

BURUNDI
COUNTRY ASSESSMENT

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

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2. GEOGRAPHY

2.1 The Republic of Burundi is a land-locked country lying on the eastern shore of Lake Tanganyika, in central Africa, just south of the Equator. **[1a]** It covers an area of only 27,834 square kilometres. **[1b]** It is bordered by Rwanda to the north, Tanzania to the south and east, and the Democratic Republic of the Congo (DRC) to the west. **[1a][39]** In mid-1999 the population was officially estimated at 6,483,000. **[1b]** The official languages of Burundi are Kirundi and French, while Swahili is also used in addition to French in commercial circles. **[1a][32]** All Burundians know Kirundi but may speak it with regional variations. Kirundi is closely related to Kinyarwanda, the official language of Rwanda. **[32]** Swahili is widely spoken in and around the capital, Bujumbura, and is a first language in certain Muslim neighbourhoods whilst Congo Swahili is spoken in Congolese neighbourhoods. **[1a][31][32]** For further information on geography refer to the Europa Yearbook (source [1a]).

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3. ECONOMY

3.1 At the end of 2001, UN statistics ranked Burundi as the world's third poorest country. Prior to the outbreak of civil war in 1993, 30 percent of the population were living in conditions of extreme poverty. The war, and consequent massive population upheaval, has exacerbated Burundi's economic plight and the country is dependent on foreign assistance. By 1996 the figure living in extreme poverty had doubled to 60 percent. **[1a][1b]**

3.2 Burundi's economic performance is heavily dependent on world prices for its cash

crops. The principal exports in 1997 were coffee, tea, hides and skins. In 2001 the Burundian Government was grappling with the effects of a 40 percent reduction in the output of coffee. **[30a]** By June 2002 the economy was close to collapse. **[16ai]** On 28 August 2002 the Government took the decision to devalue the Burundi franc by 20%. The government also plans to reduce public expenses and increase revenues in its efforts to deal with the budget deficit; it has already frozen the recruitment of teachers in the civil service. In a separate measure to deter businessmen from profiting from the current economic situation, sugar rationing has been introduced. **[16ay]**

3.3 Indications of a marked deterioration in the economy were accompanied by predictions that unless the budget is provided with support to enable it to meet immediate financial needs, political tensions could surface and endanger the country's fragile peace process. **[16ag]** These concerns, coupled with events such as national teachers' strikes, have led some western governments, especially Belgium and France, to recommend financial assistance to the government. In recent years both the World Bank and the IMF have refused to give money to Burundi, claiming it was being used to purchase arms. In September 2002 it was however reported that the World Bank did plan to release funds. **[16ay]**

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4. HISTORY

Summary of events since independence

4.1 Burundi gained its independence from Belgium on 1 July 1962. Much of the country's history since then has been characterised by tensions between Burundi's two main ethnic groups, the Tutsi (traditionally the dominant tribe, despite representing a minority of the overall population) and the Hutu. There have been a number of occasions where these tensions have resulted in violence and inter-ethnic massacres. Since independence Burundi has also seen a number of coups and many more attempted coups. **[1b]**

4.2 Following an unsuccessful attempt by the Hutu to overthrow the Tutsi-dominated Government in October 1965, virtually the entire Hutu political elite was executed, along with thousands of rurally based supporters. Another abortive coup attempt in April 1972 led to massacres of an unprecedented magnitude and brutality. 100,000 - 200,000 people were killed and a further 200,000 fled the country. All Hutu elements were eliminated from the armed forces and significant participation by the Hutu in Burundi's political life was effectively ended until the late 1980's. **[1b]**

4.3 In August 1988, tribal tensions erupted into violence in the north of the country. Groups of Hutu, claiming Tutsi provocation, slaughtered hundreds of Tutsi in the towns of Ntega and Marangara. The Tutsi dominated army was dispatched to the region and in the week that followed large-scale tribal massacres, similar to those of 1972, occurred. In October 1988 a commission for national unity was established to investigate the massacres and make recommendations for national reconciliation. **[1b]**

4.4 On 9 March 1992, 90% of voters accepted proposals for constitutional reform at a referendum. The new constitution was promulgated four days later and in June 1993 presidential and legislative elections took place. These were won by Melchior

Ndadaye of the predominantly Hutu party, Front pour la démocratie au Burundi (FRODEBU) who had received the support of three other parties with a mainly Hutu base. FRODEBU also won 65 of the 81 seats in the national assembly. The Union pour le progrès national (UPRONA) took the remaining 16 seats. **[1b]**

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Outbreak of Civil War

4.5 The Ndadaye Government immediately started bringing its supporters into the civil service and drafting plans for extensive reform of the army. On 23 October 1993, more than 100 army paratroopers occupied the presidential palace and killed Ndadaye. However, international condemnation of the coup and the ferocity of the renewed inter-ethnic massacres (25,000 - 50,000 deaths) undermined armed forces support for the insurgents. On 27 October 1993 the FRODEBU Government had resumed control of the country. **[1b]** However, it was the killing of democratically elected President Ndadaye that effectively marked the outbreak of civil war in Burundi. **[29]**

4.6 On 6 April 1994 Ndadaye's successor to the presidency, Cyprien Ntaryamira, was killed when the plane he was travelling in with Rwandan President Habyarimana crashed after being hit by a rocket on approach to Kigali airport. In accordance with the Constitution, FRODEBU leader Sylvestre Ntibantunganya was named as interim president. During the first half of 1994 ethnic tension increased as well-armed extremist factions within both Hutu and Tutsi communities tried to establish territorial strongholds. The security conditions prevented a new president being elected by universal suffrage: as a result, a 'Convention of Government' elected the new president in 30 September 1994. Under the same provision a four-year transitional government was established, with 45% of cabinet posts going to the opposition parties. **[1b]**

4.7 Exacerbated by the proximity and scale of violence in neighbouring Rwanda, ethnic tensions persisted in Burundi during the second half of 1994 and the situation worsened during 1995. By early 1996, reports of atrocities perpetrated against both Hutu and Tutsi civilians by the armed forces and Hutu and Tutsi militias were commonplace. **[1b]**

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Coup of 25 July 1996

4.8 Violence continued to escalate during 1996 and the political tension intensified until, on 25 July 1996, the Burundian armed forces led a successful bloodless coup. This saw former President Buyoya reinstated as the interim President of a new transitional republic. **[1b]**

4.9 Immediately upon assuming power, the regime dissolved the National Assembly and banned political parties. The 1992 Constitution and 1994 Convention of Government were suspended. About 3 weeks later, Buyoya announced the restoration of the opposition dominated National Assembly and of political parties with certain restrictions. **[2a]**

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Peace Talks

4.10 In March 1998 the Government initiated negotiations with the National Assembly **[1b]** and on 4 June they entered into a partnership agreement. The National Assembly adopted a Transitional Constitutional Act and a Transitional Political Platform, the Act changing the structure of government by eliminating the post of Prime Minister, creating one vice president, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. It placed no time limits on the President's or the National Assembly's term of office. **[2a]**

4.11 Between 15 and 21 June 1998 the Government attended all-party peace talks in Arusha under the chairmanship of former Tanzanian President Julius Nyerere (one of three rounds of talks during 1998). **[1b]** At Nyerere's instigation, the 18 delegations attending the talks (the government, national assembly, 13 political parties and three armed opposition groups) merged into three groupings in an effort to speed up negotiations: G3 comprised government and pro-government delegations; G8 consisted of PARENA and smaller Tutsi-dominated opposition parties; G7 comprised FRODEBU, allied Hutu-dominated parties and Hutu-dominated armed opposition groups. In August 2000 the pro-government wing of UPRONA and another Tutsi dominated party that entered the negotiations in February 2000 joined the pro-Tutsi group, which thus became known as G10. With the shift of UPRONA the government group was reduced to G2. For details of the parties and groupings see Annex B. **[5b]**

4.12 Negotiations continued during 1999 with the main negotiating parties reporting good progress but the talks were suspended in October following Nyerere's death. In December 1999, at a Regional heads of state meeting in Arusha, former South African President Nelson Mandela was unanimously selected as the new Burundi mediator. **[1b]** The International Crisis Group (ICG) observed that up until this point a shortcoming of the negotiations had been the exclusion of the armed rebel groups Conseil national pour la defense de la democratie - Forces pour la defense de la democratie (CNDD-FDD) and Forces nationales de liberation (FNL). Both had previously been barred from negotiations until such time as they reconciled with the groups they had split from in 1998 and 1992 respectively. **[10]** Mandela invited both groups to join the talks. The invitation was initially declined by both groups who then imposed preconditions. **[1b][10]** These included the release of political prisoners, the disbandment of regroupment camps, the return of the Burundi army to barracks, and political recognition and legitimisation for themselves. **[10]**

4.13 The talks progressed without the active participation of the rebels until a peace agreement was due to be signed, initially in mid-July 2000, but put back to 28 August 2000 by Nelson Mandela, since agreement had not been reached on a number of points. **[1a][1b]** The Burundi Government said there must be a cease-fire before any deal could be signed. They also said they wanted current president Buyoya to preside over the transitional period set to last for 30 months. **[21a] [37b]** Most pro-Hutu organisations backed Domitien Ndayizeye for the presidency during the transitional period, although the Conseil national pour la defense de la democratie (CNDD) were reported to favour Buyoya. **[16d]** The majority of political parties were opposed to Buyoya being leader during the transition period. However, it was agreed that the transitional president would not be eligible to stand in the presidential poll

scheduled to follow the transitional period. [19a] [37b]

4.14 President Buyoya, all Hutu parties and six of the Ten Tutsi parties signed the Accord on 28 August 2000 but a cease-fire was not included. [20a] The Tutsi parties that did not sign acknowledged that if they did not change their position they would have no say in the choice of the government. [1b][8a] The armed Hutu rebel groups, CNDD-FDD and FNL, rejected the agreement. [6a]

4.15 Fighting between government forces and Hutu rebels continued after the signing of the Accord. [7d] CNDD-FDD demanded that camps be dismantled and around 11,000 political prisoners released. Camps in Bujumbura-Rural province appear to have been dismantled except for around 10,000 people afraid to return to their homes. [4b] The three remaining Tutsi parties listed seven reservations, the first of which was that the agreement itself was not the end of the peace process: they wanted negotiations to continue. Having reportedly received the commitments they sought, the three parties signed the peace agreement on 19 September 2000, paving the way for implementation of the Accord. [1b][22a] The regional leaders present at the signing ceremony demanded that the rebels observe a cease-fire within 30 days, but the violence continued. [1b]

4.16 After the signing of the Accord, the South African Deputy President took over an increasing amount of Burundi mediation work from Mandela who had announced that, with the agreement signed, he considered his role to be largely over. On 27 November 2000 the Implementation Monitoring Committee (IMC) was officially established with a mandate to supervise the implementation of the Arusha agreement. [1b] In November 2000, at a regional summit in Nairobi, the rebels were threatened with sanctions. [10]

4.17 At the Arusha summit in February 2001, regional heads of state proposed alternating the presidency over a transitional period of three years. The recommendation was for a Tutsi president and a Hutu vice president for the first 18 months and vice versa for the second 18 months. FRODEBU stated that it had not approved the power-sharing arrangement and saw it as entrenching ethnicity in an already divided country. Eventually however, all parties present accepted the proposal. [1b][4d] A number of parties present agreed to submit Colonel Epitace Bayaganakandi and FRODEBU's Domitien Ndayizeye as candidates for the transitional leadership. However the Burundian Government, and subsequently the regional heads of state, rejected this proposal. [1b] CNDD said that whilst it backed the Arusha accord it would not join the transitional government unless a negotiated cease-fire agreement was concluded. [18b][19b] Meanwhile, in a separate development, in February 2001 Agathon Rwasa replaced Cossan Kabura as leader of the FNL. Kabura did retain control of an FNL faction but aside from issuing occasional statements it has been inactive. [10][18k]

4.18 On 4 April 2001 President Buyoya announced that his government had decided to implement the 28 August 2000 Arusha agreement. This would mean drafting a new constitution, new legislation on political parties and a general amnesty on crimes committed prior to the signing of the agreement. [4f] The same month, President Bongo of Gabon hosted a second of two meetings that had brought the Government and CNDD-FDD together to draft an agenda for negotiations, although these took

place without the participation of the FNL. [10]

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Failed Coup attempts of 18 April 2001 and 22 July 2001

4.19 On 18 April 2001, while Buyoya was attending peace negotiations in Gabon, there were reports of a failed coup attempt by a group of around 30 junior army officers calling themselves the Patriotic Youth Front. [1a][7e] The group, who had not been heard of before, seized the state radio station. Forces loyal to the government surrounded the radio station but, rather than storm the building, waited until the rebels gave themselves up. [7e] A group of about 40 soldiers and 2 civilians with links to the Parti pour le redressement national (PARENA) party were arrested following the coup attempt. Amnesty International (AI) expressed concern at the risk of ill treatment of these people. [16h] On 27 April it was reported that 20 members of the PARENA party were arrested after visiting their colleagues in detention. PARENA refused to condemn the coup attempt, pointing out that President Buyoya himself first took power in a coup. [7f]

