command structure? You also mentioned that Human Rights Watch as part of their mandate is actually advocacy. Is that something you would be suggesting, the reform of the chain of command?

GHOSHAL: *Again, I can't speak as Human Rights Watch myself. I can tell you that in our report that was published in 2006 we recommended that there be more external monitoring of the activities. That there be for example and parliamentary monitoring commission. Right now this service functions in a very sort of discreet way. It's very difficult to know what they're actually doing. They have a number of*

agents operating secretly. They have a number of informants. We don't really know who these informants are or what they've been tasked with.

I understand of course in any country the intelligence service is going to have some element of secrecy but right now the secrecy is what contributes to the abuses. So clearly there are some changes that need to be made but it's not something that I personally have done substantial research into. I have received several complaints from people living in these urban neighborhoods of Kinama and Kimange, complaints that there are demobilized FDD (Forces de Defense de la Democratie, Defense of Democracy) combatants who work as informants for the intelligence service and who are armed. While the intelligence service of course has the right to have people working as its informants, they don't have the right to be walking around with pistols and showing up at people's houses and intimidating them. Yet that seems to be what happens in a number of cases. So that's a use of the intelligence service that I'm very concerned about.

BOUTELLIS: So let's talk a little bit about internal accountability and the role of the Inspector General. You just mentioned the suggested parliamentary monitoring commission. What are some of the external accountability mechanisms right now? You've mentioned a number of local NGOs. What are the channels of communication? Are there any? Are there two-way communications taking place in terms of the police and external accountability mechanisms?

GHOSHAL: *There's definitely communication taking place. The local NGOs are themselves in contact with the police authorities. For instance there have been cases where the local NGOs or myself or human rights monitors from BINUB who also I should mention, have been very active in monitoring police abuses, where we have directly contacted the police authorities and they have been able to do something about a particular problem. Often this happens for example when people are being detained beyond the legal limit of detention. Often if we contact the authorities they can quickly look into the case and either free the person or go ahead and charge them with a crime which is what they legally are required to do after seven days.*

So for instances like that we communicate with them and they're helpful. Again, you know, the other local human rights NGOs and BINUB from my conversations with them, have had the same range of experiences when they bring up cases of torture and mistreatment. They've had the same range of experiences that I've had in that some police authorities are very receptive and try to account for what is happening, and others are somewhat dismissive.

BOUTELLIS: The current police reform that started with the new Police Nationale Burundaise aims at creating a Police de Proximite community policing that is the term that the police is using. Are there any community consultation forums organized?

GHOSHAL: *Between the police and local communities?*

BOUTELLIS: Yes. You mentioned the advocacy of local and national NGOs going to engage the police, are there any initiatives coming from the police?

GHOSHAL: *This is something that I'm not sure about. I believe that in conjunction with the reform there are supposed to be dialogues within the communities about what it means to have a Police de Proximite and I'm not sure if that is something that has actually been initiated or not. There was a press conference in November that was sort of launching this project of Police de Proximite and I believe that it was something that was mentioned there, that there would be community forums*

in which this new model of policing was explained and people would have the opportunity to ask questions. So again I don't know if that has happened but it would be of course a good idea. Any forum for more direct and honest exchange between the people and the police is helpful.

I should mention that APRODH also does workshops regarding police reform and proper policing methods as does BINUB. During the course of these events in Muramvya in October, APRODH carried out a workshop in Muramvya the same week that we had identified that the abuses were taking place. So this workshop was aimed at the Judicial Police and the Interior Security Police and the judicial authorities to talk about what each group's proper role was according to law.

At that workshop a judicial police officer raised his hand and mentioned the fact that he was aware of this clandestine jail and the fact that people had been tortured within it and this was something he was concerned about it. When he got home that evening he was arrested and beaten by the police force who he had criticized. So this is sort of a troublesome model because people may be unwilling to speak out openly about what they need from the police and what their concerns are about the police if they feel again, even if they have not been victims themselves, if they feel that by speaking out publicly in a public forum they could then become a target. So I think there is also need for, again, proper training about the fact that civilians have the right to criticize the police and that that is not a crime and for monitoring to make sure there is no abuse linked to the type of things that people might say in public forums.