4.20 On the night of 22 July 2001, rebel members of the armed forces staged an abortive coup attempt, reportedly kidnapping a senior presidential aid. [1b] The mutineers tried to storm the Mpimba Central Prison to free the soldiers being held for the failed 18 April 2001 coup attempt. After failing to do so they took 30 or so vehicles and headed towards Kayanza province with a number of hostages. In the early evening of 23 July 2001 it was reported that all hostages had been freed and the mutineers had surrendered to the military authority in Ngozi. Two soldiers were killed in the mutiny. [17b] The officers who led the mutiny were placed in Ngozi prison. [17c] At the end of August 2001 over 320 soldiers were discharged from the army in Ngozi for their involvement in the April and July 2001 coup attempts. [7g][17e]

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Developments prior to term of the Transitional Government

4.21 In July 2001 it was announced that President Buyoya would remain as president for the first 18 months of the country's transition. Domitien Ndayizeye of the main opposition pro-Hutu FRODEBU party would be the vice-president. Nelson Mandela announced that Buyoya would have to abide by a list of conditions, including the implementation of the Arusha peace agreement, the release of all political prisoners, and protection to all political leaders, especially those returning from exile. [4j] In August 2001 President Buyoya confirmed that he would give way to a new head of state at the end of his 18-month phase. [17d] The same month it was reported that the IMC would be repatriated from its base in Arusha to Bujumbura two weeks before the instillation of the Transitional Government on 1 November 2002. [15a]

4.22 At the end of August 2001, Burundi's judicial commission proposed a bill granting temporary immunity to those who had committed politically motivated crimes. The bill was intended to deal with crimes committed before the Accord was signed on 28 August 2000 as well as temporarily protecting those politicians who might decide to return before the transitional government was set up on 1 November 2001. The commission believed that 'temporary immunity' should be granted for a period of two years, after which there must be a re-trial; an amnesty should in all cases be avoided. [16k]

4.23 In September 2001 it was reported that a special army unit due to be established to protect exiled politicians returning to Burundi as part of the peace process would not be ready in time although President Buyoya said that the transitional government could still begin functioning and that people returning to the country would be safe. [16o][16p]

4.24 In October 2001 South Africa agreed to provide troops for a protection force demanded by opposition politicians before they would join the transitional government (see paragraph [5.39 – 5.40](#)). [6a] The South Africans arrived on 19 October 2001. [30a] Meanwhile, at a summit in South Africa in the same month, CNDD-FDD renewed its commitment to the discussions that had taken place in Gabon in January and April 2001. However, the following day it was reported that a faction of CNDD-FDD had rejected its leader, Jean-Bosco Ndayikengurukiye, and broke away to form a splinter group under the leadership of Pierre Nkurunziza (See [Annex B](#)). [10]

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The Transitional Government

4.25 On 1 November 2001 Buyoya was sworn in as president of the Transitional Government with Domitien Ndayizeye, the secretary general of FRODEBU, as vice president. [2a] This was a key provision of the Arusha Accord but a ceasefire with CNDD-FDD and FNL remained elusive and shortly before the new government took over the rebels stepped up attacks. [6a][10] Meanwhile, in the latter part of 2001 several opposition figures that had been party to the Arusha negotiations began returning to the country, although a few leaders remained in self imposed exile as they continued to fear for their security. [8e][18i][36a]

4.26 In February 2002 Nkurunziza's CNDD-FDD faction participated in further talks in South Africa. The same month, the South African facilitators requested the assistance of Tanzania to help bring the rebels to the negotiating table. In March 2002 Tanzania convened a meeting in Dar-es-Salaam, to which all rebel groups and splinter groups were invited, to consider a joint position for ceasefire negotiations. These talks included three Arusha signatories: CNDD, Front pour la libération nationale (FROLINA) and Parti de liberation du peuple Hutu (PALIPEHUTU). Both Nkurunziza's CNDD-FDD faction and the FNL initially participated in these talks but quickly rejected the process. The rebels also objected to the Hutu political groups participating in the talks having been accorded the same status as themselves; they considered these organisations to be compromised by their participation in the Transitional Government. Additionally, the rebels also demanded their own exclusive forum to negotiate reform of the army. [10]

4.27 In late April 2002 representatives from both CNDD-FDD and the FNL were in South Africa for separate talks. The CNDD-FDD met with international mediators and a delegation of the Burundian Government, although faction leader Nkurunziza warned in advance that his organisation was not ready for a cease-fire. [14a] Meanwhile, rival CNDD-FDD faction representatives led by Ndayikengurukiye spent 10 days in South Africa for talks with the same delegations and agreed upon an agenda for cease fire negotiations. [10][14a] FNL, in the country for a meeting with the UN Security Council, reportedly refused to meet a Government delegation

because they wanted to negotiate directly with the Burundian army. [14a]

4.28 In May 2002 an ICG report entitled “Burundi after six months of transition; Continuing the War of Winning Peace” noted a lack of progress made in securing peace in Burundi and in the implementation of the Arusha accords. ICG observed that the ceasefire negotiations in South Africa had failed to produce “a single concrete result” though acknowledged that the facilitation team was not solely to blame. The report referred to powerful elements within Burundi who had no interest in ending the war as well as differing opinions among parties to the conflict as to the purpose of ceasefire negotiations. While calling upon CNDD-FDD and FNL to cease operations against the Burundi army as well as relations with the dissident Rwandan Liberation Army (ALIR), the ICG also called upon the Burundian government to cease hostilities against the rebels. The ICG also called for the implementation of elements of the Arusha accord relating to an international commission of inquiry on political prisoners, the reshuffle of all governors and representatives of the territorial administration, and the establishment of the Burundi protection unit comprising of equal numbers of Hutu and Tutsi. [10][12c]

4.29 In June 2002 talks in South Africa between the government and Ndayikengurukiye's faction of CNDD-FDD were reported to have been at an advanced stage but then reportedly hit a snag when the faction declared itself unready to discuss ceasefire modalities. [10] [16ak] Meanwhile, at talks held in Tanzania in late May and early June 2002, the Nkurunziza faction of CNDD-FDD reiterated its commitment to a negotiated settlement but, like the FNL, emphasised it would talk only to the Burundi army. [10] However, during the following two months progress towards further talks was characterised by further postponements and the reluctance of the FNL to participate. [10][12h][16ak]

4.30 On 29 June 2002 former Burundi President Jean-Baptiste Bagaza returned from 4 years self imposed exile saying he wanted to take part in the nation's political life. [12d] [16ai] Reports suggested that under provisions of the Arusha agreement of August 2000 all former presidents are de facto members of the Senate, the higher chamber of parliament. [16ai] On 4 November 2002 Bagaza was placed under house arrest, accused by Burundi's interior and security minister Salvator Ntihabose of planning to destabilise the country. Bagaza's party, PARENA, was under a six month suspension. Bagaza's house arrest was extended in January 2003 then for a further 60 days in February 2003. Six newly formed political parties led calls for the release of Bagaza and Charles Mukasi, chair of UPRONA. [16bg][16bh] Mukasi was arrested on 21 January 2003 after calling for the restoration of the rule of law in Burundi. Mukasi remained in prison at the beginning of March 6 days after a Bujumbura court ordered his release, apparently because defence lawyers were unable to find the deputy public prosecutor to sign the release warrant. [16bi] The government announced that Bagaza was released from house arrest at the beginning of April 2003 although home affairs minister said they would continue to monitor Bagaza and PARENA would remain suspended. [16bx]

4.31 In early July 2002 it was reported that all was not well within G7 and G10. The smaller parties in G10 first expressed their displeasure with the majority UPRONA faction over the allocation of posts within the Transitional Government. The smaller parties within G7 then took the cue to express their anger against FRODEBU.

FROLINA and PALIPEHUTU wrote a joint letter to the newly appointed special envoy to Burundi, Mr Dinka, citing numerous violations of the Arusha accord and a “co-operation agreement to share responsibility”. The co-operation agreement was signed on 19 March 2001 by all G7 parties except the CNDD. FRODEBU agreed to respect the agreement in return for the support of the 5 smaller parties for Ndayizeye for the position of vice-president. [18j]

4.32 On 6 July 2002 President Buyoya dismissed Mathias Hitimana of the Parti de réconciliation du peuple (PRP) from his post as Minister of Energy and Mines and replaced him with the leader of another Tutsi dominated party, AV-Intware. This was the first ministerial reshuffle since the Transitional Government took office on 1 November 2001. Hitimana claimed that he was dismissed because he was the only cabinet minister who stood up to Buyoya in discussions of the deadlock that has prevented the full implementation of the Arusha agreement. [12f] In response to the dismissal of Hitimana, Bonesha FM radio reported that parties within G10 had threatened to pull out of government unless their continued marginalisation ended. Five parties of the group urged Mandela to intervene; the group alleged that those parties that had not supported Buyoya for the presidency in the Transitional Government were particularly targeted. [16al]

4.33 During July 2002 rebel attacks increased, CNDD rebels reportedly entered the country from Tanzania while the FNL were responsible for further shelling of Bujumbura resulting in several people being killed. [12h] At the end of July 2002 the local Net Press news agency reported that the G7 group of Hutu dominated parties had “strongly condemned” rebels for continuing attacks on civilians and other non-military targets. [16ao]

4.34 In early August 2002 Pierre Nukurunziza’s faction of CNDD-FDD agreed to participate in peace talks and reportedly called for a ceasefire while negotiations proceeded, a call repeated by the Tanzanian president whose country was to host the talks. [4i][7h][7i] On 8 August 2002 it was revealed that the FNL had sacked its president, Agathon Rwaswa, replacing him with Alain Mugabarabona on a temporary basis. [16ar] This development was immediately followed by indications that, for the first time, the FNL would also be prepared to participate in the talks in Tanzania. [7h][16ar] However, in subsequent reports Rwaswa maintained he was still in charge and it became apparent that the FNL had split into two factions with Rwaswa retaining control of the more powerful one. [16au]

4.35 When talks commenced in Dar-es-Salaam on 12 August 2002 both CNDD-FDD rebel factions were represented whilst it was reported Mugabarabona’s FNL would join the talks for the third week. [7i] Meanwhile, a report by the Panafrican News Agency (PANA) observed that neither side had been able to gain a decisive military advantage in the civil war but that Government forces had recently claimed a number of important victories. [4i]

4.36 Progress in the talks was reported with the Ndayikengurukiye faction of CNDD-FDD to the extent that a “memorandum of understanding” not amounting to a ceasefire was signed between the two sides whilst the newly created FNL faction led by Mugabarabona participated for the first time. [16au][16av] However, talks with Nukurunziza’s faction resulted in stalemate before discussions over the ceasefire

document commenced and Rwasas's faction of the FNL did not attend. Analysts warned that the ongoing problems with the larger factions of each organisation threatened to undermine any agreement that might be signed. **[16au]** On 25 August 2002 the FNL attacked the northern outskirts of Bujumbura resulting in a number of fatalities. **[16aw]**

4.37 A 9 September 2002 joint press release by CNDD, FROLINA, PALIPEHUTU and the Kabura led faction of FNL described as unacceptable the agreement reached between Ndayikengurukiye's CNDD-FDD faction whilst excluding other groups involved. **[18k]** The statement went on to warn the mediation team against conducting exclusive negotiations, sharing analysts concern that this could lead to division between the armed political movements. **[16au][18k]**

4.38 In September 2002, reports emerged of a massacre of at least 173 civilians during clashes between the army and CNDD-FDD rebels in Itaba commune of Gitega Province. **[3d][6a][7k][38]** Despite initial denials it became apparent that the army had been involved in the killings; President Buyoya publicly acknowledged this on 30 September 2002. **[3d][6a]** Hutu parties and rebel groups reacted angrily to the killings; CNDD, FROLINA and PALIPEHUTU all threatened to quit the Transitional Government. Meanwhile, Pierre Nkurunziza's faction of CNDD-FDD initially pulled out of a further round of peace talks due to commence on 19 September 2002 although subsequently they agreed to a two day postponement to allow for mourning of the victims. **[7j][8a][18l]** On 4 October 2002 it was reported that two army officers had been arrested in connection with the massacre. **[7k]**

4.39 The peace negotiations held in Tanzania during the latter part of September 2002 did not result in any significant progress. Nkurunziza's faction of the CNDD-FDD and Mugabarabona's FNL faction both participated with the latter signalling its desire for a temporary ceasefire before holding direct discussions with the army. Meanwhile the main CNDD-FDD called upon the Government to sign a declaration recognising its association with the army and accept responsibility for the war. This was categorically rejected by the government delegation. Nkurunziza's faction affirmed that they would not sit at the negotiating table until this requirement was met and subsequently withdrew from the talks. **[8a]**

4.40 On 7 October 2002 the presidents of Burundi, DRC, South Africa, Tanzania and Uganda gathered for a regional summit to discuss the peace process. With a lack of progress there was increasing pressure for sanctions to be imposed upon the rebels, although there was also scepticism as to how these could be applied. **[16bc]** Both smaller factions of the two rebel groups signed formal ceasefire agreements, paving the way for what they called a "new era" in the peace process. CNDD-FDD and FNL factions were given 30 days to comply or face the consequences. Summit delegates agreed to meet after 30 days to review the situation and indicated that if no ceasefire agreement had been reached they would "take appropriate measures against the recalcitrant parties". The leaders present decided that Ndayikengurukiye's CNDD-FDD and Mugabarabona's FNL factions, as well as any other armed groups that signed the ceasefire agreement within 30 days, should be integrated into the transitional institutions and organs of the state, including the army and other security forces. They called on all signatories of the Arusha peace agreement to facilitate this integration. **[16bd]**

4.41 A cease-fire agreement with Nkurunziza's CNDD-FDD was signed on 3 December 2002 and was due to take effect on 30 December 2002, with provisions for the rebels to join the government and be part of a new national army. **[7i]** Rwasas's FNL faction remained outside the process. **[7m]**

4.42 In the event, the cease-fire did not come into effect on the scheduled date because the African mission to monitor implementation and set up cantonment camps did not arrive in time. **[16bj]** On 27 January 2003 President Buyoya and Nkurunziza's faction signed a memorandum of understanding paving the way for implementation. **[16bk]** 35 African Union observers arrived to oversee the process but the CNDD-FDD refused to recognise them and would not vouch for their safety. **[16bl]** On 21 February CNDD-FDD suspended talks with the government accusing it of failing to respect the cease-fire accord but the talks were resumed on 2 March. **[16bm][16bn]**

4.43 On 13 February 2003, rebel leaders Jean-Bosco Ndayikengurukiye (CNDD-FDD) and Alain Mugabarabona (Palipehutu), together with a number of senior lieutenants, returned to Burundi after many years in exile to take part in implementation of the accord. Upon arrival at Bujumbura international airport, the two told press they were delighted to be home. **[16bo]**

4.44 In a joint communiqué issued on 14 October 2002 Burundi agreed to withdraw its remaining two battalions of troops from neighbouring DRC while the Kinshasa authorities pledged that its territory would not serve as a base for Burundi Hutu rebel groups. The deputy spokesman of the UN Mission in the DRC confirmed on 9 October 2002 that Burundi had withdrawn some 7,000 soldiers from the DRC and had only two battalions left to pull out. It was further stated that both countries were committed to normalising relations after more than four years of war. **[16be]**

4.45 For more detailed information regarding history prior to 2000 please refer to the Europa Yearbook, source **[1a]**.

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5. STATE STRUCTURES

The Constitution

5.1 Under the March 1992 Constitution, executive power was vested in the President, directly elected by universal suffrage for a five-year term, renewable only once. A Convention of Government was established among the major political parties in September 1994. The Convention and Constitution were suspended following the military coup on 25 July 1996. On 6 June 1998 a Transitional Constitution was promulgated combining elements of both the 1992 constitution and the 1996 decree-law that Buyoya adopted following the coup in July of that year. **[1a][1b]** The act changed the structure of government by eliminating the post of Prime Minister, creating two vice presidents, removing the National Assembly Speaker from the line of presidential succession, and enlarging the National Assembly. The act placed no time limits on the President's or the National Assembly's term of office. **[2a]** A

transitional Constitution was adopted on 29 October 2001. **[1a]**

5.2 The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion. The Act also prohibits torture and other cruel, inhuman, or degrading treatment or punishment. It gives the President authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court and the National Security Council; this has not been convened since 1996. **[2a]**

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Citizenship and Nationality

5.3 The National Assembly passed a dual citizenship law on 3 May 2000 allowing Burundian citizens to hold a second nationality. Prior to the adoption of this new law, those that had fled the country and become citizens of their countries of asylum had lost their Burundian citizenship. **[16a]** The actual "Code de la nationalité Burundaise" took effect on 18 July 2000 although the rules relating to acquisition had not changed from the previous law introduced in 1971. According to the Code, being a refugee under the Geneva Convention is not a criterion of eligibility for Burundian citizenship. Acquisition of citizenship is a voluntary and individual initiative and subject to the condition that the applicant is not less than 21 years of age, has no criminal record, has resided in the country for not less than 10 years and is attached to the Burundian nation and its values. However, the Immigration Refugee Board in Ottawa, Canada, received information that during his term as president, Michel Micombero provided Burundian citizenship to some intellectuals and businessmen from Rwanda without the usual conditions being met. **[33]** In September 1999 the Danish fact-finding delegation were informed by one western diplomat that it was particularly difficult for foreigners to obtain Burundian citizenship. **[11b]**

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Political System

5.4 The Transitional Constitution adopted on 29 October 2001 provides for a multi-party political system. Political parties are required to conform to principles of national unity and are prohibited from organising public demonstrations. **[1b]**

5.5 Executive power is vested in the President who is Head of State and Chief of Staff of the armed forces. The President appoints the Council of Ministers in consultation with the Vice-President. The transitional government installed on 1 November 2001 was a multi-party administration in which Tutsi and Hutu groups were accorded equal representation. Under the transitional arrangements, President Major Pierre Buyoya was to hold office for 18 months, until 1 May 2003, with Domitien Ndayizeye as Vice-President. On that date, the two are to exchange roles for the second 18 months of the three year transitional period. **[1b]**

5.6 The transitional Constitution provides for a bi-cameral legislature. The lower chamber, the Assemblée Nationale, comprises 121 deputies and includes representatives of civil society and of the principal political parties that signed the power sharing agreement of August 2000. The nomination of deputies by their respective political parties for a term of 5 years is subject to endorsement by the Constitutional Court. The upper house, the Senat, comprises 51 members, of whom

48 are nominated from the country's provinces, with balanced representation between the ethnic groups. **[1b]**

5.7 President Buyoya had returned to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996. **[1b]** In 1998 the Buyoya regime reached a political agreement with the opposition-dominated National Assembly, which adopted the Transitional Constitutional Act and a transitional political platform. The agreement brought the predominantly ethnic Hutu opposition party, FRODEBU, into the Cabinet. **[2a]**

5.8 Political parties operate under significant restraints. FRODEBU and UPRONA are the dominant parties in the new power sharing administration. Ministerial portfolios were also allocated to a further 13 parties signed up to the Arusha agreement. In total Hutu parties were allocated 14 of the 26 ministerial posts. **[1a]**

5.9 The Transitional Political Platform endorses in general terms the restoration of democracy as well as the correction of the ethnic imbalance within the army and the judicial system. **[2a]** In an interview in April 2002 Ndayizeye stated that the Government wanted to implement the planned reforms and prepare for elections. Regarding these he said that local elections are due in May 2003 and presidential elections in November 2004. **[16w]**

5.10 For the purpose of local government, Burundi is comprised of 15 provinces; each of which is divided into districts and further subdivided into communes. **[1a]**

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Judiciary

5.11 The judicial system is divided into civil and criminal courts with the Supreme Court at the apex. The armed forces have a separate judicial system, and there is a labour court. Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory are presumed innocent and have the right to appeal, although in practice some lawyers said the possibility of appeal was limited for defendant's accused of the most serious crimes. In practice few defendants have legal representation. The disruption of the political process and the general insecurity within Burundi has severely impeded the judicial process. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. Many citizens have lost confidence in the system's ability to provide even basic protection. **[2a]**

5.12 The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is dominated by ethnic Tutsis and is not considered independent. Reform of the judicial system is a priority of the peace accord, which has not yet been implemented. An international human rights organisation estimates that ethnic Hutus accounted for only 10 percent of the country's lawyers and 5 percent of judges; in lower courts 10% of judges were Hutu although Hutus constitute an estimated 85 percent of the population. This discrepancy is due in part to unequal access to education. **[2a]** In April/May 1999 a western diplomatic source commented to a Danish fact-finding delegation that the imbalance between Hutus and Tutsis at university led to very few Hutu lawyers being trained. **[11a]**

5.13 Most citizens assume that the courts promote the interests of the dominant Tutsi minority. Members of the Hutu majority believe that the judicial system is biased against them. **[2a]** In April 2002 International Alert reported that research by its policy advisor suggested that Burundians consider the existing justice system to be one sided though probably more along geographical than ethnic lines. In an interview explaining his findings Jackson explained that most lawyers are Tutsis from the south. He commented that people's view is that Burundi needs a broader band of people representing the whole nation. He commented that this does not mean existing lawyers are doing a bad job; they are just seen as on one side and therefore justice is perceived as being on one side. **[13a]**

5.14 During 2002 the Chief Prosecutor, who is a Hutu, continued to lead a government campaign to recruit Hutu attorneys living abroad to return to Burundi and work as magistrates; ten such returnees were hired to serve as magistrates during 2002. **[2a]**

5.15 The Transitional Political Platform provides for the creation of an international tribunal to try crimes of genocide. **[2a]** In February 2003 Burundi's institution of elders, the Bashingantahe, called for the rapid establishment of the tribunal to try those involved in the excesses perpetrated during the 10 year civil war. **[16bp]** AI maintains that there is a need to reform and strengthen the Burundian judiciary to ensure greater independence, impartiality and competence. In a media statement in September 2002 the organisation added that initiatives such as an International Commission of Inquiry or the inauguration of a Truth and Reconciliation Commission, both of which are provided for in the Peace Agreement, should not detract from the strengthening of the judiciary. **[5f]**

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Legal Rights/Detention

5.16 A new criminal code was introduced in January 2000 that prohibited arbitrary arrest and detention. **[5a]** However, the code is not respected and security forces arbitrarily arrest and detain people. The law requires that suspects appear in court within 7 days. A magistrate can order the release of a suspect or confirm charges and continue detention, initially for 15 days, then subsequently for periods of 30 days, as necessary to prepare the case for trial. Presiding magistrates are authorised to issue arrest warrants. Police and gendarmes can make arrests without a warrant, but are required to submit a written report to a magistrate within 48 hours. **[2a]** Burundi's new penal code, enacted since the installation of the Transitional National Government on 1 November 2001, forbids holding anyone in prison without charge. **[16ad]**

5.17 Under Burundian law it is illegal to detain a minor under 13 years of age whilst under 18s should bear diminished responsibility for crimes committed; however with no special courts to enforce this, the reality is often different. **[5f]** In many cases, children's births are not registered and thus they find it difficult to prove their age. Some children allege that police and gendarmes have deliberately falsified their ages so that they may be detained. **[5h]**

5.18 The criminal code provides for suspects' rights to a lawyer before official charges are filed and during pre-trial investigations, however, not all aspects of the

code were respected, particularly the section that requires detainees to be charged and appear in court within seven days of their arrest. However, the UN reported further improvements in this area during 2002. [2a]

5.19 Burundian law allows for a full appeal of conviction and sentence from judgements rendered by lower courts; however those who are accused of crimes which are punishable by life imprisonment or death are tried at first and last resort by the criminal chambers of the Court of Appeal. Additionally, the Supreme Court tries people who qualify for a privileged status by reason of their position (magistrates, communal administrators or high functionaries), at first and last resort. Defendants tried by the criminal chambers of the Court of Appeal can only apply for review through the "cassation procedure" at the "cassation chamber" of the Supreme Court, which allows only for a limited review on questions of law and substantial violations of form. There is, therefore, no ability for those tried by the criminal chambers of the Court of Appeal to have the factual basis on which they were convicted and sentenced reviewed. [5f]

5.20 The Transitional Constitutional Act provides for the right to privacy, but the authorities reportedly do not respect the law requiring search warrants. The security forces are widely believed to monitor telephone calls regularly. [2a]

5.21 The law requires arrest warrants. The police are required to follow the same procedures as magistrates, although the police have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. There were numerous instances of arbitrary arrest in 2000. During 2001 both the UN and human rights organisations reported that incommunicado detention exists, although law prohibits it. Bail was permitted in some cases. Limits on the length of pre-trial detention were not respected. [2a]

5.22 Trials in Burundi are often lengthy and may last years as a consequence of multiple postponements. In practice, even when a detainee might get to be heard in court the time lapse between the initial accusation and the court hearing may make it difficult to trace witnesses, and there is no guarantee that the hearing will take place. The problem of the attendance of witnesses, both for the prosecution and defence, is acknowledged by the government, judiciary and human rights groups. It remains a serious obstacle to the proper functioning of the courts. Even once a case has been heard, there may be a lapse of over 12 months before the verdict is announced. [5f] In September 2002 AI identified prolonged periods of pre-trial detention as a particular problem, including in cases involving child detainees. [5f][5g] In 2002 the ICRC estimated that between two and three thousand persons were held in pre-trial detention in the approximately 60 temporary detention camps run by the ICRC. [2a]

5.23 Burundi has ratified numerous international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter) which guarantee the right to life and prohibit unlawful killings, torture and ill-treatment. [5e] However, there are frequent reports of both torture and extrajudicial killings in Burundi. [2a][5e]

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Death Penalty

5.24 AI reported that during 2001 civilian courts sentenced at least 40 people to death. Most were sentenced on charges relating to the 1993 crisis. At the end of 2001 more than 440 people sentenced to death remained in Burundian prisons. **[5a]** Under the Burundian legal system those sentenced to death by civilian courts do not have the right to a full appeal. Not all those under sentence of death have benefited from legal counsel and according to AI many people who have received the death sentence did so following unfair trials. **[5f]** No executions of civilians were reported to have taken place during 2001. There were also no reports that the military passed any death sentences during 2001. **[5a]**

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Internal Security

5.25 The security forces are controlled by the Tutsi minority and consist of the armed forces (Armée Nationale Burundaise) and the gendarmerie, both under the Ministry of Defence; the judicial police under the Ministry of Justice; and the intelligence service under the presidency. **[2a]** **[11a]** The major rebel factions of the CNDD-FDD and FNL active in Burundi have both stated that they recognise the army as holding the real power in the country. **[10]** In addition to the core security forces the authorities have organised armed paramilitary groups called Gardiens de la Paix to serve in Bujumbura, the suburbs of Bujumbura, Bujumbura Rural, Ruyigi, Rutana and Bururi provinces. Members of Gardiens de la Paix are unpaid and poorly trained; some were conscripted. There are credible reports that they recruited children to provide a quasi-police presence in public places such as markets; some children were reportedly sent to the front line. **[2a]**