BOUTELLIS: There have been a number of initiatives, you mentioned some of them, part of the training that the police is undergoing relates to human rights and to international humanitarian law. First of all, of the issues you've identified, are these somewhat the same all around the country, urban areas, rural areas? Are there some significant variations? Are these initiatives of training and so on implemented all around the country?

GHOSHAL: *The training is taking place all around the country. It hasn't reached everywhere yet. It has sort of been on a province by province basis I believe. So I don't know how far they've gotten yet. I know that in November they had just started. In fact Muramvya had been one of the first places where they had done the initial module of training for the police. So the training initiative is supposed to reach the entire police force. The Belgium training model is supposed to reach the entire police force.*

In terms of the types of abuses that we see throughout the country, I would say that cases of detainees being beaten by the police for example is something we see everywhere. But I don't have enough background yet to be able to identify whether it is something you see much more frequently in some places compared to other places.

BOUTELLIS: It's still very early in terms of the training with human rights models. It probably started a year ago the first programs. Are there any observations already about these trainings or about the impact that this training has or will have? Are there mechanisms being discussed—you're not directly involved in training, but are there mechanisms discussed to monitor potential progress?

GHOSHAL: *This is something that I'm not quite sure about. I don't know if there is a mechanism to monitor progress. It would obviously be really useful, but I don't know if it is in place. In terms of what people are getting out of the training so far, again that's hard to say but anecdotally there are a few police officers, and this*

tends to be officers, not police agents, but the ones with more authority in higher-ranking positions. A number of them, in my conversations with them, have clearly had some education on basic human rights principles and can quote and reference various treaties and documents which is fantastic. Occasionally their knowledge is not always being, perhaps I can say in some cases there is a misunderstanding of what they've learned. For example one of them pointed out to me that because Burundi has not integrated the convention against torture into its legislation, that there is therefore no prohibition on torture, which is sort of a misinterpretation. Of course, torture falls under other categories of Burundian law such as CBV and it is called Coups et Blessure Volontaire, which basically means you are physically abusing someone intentionally. But there was at least one police officer when I raised the fact that it was a problem that people had been tortured and that Burundi ought to be respecting the convention against torture since they are a signatory, they said, "Yes, we are a signatory but it is not within our law, it is not integrated into our law."

So there is an awareness of international conventions but it is not always put to the best use. Sometimes there may be an intentional misunderstanding in this particular case. In other cases I have been very impressed by certain officials' knowledge of international law. With the lower-ranking police officers, one of them who had just come from his first week of training I asked him what they had done and what he had learned. He said, we read books. That was about all he could say about it. So clearly whatever written material they were given to read hadn't particularly made an impact on him and it also seemed that perhaps if they had just been reading, perhaps there could have been other things they could have done like role plays, scenarios, things that might have been more useful for him to actually put that training into effect rather than reading books that he clearly didn't seem to understand.

BOUTELLIS: There has been a public perception survey done regarding the security forces in general, that was in 2007 if I'm not mistaken.

GHOSHAL: *Right.*

BOUTELLIS: One thing that came out of it was the fact that human rights violations committed by the police or the armed forces was one of the critical issues vis-à-vis the population. Again is this something that is recognized and will this trigger more efforts to improve the image of the police?

GHOSHAL: *I hope so. I was impressed by the fact that at the press conference that the police held in November they distributed the report that you're referring to, to everyone present. So several hundred copies of this report were being distributed and it was a report that was highly critical of the police that noted that 14% of the population saw the police as the greatest force of insecurity in the country following only armed bandits and FNL. The report also referred to other things I'm discussing such as the politicization of the police, of the fact that they've been used to do things like arrest journalists and other people who are critical of the ruling party.*

So the fact that that report was essentially embraced by, I believe, the new director of the police and was distributed publicly along with materials about reform and Police de Proximité, I saw that as a recognition that these things are problems and that the police are willing to accept criticism and hopefully that means that they're willing to act on it.