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Armed Forces

5.26 In August 2001 the total strength of the armed forces numbered 45,500. This included an army estimated to number 40,000 and an estimated 5,500 gendarmes. **[1a]** Members of the security forces continue to commit numerous serious human rights abuses including extrajudicial killings. **[2a]** **[11a]** The government has frequently failed to bring to justice members of the security forces suspected of serious human rights violations. Military courts have shown themselves unwilling and incapable of investigating members of the armed forces accused of human rights violations. **[5f]**

5.27 In May 1999 the judgement in the trial of the 1993 assassination of President Melchior Ndadaye was announced. The Supreme Court sentenced five members of the army to death and 23 others to prison. Another 38 were acquitted. No high-ranking army officers were convicted, although charges were originally brought against many past and present senior army members. The new Attorney General, who is a Hutu, announced that the case would be reopened. **[2b]** New trials were set for January 2001 but did not take place and the government is unlikely to take any further action on the case. **[2a]**

5.28 On 13 June 2000 Nelson Mandela said that under the proposed peace agreement the new arrangement for the Burundian army would be that each of the two main ethnic groups (Hutu and Tutsi) would provide 48 percent of the army. This then allowed for people from the Twa group to be a part of the national army. **[4b]**

5.29 In April 2002, International Alert policy advisor Tony Jackson suggested that Burundians were in general agreement that the army needs to be changed if long-term peace is to be achieved. He explained that a combination of its ethnic and geographical makeup leads people to believe that it is not independent. **[13a]** In April/May 1999 a western diplomat in Bujumbura told a Danish fact-finding delegation of unconfirmed reports that in the course of recruitment the army favoured Tutsi university students over Hutu, even where the latter were equally well qualified. The source suggested that this made reform of the Tutsi dominated army very difficult to carry out. **[11a]**

5.30 An ICG report published in August 2002 commented that the two coup attempts of 2001 demonstrated the military's weakening faith in President Buyoya's leadership and raised serious questions about his ability to control his camp. Buyoya has had to reassure leading figures in the military of his intention to defeat the rebels however; he remains under pressure from Tutsi extremists who seek to mobilise the army against his leadership. **[10]** During 2002 more than 7,000 members of the Burundian armed forces who had been stationed in the DRC and involved in the conflict in that country were withdrawn; two battalions remaining in October 2002 were also due to leave. **[16be]**

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Gardiens de la Paix

5.31 With the advance of the CNDD-FDD into southern Burundi in 1997, military authorities began to organise armed paramilitary groups in three communes of Bururi province. They subsequently expanded this programme to a number of communes in Kayogoro, Makamba and Rutana provinces. Also initially known as abajeunes these groups were renamed Gardiens de la Paix (Guardians of the Peace) and began to play a major role in fighting the rebels. When rebel activity diminished in some areas of Burundi in 1999 some guardians were permitted to end their service. However, when the FNL attacked in force near Bujumbura in September 2000 hundreds of Gardiens de la Paix were brought from the south of the country to reinforce regular troops. **[6b][39]**

5.32 In response to a more serious attack on the capital in February 2001 the Burundian authorities began to expand the Gardiens de la Paix programme in March and April 2001. They organised training programmes virtually throughout the whole country. Experienced guardians from the south were used to mobilise young people and the existing programme in Bujumbura-Rural was expanded. The government published no figures for the number of guardians in Burundi but according to information gathered by Human Rights Watch in its report "To protect the people" dated December 2001 as many as 30,000 could have received military training. This report further suggests that there are up to 5,000 guardians in Bururi province, 1,000 in Makamba and hundreds in each of the other provinces where groups were organised during mid-2001. **[6b]** During 2002 the US Department of State reported that the Gardiens de la Paix were active in Bujumbura and its suburbs, Bujumbura-Rural, Ruyigi, Rutana, and Bururi provinces. **[2a]**

5.33 The Gardiens de la Paix are generally unpaid and in most cases continue to live at home with their families. The guardians are not issued with a uniform or identifying

insignia though some receive cast off military clothing or parts of uniform taken from slain rebels. [6b]

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Self defence programmes

5.34 Unable to suppress the activity of the largely Hutu rebel movements FNL and CNDD-FDD, the government launched a "civilian self-defence programme" in early 1997 although the Ministry of Interior described these as a voluntary and spontaneous initiative of the local people to defend themselves. However, many communities compelled local residents to engage in nightly patrols, ordinarily with soldiers but sometimes alone. In some areas of the country it was reported that all Hutu adult males were required to participate but Tutsi were often excused. Reports based upon witness testimonies also stated that the authorities would punish those who refused to participate. These punishments could include beatings, fines, short-term imprisonment or even an accusation of supporting the rebels, a charge that could result in a long prison sentence or even summary execution. It was also stated that those who participated regularly but missed one night of patrols or fell asleep on duty could be beaten or fined. [6b]

5.35 Threatened by rebel advances in Cibitoke province military authorities decided to take the "self-defence" programme a step further by organising armed groups under Hutu military control. Participants in these groups were a combination of former rebels and local residents who had performed well in the patrols; most were aged between 15 and 30 and were known as "the young men" (les jeunes or in the Kirundi version of French, abajeunes). They reportedly received about a month of training from Burundian army officers and patrolled the Kibira forest working closely with soldiers; they were permitted to use firearms when on duty. When rebel activity decreased in the area "the young men" were credited with having contributed substantially to this success. The military authorities subsequently established similar groups in neighbouring Kayanza province. [6b]

5.36 Following an increase in violence in many Bujumbura neighbourhoods in early 2000 there have, since mid 2000, also been initiatives for self-defence programmes in urban areas. The first of these was in the northern zone of Kinama, an area inhabited by relatively poor Hutu workers, where 100 young men were recruited by local officials and trained by the soldiers or national police. The residents of Kinama were asked to contribute the equivalent of US\$ 0.60 per month to pay participants a salary although this represented a considerable financial burden to the poor. There were conflicting reports as to whether this initiative had any real impact on crime; there was however no improvement in the apprehension of assailants. [6b]

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"Self defence in solidarity"

5.37 Under a programme called "self defence in solidarity" (auto-défense solidaire) training commenced in April and on 16 June 1,000 graduated. Press reports at the time suggested that "self-defence" would henceforth be a permanent part of national defence and would be extended to the rest of the country. Whereas the rural based Gardiens de la Paix are mostly comprised of Hutu their urban civil patrol counterparts may be either Hutu or Tutsi depending upon the neighbourhood that they serve. [6b] The civilian authorities do not maintain effective control of the security forces. [2a]

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Weapons training for civilians

5.38 During 2000 military officials revived a programme of weapons training for Tutsi civilians, which had been offered sporadically since 1997. Hutu, who have learnt of such sessions have, according to testimonies given to Human Rights Watch, been turned away. Once trained, some individuals join soldiers in patrolling their neighbourhoods or patrolled on their own initiative, sometimes under the leadership of a former or retired soldier who himself lived in the neighbourhood. **[6b]**

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South African Protection Support Detachment

5.39 South African forces have been deployed in Burundi since October 2001 when a 651 member peace-enforcing contingent officially titled the South African Peace Support Detachment (SAPSD) arrived in the country; by August 2002 the number of troops in the force was reported to be 701. **[12a] [16aw]** The purpose of this force is to enforce national security and support the transitional authorities; a major task of the force is the protection of Hutu politicians who have returned from exile. SAPSD has no peacekeeping mandate and neither the right nor obligation to intervene in the civil war. **[1a][12a]** In March 2002 the South African press reported that 26 Hutu politicians had asked for protection; members of SAPSD provided this. **[12a]**

5.40 The international community provided funding for this force although in the absence of a cease-fire agreement between Government and rebel forces the mission was not conducted under the auspices of the UN. **[1a][6a]** It had originally been proposed that the force would be multinational and that South African troops would be joined by others from Senegal, Nigeria and Ghana with the long term intention that they be replaced by a Burundian force to be composed half of Hutu and half of Tutsi. **[6a][12a]** However, the detachments from other nations all declined to go to Burundi until a cease-fire is in place. According to its commanders, SAPSD will leave Burundi if the Arusha agreement collapses or they are targeted by any of the warring factions. **[12a]** In May 2002 the South Africans reported that the SAPSD mandate would be extended for a further six months. **[12d]** It was reported in August 2002 that two members of SAPSD were amongst the casualties in a rebel attack on the northern outskirts of Bujumbura. **[16aw]**

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Prisons and prison conditions

5.41 Conditions in state-run prisons remain harsh and life threatening but have continued to improve, largely due to efforts by ICRC and a local NGO to improve sanitation, hygiene, medical care, food and water. A report produced for the Minister of Justice by a 12 member commission in February 2002 noted severe overcrowding, dangerous conditions for both guards and inmates, deficiencies in both food and hygiene, and prolonged pre-trial detention. However, a UNICEF report published in May 2002 indicated that progress had been made in terms of sanitary conditions, food, and education programs. **[2a]** According to Iteka's 2001 annual report, 144 deaths in Burundi's prisons were reported in 1999, 85 in 2000 and 79 in 2001. **[5g]**

5.42 Severe overcrowding continues to be a problem in Burundian prisons. According to the Government in 2001 there were 9,013 inmates were housed in 11 state run prisons the facilities for which were built to accommodate a maximum of

3,650 prisoners. A local NGO estimated that the prison population was more than 12,000. [2a][5g] Prisoners still rely on family members to provide an adequate diet. According to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. [2a]

5.43 In early 2002 an international commission recommended prison reforms and the release of political prisoners but such measures were not taken and prisoners remained in inhumane conditions in overcrowded jails although the prison population, at 8,400, declined slightly from the previous year. [6c] Women are detained separately from men; however, juveniles were incarcerated with adults throughout the prison system. Political prisoners often were not held separately from convicted prisoners. Pre-trial detainees generally were held in detention camps; however, some also were incarcerated with convicted prisoners. [2a] In its report covering 2001 Iteka commented that prison conditions remained "very bad" due to overcrowding, deplorable hygienic conditions, poor dietary practices, and a general lack of medicine and health care. [16u]

5.44 In 2001 statistics published by UNICEF documented 199 children in Burundi's prisons. This was almost double the figure recorded by AI in 2000. Of the 199 children in detention 49 had been born in prison whilst the remaining 150 had been incarcerated. The majority (93%) were boys, most (85%) were also aged 15 – 17. UNICEF report that the children are frequently detained with the adults leaving them at increased risk of physical or sexual abuse. An employee of UNICEF does however report that the authorities have become more open to the idea of considering clemency for minors and that where possible, such as at Mpimba prison, they have been separated from adults. [16v]

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Military service

5.45 According to AI military service for Tutsi youth, including students was introduced in August 1996. Prior to this there was no official conscription in Burundi; in 1989 the government had written that this was voluntary and open to any young person who applied in writing. In 1997 it was reported that all Bujumbura University students in their first or second year of studies were called up for one year's service in the armed forces. However, at this time the students were reported to comprise of Tutsi. [27] The recruitment of child soldiers continued to be an issue in Burundi during 2002. [2a] [5f]

5.46 The Danish fact finding mission report published in November 1999 refers to the introduction of civic service in 1996 for all citizens who had completed secondary education irrespective of gender. The duration of civic service is one year and includes three months' military training, after which the remaining period can be spent, for instance, with the gendarmerie, at schools or hospitals or guarding public buildings. [11a]

5.47 A Colonel of the Armée Nationale Burundaise informed the Danish fact-finding delegation in April/May 1999 that those performing civic service were not sent to war zones. However, he added if the bases where recruits were performing their civic duty came under attack they may find themselves involved in conflict. However, these comments were countered by three sources, including a UN Human Rights

Observer, who confirmed civic service recruits had in fact been deployed in war zones; there were also reports that some had been killed in war zones in the course of their service. [11a]

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Conscientious Objectors and Deserters

5.48 According to the military penal code of 1980, as referred to by war Resisters International in 1998, there is no reference made to imprisonment as a penalty. Instead, the code does refer to 'servitude penale' which might be imprisonment as well as forced labour in a camp. Desertion in country attracts a penalty of 2 months to 3 years and/or a fine of 4,000 Burundian francs in peacetime up to 10 years in wartime or during a state of emergency. For desertion abroad the penalty ranges from 6 months to 3 years and/or a 5,000 francs fine in peacetime to 5 to 10 years in wartime, in aggravated cases the penalty could rise to between 10 and 20 years. Desertion to the enemy attracts a maximum penalty of 20 years or, in aggravated circumstances, the death penalty. Deserting officers would normally receive the maximum penalty. Anyone imprisoned during wartime would lose their civil rights for between 5 and 20 years. The code does not refer to the right to leave the armed forces as a conscientious objector; the War Resisters publication concludes that any soldier with a conscientious objection would be treated as either a deserter or an insubordinate. Penalties for failing to obey orders range between 6 months and 5 years and/or a 5,000 francs fine in peace time and a 5 - 10 year sentence during war time. Refusal to obey orders in front of the enemy may result in a punishment as high as the death penalty. [27]

5.49 The most recent information concerning the evasion of civic service are the Danish fact-finding reports published in November 1999 and January 2000.

[11a][11b] As reflected in the November 1999 report the penalty concerning evasion of civic service was in the process of being debated by the National Assembly. There were proposals for an administrative penalty comprising of a two-year ban on admission to university or an alternative of a one-year prison sentence. [11a] The January 2000 report referred to provision for persons due to perform their civic service to apply to the Ministry of Defence for a postponement though it is added a good reason was required to secure such permission. Examples given of circumstances in which civic service might be postponed include applicants with sick relatives abroad, those with parents abroad and those with scholarships to foreign universities. [11b]

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Medical Services

5.50 Iteka commented in its report covering 2001 that access to public health care remained a problem during 2001, this was due to a lack of physicians and the means to pay them. Malaria and malnutrition are among the most commonly untreated ailments. The civil war has also damaged public infrastructure including health centres. [16u] However, in June 2002 UNICEF reported that despite continuing fighting in parts of the country, a campaign to vaccinate 3.3 million children up to the age of 14 against measles and to provide polio vaccine and vitamin A supplements to a number of children aged under 6 years were progressing as planned. UNICEF had appealed to Hutu rebels and the government forces to observe "days of tranquillity" to allow for the vaccination of millions of Burundians. [16af]

5.51 During July and August 2002 the authorities faced difficulties in fighting an outbreak of cholera in the northern province of Cibitoke that claimed 215 lives in the space of 7 weeks. A major problem in fighting the outbreak was a lack of water, supplies of which had been cut after the worst hit communes had failed to pay their arrears. **[16as]** In October 2002 Burundi's Ministry of Health appealed for more meningitis vaccines because of an increase in cases of the disease reported in Gitega Province in central Burundi and Karuzi in the northeast. The WHO reported that 650,000 vaccines paid for by international donors had already arrived in the country. It was reported that the outbreak, which had claimed 56 lives amongst the 688 cases recorded since July 2002, was the worst epidemic in Burundi for 10 years. **[16ba]**

5.52 There is limited mental health provision. Mental health is part of the primary care system but actual treatment of severe mental disorders is not available at the primary level. Community care is available in four provinces and is provided by an NGO. A number of therapeutic drugs are generally available at the primary health care level. **[40]**

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HIV/AIDS

5.53 In May 2001 Burundi reached an agreement with four pharmaceutical companies to obtain anti-retroviral drugs at a cost of 90 per cent less than in the United States. The companies agreed to provide the long term supplies of the life-prolonging drugs. The agreements were signed as part of a partnership with five UN agencies (World Bank, UNFPA, WHO, UNICEF and UNAIDS). Under the agreements the country would be able to supply a wide range of AIDS drugs at a cost of 700 US dollars per patient per year. Before this price reduction under the new agreement a person living with HIV/AIDS had to pay 12 million Burundi francs (12,000 dollars) each year for the triple-therapy. The agreement reduces the cost to 1.3 million Burundian francs for special drugs and 700,000 Burundian francs for generic anti-retroviral drugs. The Burundian government has pledged to grant tax exemption on all medicines including anti-retroviral drugs. Official figures quoted in the report covering this initiative indicate that at least 360,000 people are living with HIV in Burundi, broken down by gender this represents 11 percent of the female population and 20 percent of the male. **[4i]**

5.54 In July 2002 the World Bank signed a US \$36-million agreement to support a project geared to support implementation of the country's 2000-2006 action plan to prevent further HIV infections and lessen the impact on those already infected or affected by the disease. The project will come in five components. The first of these at a cost of \$9.3 million is to support a major expansion of the anti-HIV/AIDS activities being implemented by government agencies at the central, intermediary and peripheral levels. The second component, worth \$13.4 million, will aim at stepping up civil society's response to the pandemic. It will do so by "scaling up" existing AIDS control activities managed by grass-roots organisations and communities. This component will also encourage the initiatives of private business to develop and implement prevention, care and support strategies for their employees and families. Money will be channelled directly through grants to associations, religious organisations, private enterprises, NGOs and community-based bodies to cover AIDS control activities. **[16an]**

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People with disabilities

5.55 The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. There are few job opportunities for the physically disabled in Burundi, where most jobs involve significant manual labour. Discrimination against persons with disabilities is a problem. **[2a]**

5.56 The results of an UNICEF study into the number, category and conditions of handicapped children in Burundi were released in early 2002. It is intended that data obtained will allow UNICEF and partners to better target programmes for the prevention of child handicaps and the treatment and social integration of handicapped people. The study revealed that there are 10,577 physically and mentally handicapped children in Burundi, and classified these children into the categories of speech impediment, physical trauma related to the war, mental illness, physical handicap, blindness and deafness. **[16t]**

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Education System

5.57 According to the Europa yearbook education is provided free of charge; however, the US Department of State report published in March 2003 states that the government provides education at a nominal cost through to grade six. Europa also states that education is compulsory whilst the US Department of State says it is not. **[2a]** Kirundi is the language of instruction in primary schools, while French is used in secondary schools. Primary education is officially compulsory and starts at the age of 7. Secondary education begins at the age of 13 and lasts for up to seven years. There is one university, in Bujumbura. **[1b]** According to International Alert, an international NGO, inequitable distribution of educational resources favours those children in southern and central areas of the country. **[2a][13a]**

5.58 Access to education is particularly difficult in conflict areas, not only because of the general insecurity but also because armed political groups have repeatedly attacked, looted and destroyed schools in the areas in which they operate or through which they pass. **[5g]** More than one quarter of the primary schools in Burundi have been destroyed in the war, and many teachers have been the targets of intimidation and killing by rebel groups. **[2a] [5g]** Rebels abducted numerous children and teachers during 2001 and destroyed schools. Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. **[2a]** In some areas a lack of learning materials has also been reported. **[16ax]** In early 2002 schools in many areas in Rutana province had been closed due to insecurity. **[5g]** Between 13 May 2002 and 5 July 2002 there was a nationwide teachers strike; when this ended part of the agreement was that teachers involved would not have any financial or administrative sanctions imposed on them. **[16aj]**

5.59 Half of internally displaced primary school age children do not attend school due to high levels of poverty, with more boys attending than girls. "Families with limited financial means usually prefer to send boys to school; girls are only chosen when they are very bright," the director in charge of secondary education in the Burundi Ministry of National Education said. Girls who quit school often resort to prostitution. Boys also drop out of school to seek jobs in an effort to support their families but due

to high levels of unemployment and because in most cases their parents do not have any land to farm, many drift into delinquency. **[16bq]**

5.60 According to UNICEF in November 2002 there are 1,720 primary schools in Burundi. **[16bq]** Approximately one-third of primary school-aged children attended school in 1999; less than 9 percent of children aged 13 to 19 years attended school. School attendance rates were lower for girls than for boys. Girls comprised only 44 percent of primary school students and 30 percent of secondary school students. Female illiteracy is a problem. Women have fewer opportunities for education than men do. Only 22 percent of women are literate compared to 46 percent of men. According to the Women's Commission for Refugee Women and Children, school attendance rates for girls are well below school attendance rates for boys and only 25 percent of university students were women. **[2a]** Liege Iteka also commented in their report covering 2001 that the right to education is largely unrealised, particularly for girls. **[16u]** However, in September 2002 a report indicated that whereas in the past girls in education were not as successful as boys this was no longer the case and their examination results were on a par with boys. **[16az]**

5.61 The population of both staff and students at the University of Burundi remains primarily ethnic Tutsi. Tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. Following the April 2001 and July 2001 coup attempts, some Hutu students left the university when armed Tutsi students appeared on campus. The Government conducted an investigation, but no weapons were found. **[2b]** In December 2000 six students were injured at the University of Burundi, in Bujumbura, after security forces used teargas to disperse a demonstration. Students were protesting against the timetable for examinations of the 1999-2000 academic year. **[4c]**

5.62 In April 2001 it was reported that the academic year, which normally starts in January, had not yet begun at the University of Burundi, due to the ongoing war in the country. There were an inadequate number of teachers as most are thought to have left the country to seek better conditions elsewhere. In addition, students had staged several protests over the living conditions in deteriorating dormitories. None of the graduates from senior high schools have been enrolled at the university over the last three years due to compulsory military service. **[4e]**

5.63 On 18 September 2001 at least 300 students staged a sit-in at the University of Burundi in protest at the lack of English language teachers. **[24c]**

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6. HUMAN RIGHTS

6.A Human Rights issues

Overview

6.1 In a media briefing issued on 22 September 2002 AI's opening observation was that "Despite the Peace Accord and the inauguration of the first phase of the transitional government, civilians continue to pay a heavy price in the conflict". **[5f]** In

its annual report covering 2001 the Burundian human rights NGO Iteka commented that the country "remained profoundly affected by massive violations of human rights". In particular the report commented on the poor situation regarding "the right to life, due principally to the continued civil war." The Iteka report also lamented that the installation of a Transitional National Government in November 2001 had not improved the situation. "A large percentage of the population remains sceptical of an improvement in the security situation in the absence of a cease-fire agreement, which remains the major challenge of the Burundi peace process," said Iteka. **[16u]**

6.2 The UN Special Rapporteur on human rights in Burundi, Mrs Bocoum, concluded a visit to the country on 15 July 2001. Mrs Bocoum stated that the issues of security and poverty were of great concern. Mrs Bocoum also noticed that there had been no improvements in terms of respect of human rights since her previous visit in January 2001. **[9f]**

6.3 In August 2001 AI issued an appeal to the Government, opposition leaders including those of armed groups active in the country, Burundian civil society and the international community, all of which it identified as having key roles as the country moved towards the transitional period. **[5c][16l]** In this AI commented that in the main the Peace Agreement provided a legal framework that could provide better respect for human rights. However, it observed that its negotiation and signature had generated "a spiral of political tension and an upsurge in political violence." **[5c]** In a previous report entitled "Between Hope and Fear" that was published in March 2001 AI document many incidents of human rights abuses that have occurred since the Arusha peace agreement was signed in August 2000. **[5b]**

6.4 The transitional Government, which took power on 1 November 2001, inherited a civil war in which both governmental and rebel forces were killing, raping, and otherwise injuring civilians and destroying their property. However, civilian casualties during 2001 were less than during the previous seven years of warfare. In part this was due to the fact that there were fewer large-scale massacres during 2001. **[6a]**

6.5 Despite President Buyoya's stated commitment to end abuses by the military, numerous abuses continue to be committed for which the perpetrators are not punished. These include acts of torture and extrajudicial killings. **[2a][3d][5a][5g]** Impunity for those who commit serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. **[2a]**

6.6 And while hopes that the cease-fire will take hold remain, some commentators note a deteriorating humanitarian situation. In February 2003 Professor Jan van Eck said that "In the eight years I have been going to Burundi I have not seen it as fractured and factionalised". And the International Crisis Group warned of a "terrible situation" on the ground as abject poverty combined with regular ambushes and looting by rebels needing to replenish supplies make life increasingly unbearable. **[16br]**

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Torture

6.7 The Transitional Constitution Act prohibits torture and other cruel, inhuman or

degrading treatment or punishment; however, the US Department of State reports that members of the security forces continued to torture and otherwise abuse persons during 2002. [2a] Iteka also stated in their report covering 2001 that torture remained widespread, despite laws against it. [16u] AI claim that the failure of the courts to investigate torture allegations and their willingness to accept confessions obtained under torture encourages abuse. [5f] In addition they report that age is no protection and documented cases where children have been tortured and ill treated. A number of these cases are referred to in the AI report "Poverty, isolation and ill-treatment: Juvenile justice in Burundi" published in September 2002. [5g]

6.8 In October 2001 the Burundian Association for the Defence of the Rights of Prisoners (ABDP), a local NGO, conducted a survey on the use of torture. The survey covered Mpimba prison in Bujumbura and in the provincial prisons and detention centres in Rumonge, Gitega, Rutana, Muramvya, Ruyigi, Bubanza, Bururi, and Ngozi provinces. [2a] Torture methods include beatings with batons and pipes and tying victims with ropes including the tying of arms behind the back for prolonged periods; electrocution, burning, bayonets, and needles are also used. [2a] [5a] The ABDP estimated that 45 percent of the prison population have been tortured. [2a] In its annual report covering 2001 AI referred to torture being routine following arrest, sometimes resulting in death. [5a]

6.9 AI report that the use of "incommunicado detention" by the Burundian security forces, including in the detention of children, is widespread. Without access to a lawyer or medical assistance, or to visits by family members, detainees are especially vulnerable to torture or ill treatment, or even disappearance and extrajudicial execution. Incommunicado detention has been used even by government commissions of inquiry, including during investigations into a December 2000 attack on a Belgian passenger aircraft, two attempted coups d'état in April and July 2001 and the November 2001 murder of a World Health Organisation representative in Burundi. In all four cases AI states that some suspects were tortured. [5g]

6.10 The most recent reports of torture in Burundi compare closely with information provided by the President of ACEDH to the Danish fact-finding delegation in April - May 1999. At that time he referred to physical torture involving electric shocks, beating of the arms and legs and burns caused by placing burning plastic bags on the skin and estimated that 50% of prison population were subjected to either physical or physiological torture. However, in the same report a UN representative stated that torture was normally practised before a detainee was put in prison. [11a]

6.11 AI reported in February 2002 that despite the change of government it continued to receive reports of torture at an alarming rate. The human rights organisation states that ill-treatment in the custody of the security forces continue to devastate the lives of hundreds of Burundian people. [5d]