- BOUTELLIS: Again, most of the programs of training and reform are very recent but there are a number of actors from the bilaterals to BINUB, United Nations, and some local NGOs, the International ICRC (International Committee of the Red Cross) as well, that are involved in working with the police. From your knowledge are there any particular experiments or programs that you think merit attention because they might be particularly well suited or might be well received or perceived by the police officers?
- GHOSHAL: *I haven't observed any of the trainings myself and when the police have talked to me about the trainings they often haven't differentiated what they got out of one training compared to what they got out of another training. So I guess I would say that I'm not in a position to answer that question because I'm not clear on what the distinction is between all the various trainings.*
- BOUTELLIS: Okay. Are there any, do you have any final comments or things that we haven't talked about?
- GHOSHAL: *I guess I just think that it is important to emphasize the fact that you do have a population that feels that the police are not people that they can trust and they can go to to improve their security, but rather that they're a source of insecurity is a really critical issue and that needs to be addressed promptly. When you don't have confidence between the population and the police that contributes to all sorts of other problems, particularly in a country that is emerging from conflict. So I think it is really important that steps are taken immediately to build confidence between the population and the police and the only way that you can do that is if the population is assured that police who commit abuses are going to be held accountable.*
- BOUTELLIS: Maybe one final question because you mentioned this issue. One particularity in Burundi is that there has been an integration of different groups of international police, post war, post conflict, and there has been no vetting of the new members of the police force. Is this something that is being discussed? Is this something that will potentially happen? What are the stakes?
- GHOSHAL: *There are a couple of different levels on which this could happen. Yes, there has been no vetting. According to the Arusha Accords, both the police and the military, ultimately there were mechanisms in place for people to be excluded who had been found guilty of genocide, crimes against humanity, war crimes or having participated in the 1993 coup d'état but because there have not been mechanisms of transitional justice put into place yet in this country, we don't yet know who in the police or the military has been responsible for these things. It is quite likely that since the majority of them came from the rebel movements or from the former Burundian Army that a number of them are responsible for the types of violations that ought to be sufficient to exclude them.*
- So there is a problem here because transitional justice in Burundi has proceeded very, very slowly. According to the Arusha Accords, a truth and reconciliation commission and a special tribunal for the prosecution of these crimes was supposed to be put in place initially under the interim government, the transition government. That didn't happen, it is now 2008 and it still hasn't happened. There is a committee in place, a pilot committee which is supposed to be organizing consultations on transitional justice, but various delays, mostly stemming from the government have held up their work as well. So it is seeming increasing unlikely that there will be any transitional justice mechanisms at least within the next few years. So we're looking at some point probably after the 2010 elections where you may actually be able to establish a special tribunal for*

prosecution of war crimes in Burundi, which means a couple more years of the same police officers and military personnel as well who may have committed war crimes and crimes against humanity.

So it is going to be a while before an official vetting process along those lines can take place unfortunately. In the meanwhile there is sort of unofficial vetting going on in that the police will be carrying out a demobilization process this year. They're supposed to bring their numbers down to 15,000. Right now nobody is sure exactly how many police there are because they don't have administrative files, because there's all sort of poor organization. But there are estimates that there may be around 18,000. So they need to bring those numbers down to 15,000 in order to be in compliance with IMF standards. The director of the police has assured me that he will take steps to make sure that police who have disciplinary records or who are known for having committed human rights abuses will be recommended for demobilization. So I hope that that is the case, that demobilization becomes a way to pick out some of the people who have been most responsible for abuses.

BOUTELLIS: Neela Ghoshal, thank you very much.

GHOSHAL: *Thank you.*