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Extrajudicial killings

6.12 In early August 2002, army spokesman Col. Augustine Nzabampema told a news conference that any civilian who did not flee from rebel forces, often called assailants, "will be treated as an assailant". According to Burundian human rights observers, the minister of the interior and public security expressed similar

sentiments. [6d]

6.13 According to AI tens of thousands of unarmed civilians have been extrajudicially executed by members of the armed forces in Burundi since 1993. [5g] During 2002 security forces committed numerous unlawful killings of Hutu and Tutsi civilians following fighting with rebels, in reprisal for rebel attacks, and for suspected collaboration with rebels. Civilians were also killed during fighting between government and rebel forces. There were reports of deaths and injuries caused by landmines laid by both government and rebel forces. [2a] Between 30 October and 4 November 2001 government forces in Bujumbura-Rural province reportedly massacred at least 93 civilians; AI believed that this was in reprisal to an incident in which combatants believed to belong to the FNL had fired upon an army truck. According to AI, soldiers had opened fire indiscriminately as people worked in the fields before bayoneting to death people who had taken refuge in their homes. [5a]

6.14 There were several high-profile killings by unknown actors during 2002. For example, on January 4, the body of Elvis Makhado, a civilian member of the South African Protection Force, was discovered in the Kinama suburb of Bujumbura; the motive for the killing was believed to be robbery. On September 7, two unidentified gunmen killed Samuel Nimubona, leader of World Outreach Initiatives (WOI), which funded the private radio station Radio Ivyizigiro, in Bujumbura. There were no arrests in connection with the killings by year's end. [2a]

6.15 In June 2002 AI issued a report expressing concerns regarding an increase in extrajudicial executions within the country, this was based upon information gathered by the organisation during a mission in March 2002. In its report AI stated that in 2002 alone, over 100 unarmed civilians have been extrajudicially executed in a systematic pattern of reprisal killings by government troops during or following so-called counter-insurgency operations. AI stated that they were not aware of any of these killings being investigated, or even publicly condemned, by the highest state authorities. [5e] These killings all occurred between January and April 2002; the human rights organisation has also reported further such killings since April 2002. [5f] AI has also documented cases of mass and indiscriminate reprisals committed with impunity by the Burundian armed forces against the Hutu civilian population in previous reports. [5e]

6.16 On 9 September 2002 at least 173 civilians were killed in a massacre reportedly carried out by the Burundian armed forces in Kanyonga and Kagoma hills of Itaba Commune, Gitega Province. [3d][6a][7k] According to the reports of the incident the region had been the scene of fierce fighting between the army and the CNDD-FDD. Local people had however ignored calls by local administrators and law and order forces to leave the area. [6a][7k] ABP news agency in Bujumbura suggested in one report that some of those who remained behind offered support to the rebels. [a6]

6.17 The Government announced an investigation in mid September 2002 saying there had been "errors of judgement". At this time the FRODEBU chairman of the parliament's human rights committee, Leonidas Ntibayazi, the first to give news of the massacre, said the armed men who carried out the massacre had ordered people out of their houses and "then told them to lie down and shot them in cold blood". [7j][7k] [38] The head of the Roman Catholic church in Burundi, Bishop Simon Ntamwana,

claimed that, while pursuing rebel forces, the soldiers had massacred children, women and old people who had locked themselves in their houses with no justification for their actions. [7j] However, the army denied its soldiers had carried out systematic, cold-blooded killings stating only that “mistakes” had been made in the confusion of the battle. [3d]

6.18 In late September 2002 Ntibayazi was reported to have stated he was convinced the number of dead was higher than the figure reported. He also stated that he did not trust the inquiry commission named by the government and called for an international, neutral, and independent investigation to be carried out into what had occurred. [38] Some reports put the number killed at 183, however the Italian Missionary service news agency, Minsa, reported that on the basis of testimonies collected by its representatives in the days following the massacre at least 1,200 people had lost their lives. [7j][38]

6.19 In early October 2002 the Burundian authorities arrested two army officers in connection with the massacre. [7k] However, on 22 February 2003 they were convicted by a military court only of failing to follow orders, sentenced to 4 months imprisonment and released. [5i]

6.20 In February 1999 a military court of appeal found one officer and three soldiers guilty of killing at least 54 people in December 1996, the majority civilian women and children. Those convicted were sentenced to prison terms of between one and two years. In September 2001 a soldier was convicted of killing Gabriel Gisabwamana, a Hutu member of the National Assembly who had been shot dead in December 1999 for refusing to accompany soldiers to a military checkpoint. The soldier was sentenced to 18 months imprisonment and fined the equivalent of one US dollar. As he had already spent 18 months in custody he was immediately released. It is however rare for a soldier accused of involvement in human rights violations to be arrested and even more unusual that they are tried. In a press release in February 2002 AI comment that "the few trials which have taken place confirm the impunity of the security forces through the levity of the sentencing and demonstrate the contempt of the security forces for the lives of civilians." [5d]

6.21 There were no developments in the July 2001 killings in the Kiriri section of Bujumbura Rural Province, where government soldiers killed 11 civilians in retaliation for the July 9 killing of a soldier who had threatened to rape a woman and who had attempted to extort money and beer. [2a]

6.22 No action reportedly was taken against members of the security forces responsible for the following killings in 2001: The February killings in Kinama of more than 200 civilians accused of collaboration with the rebels; the February killings in Gishubi commune, Gitega Province, of more than 50 civilians by government forces; the March killings in Kanyosha commune of 2 women following a battle with rebel forces; the April killings in Ruburizi section of Bujumbura Rural Province of approximately 30 civilians; the June killing of 9 civilians in Bujumbura who were mistaken for rebels; the October 25 killings in Bubanza Province of at least 6 women and 2 children; the October killings in Muzinda, where government forces killed 11 civilians, including 2 students; and the November killings in Maramya, Bujumbura Rural Province, of 42 civilians. [2a]

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Disappearances

6.23 Human rights groups reported that abductions and disappearances occurred during the year. **[2a]** In their annual report covering 2001 AI reported that persons arrested on suspicion of links with the armed opposition, including children, were often held incommunicado by the military in unauthorised places of detention. **[5a]** In September 2002 AI noted in a median brief that "disappearances" from secure custody also continued to be reported. **[5f]**

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Abuses by rebel groups

6.24 Since the signing of the Arusha peace agreement on 28 August 2000, conflict has continued between the government forces two main rebel groups not bound by the peace agreement, the CNDD-FDD and the FNL; this has left hundreds of civilians dead. **[1a][5a][a1]** Since the signing of the Arusha accord both the Hutu rebel groups have been active and have demonstrated a complete disregard for human rights. **[2a][5a][5e][5f]** However, of the two groups the FNL are reportedly the more active whilst the CNDD-FDD faction led by Nkurunziza is believed to be the largest numerically. **[4][10]** Members of both groups deliberately and unlawfully killed and abducted scores of people whom they suspected of collaborating with the government administration or armed forces. **[5a]** As suggested by the ICG, the rebel groups' self discipline and relationship with the population depends upon whether they have access to external funding. Where such funding is unavailable they will seek to extract necessary resources from the population, wilfully or forcefully. **[10]** The rebels also killed civilians who refused to pay them "taxes", both Hutu and Tutsi civilians although sometimes they deliberately targeted Tutsi. **[2a][10]**

6.25 Throughout In 2002 there were numerous reports that Hutu rebels ambushed minibuses travelling on national highways and robbed and killed the occupants. **[2a]** Armed opposition groups also conducted ambushes during 2001. AI also reported that during the same period rebel groups had robbed, raped and intimidated local civilian populations and forced people to carry looted possessions or ammunition. Hundreds of children were abducted in Burundi and forcibly recruited by the CNDD-FDD in November 2001; hundreds of others were recruited throughout the 2001 from refugee camps in Tanzania. **[5a]**

6.26 There are no definitive statistics available on how many civilians have been killed by Hutu rebels. Rebels killed a priest, administrative leaders, a journalist, and civilians suspected of collaborating with the Government. For example, on May 7, in the town of Kazirame, Bujumbura Rural Province, FNL rebels reportedly killed 10 civilians for allegedly collaborating with the national army. On June 14, in Cibitoke Province, FNL rebels reportedly killed 13 civilians in a roadside ambush. On August 7, rebels attacked the Kabezi commune and killed 20 persons. On October 8, in the town of Ruyigi in Ruyigi Province, FDD rebels killed 2 administrative leaders; and on October 10, in the town of Ngeru, they killed another administrative leader. No action had been taken against any of the perpetrators by year's end. The Government stated that rebels were responsible for the majority of civilian casualties. **[2a]**

6.27 On 24 and 25 February 2001, FNL rebels attacked Kinama, a northern suburb of Bujumbura. During the following 2 weeks of fighting, both government and rebel forces allowed civilians to escape; nonetheless, many civilians were trapped and

killed. During the fighting, Hutu rebels shelled adjacent Tutsi neighbourhoods, killing and injuring several civilians. The rebels allowed civilians to return to their homes to remove belongings; however, there were credible reports that government soldiers summarily executed civilians who attempted to return, accusing them of being collaborators. A local NGO reported that more than 200 bodies were found after the fighting ended. The UN estimated that as many as 300 civilians may have been killed or injured. **[2b][6a]**

6.28 Rebels were responsible for many of the disappearances that occurred during 2001 and also the kidnap and rape of women. On 6 November 2001 rebels from the CNDD-FDD abducted 4 teachers and approximately 50 students in grades 4 to 6 from Kirambi primary school in Ruyigi province to serve as soldiers. On 9 November 2001 CNDD-FDD rebels abducted approximately 250 students from Musema high school in Kayanza province and set fire to the school, which was destroyed. The rebels forced the students to transport goods stolen from nearby homes and shops and beat those who faltered en route. Most of the students reportedly were later released; however, the rebels still held some students at the end of 2001. **[2b][6a]**

6.29 On 22 and 23 November 2002 CNDD-FDD shelled Bujumbura killing at least five civilians and injuring dozens more. Since mid-November 2003, rebels and government troops have fought in the provinces of Bubanza, Kayanza and Muramvya. The civilian death toll is not known but at least twenty persons were reported killed by government bombardment from Kibimba in Muramvya province on November 21 2002. **[6d]**

6.30 In June 2002 AI issued a report condemning leaders of armed political groups for failing to prevent or even condemn human rights abuses by their combatants and demonstrating indifference to the future of human rights in the country. Aside from accusing rebel groups of unlawful killings AI also criticised them for ongoing use of torture, ill treatment including rape, the recruitment and use of child soldiers and looting. **[5e]** In October 2002 a spokesman for the Burundian armed forces warned that the CNDD-FDD had had adopted a new tactic of killing local chiefs in their bid to overthrow the transitional government. **[16bf]**

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Human Rights Organisations

6.31 Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, League Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. The U.N. Special Rapporteur for Human Rights visited twice during the year. The office of the UNHCR maintained a three-person observer team in the country. **[2a]**

6.32 The Government cited insecurity in rural areas as the reason for denying access to journalists, international relief workers, and human rights observers to some areas of the country. Army elements in the field frequently denied access to human rights observers to areas where the army was accused of human rights violations. Human rights NGOs were often unable to investigate reports of killings because of these restrictions. Many areas of the country, particularly near Bujumbura, near the border with the RC, and near the border with Tanzania, remained off limits for normal

operations. Unlike in the previous year, there were no reports that the army interrogated NGO employees. [2a]

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Freedom of Speech and the media

6.33 The Transitional Constitutional Act does not impose restrictions on the media, although the Government restricts freedom of speech and of the press. A press law, in force since 1987, requires that newspaper articles undergo review by a government censor 4 days before publication. The Government controls the media and harasses and detains journalists. Journalists practice self-censorship. [2a] In April 2001 it was reported that journalists were increasingly demanding that the press laws be revised. [4h]

6.34 Unlike in previous years, there were no reports in 2002 that security forces arrested people for making false statements, nor that they interrogated NGO employees. [2a]

6.35 No laws or regulations limit academic freedom, and no action was taken against persons at the University of Burundi for what they published or said. [2a]

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Media Institutions

6.36 The regime owns the only regularly published newspaper and the major radio and television stations. The government-owned *Le Renouveau* is published 3 times a week. The sole opposition newspaper, *La Lumiere*, ceased publication in March 2001. Political tracts circulated, and two private faxed news sheets, *Azania* and *Net Press*, were published almost daily and representing mainly Tutsi political viewpoints; however the government banned *Net Press* for periods between December 2001 and February 2002. [2a] A new newspaper, *Al Fatwa International*, was launched in April 2001. It is a quarterly newspaper with Muslim tendencies. [17a]

6.37 The government-owned radio broadcast in the Kirundi language, French, and Swahili, and offered limited English programming. The independent radio station, *Radio Bonesha*, formerly *Umwizero*, continued its broadcasts in French, Kirundi, and Swahili. [2a] In March 2001 a new radio station called *African Public Radio* (*Radio Publique Africaine*) was launched, broadcasting in French, Kirundi, and Swahili. It has both Hutu and Tutsi staff members working side by side. Within a few months it had secured the highest audience rating ahead of the state radio and private stations. [25a] Listeners could receive transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and *Radio France Internationale*. Citizens were allowed to work as local stringers for foreign news organizations and filed reports regularly. Due to widespread poverty and limited literacy, radio remained the most important medium of public information. The Government remained very sensitive to reporting on the country's internal conflict, and continued to threaten independent radio stations with shutdown if they disseminated reports that contradicted the official line. [2a]

6.38 In November 2002, a new radio station began broadcasting: *Radio Isanganiro*, sponsored by the US NGO *Search for Common Ground*. The station was aimed primarily at people in internal displaced and refugee camps with the aim of being a meeting point for ordinary citizens, politicians and civil society. [16bs]

6.39 Radio publique africain reported that on 4 March 2003, President Buyoya summoned the editors of Burundi's private radio stations to his office and issued an edict ordering them to stop broadcasting comments and statements from Nkurunziza's CNDD-FDD and Rwasa's FNL. **[16bt]**

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Journalists

6.40 Security forces and the regime reportedly harassed and detained journalists. In September 1999 the Defence Minister publicly compared some journalists to rebels and indicated that they should be treated as such. When journalists protested what they described as a death threat, the Minister explained that he meant only to criticise unprofessional journalists. **[2a][3a][3b][9a]**

6.41 On 10 March 2001 police barred three journalists from attending an opposition press conference at the international airport. The three, who reportedly held press credentials, were stopped by police nine miles from the airport where a presidential candidate for a coalition of ethnic Tutsi parties was returning to the country; one of the three was physically attacked during the incident. On 12 March 2001 a journalist working for the independent Bonesha FM radio station was detained for 48 hours then charged with violation of Burundian Press Law. His editor in chief was also detained; this incident followed the broadcasting earlier in the month of an interview with the spokesman of the rebel group, FNL, at the time the group occupied an area on the outskirts of the capital. Following protests from several local and international NGOs the two were released after paying fines of approximately US\$ 100; the charges were dropped. **[3c][16f][30a]** Also in March Burundi's only opposition newspaper, La Lumiere, ceased publication after publishing a list of the names and provinces of origin of all military officers. **[2a]** The owner of the FRODEBU newspaper, Pancrace Cimpaye, received threats from unknown persons, and as a result decided to cease publishing and chose to go into exile. **[2b]**

6.42 On 19 October 2001 the director of the private Radio Publique Africaine (RPA) was reportedly detained for one day and beaten at the offices of the Special Investigations Bureau in the capital. The authorities had taken offence at an interview he had conducted with South African military peacekeepers whose arrival in the country the same day was supposed to have been kept quiet. **[30a]**

6.43 In December 2001 government authorities halted the operations of the faxed newsheet Net Press and detained its editor for 1 week pending investigation of allegations of insulting the President and spreading harmful information. Charges against the editor were dropped when his family paid a fine without his knowledge and against his wishes. **[2b]** The Minister of Communications on 14 January 2002 again ordered the suspension of Net Press on the grounds that the news agency had not been observing Burundi's media law. The suspension effectively denied right of the private news agency to publish or post news on its web site. A statement explaining the decision read "For some time now, we have noted that Net Press editors and management have not been respecting the media law of March 1997, which stipulates that the media should avoid publishing information that is subversive, defamatory, abusive, false or even lies that are published with the sole aim of disturbing the prevailing situation in the country". However, the suspension was lifted on 23 February 2002. **[16s]**

6.44 In May 2002 the NCC banned local media from interviewing anti-government dissidents waging war in various parts of the country, the official Argence burundaise de presse (ABP) reported. According to the NCC's president, Jean-Pierre Manda, it was clear that the broadcaster had revealed defence secrets about preparations for an army operation in Bubanza Province. Manda added that he was "particularly concerned" by several errors made by reporters, and accused them of aggressive behaviour, lack of respect, vulgarity, vendettas and the invasion of people's privacy. The result, Manda said, was often the publication of false information that "often went uncorrected". The measure reportedly followed Defence Minister Cyrille Ndayirukiye's complaint to the NCC that the local Radio Publique Africaine had been compromising state security by broadcasting details of planned military operations against the rebels. **[16y]**

6.45 On May 15 2002, APR broadcast journalist Alexis Sinduhije was summoned to appear before a committee composed of the chief of intelligence and the Ministers of Defense, Interior, and Communications. Sinduhije was accused of compromising a defense secret by broadcasting a story about a national defense operation under preparation. The National Communications Council subsequently warned journalists to respect defense secrets, broadcast only truthful information, and respect the private lives of citizens. On May 16, the National Communications Commission issued an order prohibiting APR from broadcasting interviews with rebel leaders or reporting further on the November 2001 murder of Dr. Manlan, the country director for WHO. On June 1, five APR journalists were summoned to appear before the Prosecutor General and admonished for reporting on Manlan's murder; however, no further action was taken against the journalists. **[2a]**

6.46 In July the Government threatened the manager of Radio Bonesha after it broadcast a story concerning cease-fire talks between the Government and rebels. He increased his self-censorship after the incident. On August 28, APR ceased broadcasting after the Government Communication Control and Regulation Agency on August 23 began jamming its broadcasts due to unpaid fees; APR resumed broadcasting on September 3. **[2a]** Responding to this development the local human rights organisation, Iteka accused Ndayirukiye and the state prosecutor of issuing threats at a meeting with journalists on 16 May 2002. Iteka termed the development a restriction of civil liberties and demanded that the government revise all the injunctions imposed at the 16 May 2002 meeting, that it allow the media to inform the public freely on the peace process, and that it permit all the protagonists in the conflict to express themselves freely. **[16z]**

6.47 On 1 August 2002 the Burundi Journalists' Association (BJA) appealed to the NCC to lift a ban that it had imposed on the Bujumbura periodical, Panafrika, the previous day for publishing what the NCC had described as extremist and subversive material. According to Net Press news agency the BJA termed the ban as deplorable, "given the fact that this monthly newspaper was practically the only remaining privately owned newspaper that had resumed publication". The NCC imposed the ban, because, it said, the newspaper had carried a lengthy interview with a politician who had advocated threats, violence and chaos. In addition, the NCC said, Panafrika had shown bias in favour of a particular ethnic group in order to exploit ethnic fears, set Burundians against one another, stir up hatred, and drive people and some state institutions into the throes of anarchy. **[16ap]**

6.48 On 20 February 2003 Amnesty International condemned an armed attack on the home of a radio journalist which resulted in the death of his night watchman. In the early hours of 19 February 2003 shots were fired by unknown people at the house of Alexis Sinduhije, director of the independent Burundian radio station, Radio publique africaine, killing the night watchman, Nzisabira. In August 2002, Radio publique africain broadcasts had been temporarily suspended for alleged non-payment of taxes, a move considered by observers in Burundi to have been motivated by a desire to undermine the station's independent stance. **[5j]**

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Freedom of religion

6.49 The Transitional Constitutional Act provides for freedom of religion, and the Government generally respects this right in practice. There is no state religion but the Catholic church, representing approximately 60% of the population, predominates.

[2a] In their practice of religion, citizens generally tolerate other religions. Disputes between religious groups are rare, apart from minor disagreements over competition for followers. Since September 2000 Catholic Bishops drew up a joint message calling for dialog and compromise to end conflict, and the message was read in Catholic churches throughout the country. **[2c]**

6.50 The Government requires religious groups to register with the Ministry of Internal Affairs so that it can keep track of their leadership and activities. The Government also requires that religious groups have a headquarters in the country.

[2a] While there is no law that accords tax exemptions to religious groups, the Government often waives taxes on imported religious articles used by churches and also often waives taxes on the importation by churches of goods destined for social development purposes. These exemptions are negotiated with the Finance Ministry on a case-by-case basis, and there is no indication of religious bias in the awarding of such exemptions. **[2c]**

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Religious Groups

6.51 According to figures contained in Europa publications more than 65% of the population are Christians, the majority (an estimated 61%) being Roman Catholics. Anglicans number around 60,000, Protestants around 200,000, of which 160,000 are Pentecostals. Fewer than 40% adhere to traditional beliefs, which include the worship of God 'Imana' and about 1% of Muslims. The Bahá'í Faith is also active in Burundi. **[1b]** Whilst concurring with some of these figures, the US Department of State report on International Religious Freedom issued in October 2002 also contained some significant differences. Unofficial estimates based upon information from local religious officials suggest that an estimated 60% of the population in Burundi are Roman Catholics, the largest concentration of whom are located in the centre and south of the country. However, the report also refers to a Muslim leaders estimate of up to 10% of Muslims in Burundi, mostly living in urban areas. **[2c]**

6.52 The US Department of State report also states that the rest of the population either belong to other churches, follow indigenous religions or have no affiliation. In recent years, there has been a proliferation of small indigenous groups not affiliated with any major religion, some of which have won adherents by promising miracle cures for HIV/AIDS and other ailments. Foreign missionary groups of many faiths

are active in the country, including Bahais, Baptists, Jehovah's Witnesses, Pentecostals, the Society of Friends, and Seventh-Day Adventists. [2c]

6.53 Activities of the Independent Evangelical Mission (IEM) were suspended throughout Burundi on 12 December 2000. The authorities stated that they had observed violations of the law and public order by the IEM and its members. [9d] On 22 April 2002, members of the Bujumbura Muslim community wrote a letter of complaint to the Interior Minister regarding alleged fraud in recent mosque elections; the Government have opened an investigation into this. [2c]

6.54 In April 2001 the Government arrested the leader of an indigenous religious group and closed down his church after the leader's claims to divinity led to repeated clashes with a rival leader's adherents; the leader was subsequently tried, acquitted and released; his church was reopened. The Government claimed to have been motivated by concern for public order rather than religious bias. [2c] There are strong suggestions that millenarist religious movements and some local Adventist churches are involved in the funding of the FNL rebel group. [10]

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Freedom of Assembly and Association

6.55 The Government restricts freedom of assembly; although the Transitional Constitutional Act permits political demonstrations, the Government does not permit them in practice. Government permits are required for public meetings and in 2002 these were routinely denied to groups that criticised or opposed the government. However, unlike in the previous year, the government did not ban meetings by mainly Tutsi groups critical of government policy and the peace process. [2a]

6.56 During 2002 security forces used excessive force to disperse demonstrations, which resulted in deaths and injuries; no action was taken against the responsible parties. For example, on 23 May 2002, in Bujumbura, Gitega, and Matana, gendarmes opened fire on students demonstrating in support of a nationwide teachers union strike; two students were killed and several were injured. On 28 April 2002, police reportedly shot and killed one student during a demonstration of the Youth Association for Rebuilding a Destroyed World. [2a]

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Political Activists

6.57 Political parties operate under significant constraints although during 2002 the government did not ban meetings of groups critical of government policy and the peace process. [2a] Developments regarding the implementation of the Arusha peace agreement and the establishment of the Transitional Government during the latter part of 2001 resulted in a number of political figures who had been living in exile returning to Burundi and taking up various positions within the Transitional Government. [8e][18i] However, following the inauguration of the new Government some leaders also remained outside Burundi citing fears for their security. [15b][36a][36b]

6.58 The Government holds political prisoners. According to the US Department of State an international organisation estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures are available. Charges against defendants convicted for non-political crimes are sometimes politically motivated. The 2000 peace agreement, which has not been implemented

fully, calls for the creation, within 30 days of the installation of the transitional government, of a commission to investigate and make recommendations on the existence and release of any political prisoners. In December 2001 a commission of international legal experts arrived in Burundi to examine the judicial system and to identify political prisoners. An ad hoc committee has been formed but has yet to make recommendations concerning the release of political prisoners **[2a]**

6.59 Demonstrations against the peace process were organised by PARENA and other Tutsi dominated parties during 2001. **[5a][16m]** The authorities prevented some such demonstrations from taking place; scores of PARENA members were detained for short periods. **[5a]** PARENA intended to stage one such protest march on 1 September 2001 but security forces surrounded party offices and the homes of the main party cadres early that morning and prevented the march from taking place. **[16m][18d]** On 15 September 2001 police were reported to have stopped a protest march planned by the pro-Tutsi PARENA Party. Police arrested around twenty people. **[18f]**

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Employment Rights

Trade unions and the right to strike

6.60 The Labour Code protects the rights of workers to form unions with the exception of the army, gendarmerie, and foreigners working in the public sector. Employers are prohibited from dismissing or otherwise discriminating against a worker because of union affiliation or activity and this right was upheld in practice. All public sector employees except those prohibited by law were unionised, and most union workers were urban civil servants. Tutsis dominated the formal sector of the economy and the unions. According to the Confederation of Free Unions of Burundi (CSB), an umbrella trade union, 60 percent of the 80,000 formal private sector employees were unionized. The Labour Code provides workers with a restricted right to strike. The restrictions on the right to strike and to lock out include: All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labour determines if strike criteria have been met. The law prohibits retribution against workers participating in a legal strike. **[2a]**

6.61 COSYBU president Pierre-Claver Hajavandi and his brother Raphael Horumpende, who were arrested in 2000 and accused respectively of organising a general strike and involvement in a grenade attack, were released during 2001. However, on 1 May 2001 the Government prevented Hajavandi from giving the traditional Labour Day address, and the Government held elections for a new president of COSYBU. Hajavandi was re-elected; however, the Government declared the elections illegal and prevented him from representing COSYBU at the International Labour Organisation (ILO) annual conference. The Transitional Government, which was inaugurated in November 2001, recognised Hajavandi as COSYBU president. **[2b]**

6.62 The ILO has cited the Government for several violations of ILO Convention 87 on freedom of association. The Committee of Experts has expressed specific

concern about the denial of trade union rights for public servants and juveniles, the election of trade union leaders, and the rights of unions to organise, administer activities, and defend the interests of their members; unions are able to affiliate with international organisations. [2a]

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Equal Employment Rights

6.63 By law women must receive the same pay as men for the same work, but in practice they do not. Women are far less likely to hold mid-level or high-level positions. In rural areas, women traditionally perform arduous farm work and marry and have children at an early age. [2a]

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Child Labour

6.64 The Labour Code states that children under 16 cannot be employed by "an enterprise" even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. [2a][5g] In practice children under the age of 16 in rural areas undertake heavy manual labour in the daytime during the school year. The World Bank reported that approximately 48% of children between the ages of 10 and 14 years worked in 1999. Children are prohibited legally from working at night, although many do so in the informal sector. Most of the population lives by subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector. The law prohibits forced and bonded labour by children; however, during 2002 there were reports that it does occur. [2a]

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Forced Labour

6.65 The law prohibits the performance of forced or compulsory labour by adults or children. However, soldiers guarding internally displaced persons sites often required inhabitants to cook, fetch water, chop wood, and other chores without compensation. The rebels also require persons to perform regular night watches. [2a]

People Trafficking

6.66 The law does not specifically prohibit trafficking in persons. There were reports of trafficking in 2002 with the trafficking of women and children for prostitution a serious problem. On March 27 2002, according to the International Organization for Migration (IOM), during a layover in Addis Ababa, Ethiopia, while traveling to Lebanon, two female Congolese refugees who had been living in Burundi declared themselves to be victims of a trafficker. According to the IOM, the women asked to be returned to the DRC. [2a]

Freedom of Movement

6.67 The Transitional Constitutional Act provides for the freedom of movement although the Government restricted this right in practice. Travel within the country is possible but could be dangerous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi and Makamba provinces. The government cited insecurity in rural areas as the reason for denying access to some areas of the country to human rights observers. During 2002 there was a government imposed curfew in parts of the country: from 11pm to 5am in Bujumbura for example. [2a]

Identity Cards

6.68 The authorities issue identity cards, these are issued in the district where the applicant lives. **[11b]**

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Immigration and Embarkation

6.69 The majority of citizens can travel legally in and out of the country. **[2a]** Passports are issued by the Police de l'Air, des Frontières et des Etrangers (PAFE). The office in Bujumbura is the only place in Burundi where a passport application can be submitted; applications must be submitted in person. The Danish fact-finding mission report published in January 2000 contains information provided by the Director-General of PAFE. According to this an applicant for a passport must state a reason for their journey in order to obtain a passport and provide documentary proof that they intend to travel. Passports may not be issued to criminals with a case pending against them; young people who have not performed their civic service may only obtain passports with the permission of the Ministry of Defence. **[11b]** A previous Danish report issued in November 1999 had contained conflicting information on this point. **[11a]** It was acknowledged by the official that passports could be obtained by illegal means. **[11b]**

6.70 There is no exit permit required to leave Burundi. A free-lance journalist for Reuters based in Bujumbura advised the Danish fact-finding delegation in September 1999 that, in his view, it would not be possible to depart from the International Airport against the wishes of the authorities and that staff working at the airport are not open to bribery. Regarding voluntary returnees the same source observed cases where persons had been arrested after a stay abroad. This, he said, occurred where the authorities suspected support or co-operation with the rebels in Burundi. **[11b]**

6.71 On 20 September 1999, Burundi and Rwanda agreed to adopt a free visa policy to facilitate the free movement of people between the two countries. Apart from the ordinary transit visa, Rwandan or Burundian nationals could get a free 30-day single entry visa in the embassies of the two countries, or on border posts. Leave to remain could be extended at the immigration offices within the respective countries. The visa requirement would no longer be considered necessary if the security situation were to improve in the region. **[35a]**

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Recognition and treatment of refugees from other states

6.72 The law does not provide for the granting of asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there was a special ad hoc administrative body in the Government that coordinated refugees, and the Government cooperated with the UNHCR and other humanitarian organizations assisting refugees. The Government has granted first asylum in recent years. Approximately 27,000 citizens of the DRC lived in the country; 3,800 were registered with the UNHCR. Approximately 1,000 Rwandan refugees remained in the country in 2002. On 18 January 2002 members of the Banyamulenge tribe were deported to Rwanda. **[2a]** In mid October 2002 Burundi was reported to be continuing to receive refugees fleeing fighting in the DRC. Reports suggested more than 7,000 people had crossed into Burundi; only armed people attempting to cross the border were being denied entry. **[16bf]**

6.B Human rights - Specific Groups

Ethnic Groups

6.73 The population of Burundi is composed of three ethnic groups, the Hutu (85%), the Tutsi (14%) and the Twa (1-%). **[1a][39]** During 2001 the Government failed to implement effectively the provisions of the Transitional Constitutional Act covering equal status and protection for all citizens. **[2a]** There is a history of ethnic tensions between the majority Hutu and minority, but traditionally dominant Tutsi; there have resulted in many incidents of violence. **[1b]** Incidents of ethnically motivated property destruction and killing occurred throughout the country again in 2002. **[2a]**

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Hutu/Tutsi relations

6.74 Burundi's majority ethnic Hutu and minority ethnic Tutsi populations have violently competed for power for 30 years. A relatively small number of Tutsi elite, primarily from the south west province of Bururi, have dominated the country's politics and military since national independence in 1962. Military crackdowns led to the slaughter of hundreds of thousands of Burundians during the 1970s and 1980s. The targeted victims were overwhelmingly Hutu. **[1a]** In 1993 democratic elections led to a first Hutu president. His assassination the same year resulted in incidents of violence and killings of both ethnic groups. The civil war that has continued since then has seen further ethnic killings on both sides. In 1996 power shifted back to the Tutsi elite following a coup. **[1a][1b]**

6.75 During 2001 the Tutsi-dominated government and army reportedly discriminate against Hutu, affecting every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system. Northern and eastern Tutsi also have a more difficult time acceding to positions of power. The Vice President and 15 of the 26 cabinet ministers are members of the G-7 Hutu-based political parties. However, the President and the Tutsi-dominated army retained their dominance in decision making and do not share power equally with Hutu members of the government. **[2a]**

6.76 The Tutsi, particularly southern Tutsi, historically have held power in Burundi and they dominate educated society and control the security forces. The principal national problem continued to be ethnic conflict between the majority Hutu and the minority Tutsi as well as the regional inequities between southern Bururi Province and most of the rest of the country. Burundi's civil conflict stems from almost four decades of violence and systematic discrimination, which compounds the fears by both Hutu and Tutsi of genocide and exclusion. The Tutsi claim to have been the targets of genocide carried out in 1993 by Hutu angered over the assassination of democratically elected Hutu president Ndadaye. In 1996 a coup deposed president Ntibantunganya, a central Hutu, and replaced him with Major Pierre Buyoya, a southern Tutsi. **[2a]**

6.77 Incidents of ethnically motivated property destruction and killing continue to be reported throughout the country. **[2a] [5f][5g]** There is a view, as reflected in the ICG's August 2002 report, that the rebel groups receive support from Hutu peasants;

however the report also observes that accusations of extortion and banditry against the rebels' are inconsistent with attempts to garner popular support from this section of Burundian society. [10] One positive development during 2001 was the emergence of a new radio station, the RPA, which was particularly influential in advocating ethnic reconciliation and employed both Hutu and Tutsi staff. RPA struck a national chord quickly becoming Burundi's most listened to radio station. [30]

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Mixed marriages

6.78 The Danish fact-finding report published in January 2000 contains information suggesting that ethnically mixed marriages could cause problems for those involved at times of particular tension. The President of Iteka referred to the period 1994-95 when his organisation helped many people in mixed marriages to flee the country. He explained that at this time individuals in mixed marriages could be seen as belonging to either ethnic group irrespective of their identity. It was suggested that in crisis situations parties in ethnically mixed marriages could be seen as siding with the other ethnic group. The Iteka president also commented that tolerance for a mixed marriage is less in Hutu dominated areas of the countryside. [11b]

6.79 In addition the January 2000 report referred to potential problems with families not accepting a mixed marriage. One reason given for this was a fear of reprisals by extremist elements of either ethnic group. Children of mixed marriages assume the ethnic group of their father but may also face problems with Hutu or Tutsi extremists. Threats by such groups for both the children and their parents include harassment and in some cases beatings or even killings. The report did however note that during the previous mission in April - May 1999 no sources, including those from human rights organisations, had identified persons in ethnically mixed marriages as being at particular risk. [11a][11b]

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Access to education

6.80 The Danish fact-finding mission report published in November 1999 contained contrasting information regarding discrepancies in Hutu and Tutsi access to education. A western diplomatic source met by the delegation in April/May 1999 considered, at that time, that it was generally difficult for Hutu to get an education. The same source observed that, at that time there were only 400 Hutu amongst 6,000 university students. However, an anonymous FRODEBU member of the National Assembly did not consider there to be any general discrimination against Hutu students at the country's university. [11a] The population of both staff and students at Bujumbura University continues to be predominately Tutsi. [2a]

6.81 Research conducted over five years by Tony Jackson, a policy advisor with International Alert, suggested that the geographical factor is even more important than ethnic identity. In April 2002 he reported finding that two thirds of the education effort went into the southern third of the country. He points out that education in Burundi is not a hermetically sealed system where if you are a Hutu you can not come in. He explained that everyone from a particular area can go to the same school so, a southern Hutu would receive a better education in the same way as a southern Tutsi would. He noted that some of the main opposition leaders, including one rebel leader, are all from the same southern area as Buyoya and the former presidents from the south. [13a]

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The Twa

6.82 The Twa (Pygmies), also sometimes referred to as the Batwa, are believed to be the country's earliest human inhabitants, now make up only about 1 percent of the population, and generally remain economically, socially, and politically marginalized. Most Twa live in isolation, without formal education, and without access to government services, including health care. **[1b][2a]**

6.83 The percentage of minorities in government or politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of minorities in the political process. Approximately 1 percent of the population is Twa (Pygmies), but there are no Twa in the Cabinet. One Twa was an appointed member of the National Assembly, and two are members of the Senate. **[2a]** In May 2002 the appointed Twa member of the national assembly, Senator Jean-Bosco Rutagengwa, was amongst eleven people killed when rebels ambushed two minivans close to Bujumbura; he was not thought to have been a specific target. **[16aa]**

6.84 In early August 2002 a three-day seminar aimed at informing members of Burundi's minority Twa community on their human rights, democracy and the country's peace was held in the province of Gitega. The seminar briefed the participants on the country's political problems and how they could, as citizens, play a greater part in Burundi's affairs and the search for peace. The seminar brought together 60 Twa from the provinces of Gitega, Karusi and Mwaro, and representatives of Gitega organisations involved in efforts aimed at "fully integrating" the Twa into Burundian society. Discussions centred on issues pertaining to human rights, "the real life" faced by the Burundian Twa, and the meaning of democracy. A Twa student claimed on Radio Bonesha "Most of our rights have been violated, including the right to land, the right to education, the right to health." **[16aq]**

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Women

6.85 No legal restrictions hinder the participation of women in elections or politics, although they are underrepresented. Of the 26 cabinet seats, women fill four. **[2a][16az]** However, in September 2002 Burundian women leaders have said they were satisfied with the progress they are making and are looking forward to obtaining more leadership positions in the country's institutions. This was a reference to the Arusha agreement that allocated 30% of cabinet posts to women. Though yet to be implemented, provision for this improvement in representation was been achieved after women had mounted an aggressive diplomatic campaign to convince Burundian politicians that not only should there be a balance between political groupings, but also that the gender angle be taken into account. However, women leaders signalled that they saw this as a first step and aim to achieve better representation. **[16az]** Several local groups' work in support of women's rights; these include Burundi and Women United for Development and the Coalition of Women's Organisations and NGOs (CAFOB). **[2a] [16az]**

6.86 Domestic violence against women is pervasive; however, inadequate data make it impossible to quantify. Wives who suffer with physical abuse have the right to charge their husbands but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women.

The law does not specifically prohibit domestic violence; however, persons accused of domestic violence can be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Government rarely investigates such cases, and prosecutions are rarer still. According to Iteka, many Burundian women are beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement. **[2a]** In April/May 1999 the Minister for Human Rights informed a Danish fact-finding delegation that he did not consider violence against women within the family to be a particular problem in Burundi though he acknowledged the family was traditionally male dominated. **[11a]**

6.87 Members of the security forces and armed rebel groups are repeatedly accused of sexual violence against women and young girls. **[2a]** **[5g]** According to the US Department of State there were credible reports that soldiers raped women almost nightly in the months following the fighting between security forces and rebels in February and March 2001. In April 2001 in Kinama, three soldiers and a civilian raped an 80-year-old woman. In July 2001 also in Kinama, two soldiers raped a 12-year-old girl during a robbery. On 9 July 2001 a group of civilians killed a soldier who had threatened to rape a woman; no action reportedly was taken against the civilians responsible by the end of 2001. **[2b]**

6.88 Prostitution is a problem. According to the Women's Commission for Refugee Women and Children, the ongoing conflict has forced many women into prostitution to feed their children. Increased prostitution has contributed to the growing incidence of HIV/AIDS. **[2a]**

6.89 Women face legal and societal discrimination. In particular discriminatory inheritance laws and credit practices continued during 2001. **[2a]** In April/May 1999 the Minister for Human Rights acknowledged to a Danish fact-finding delegation that women's right to inherit property, including land, was limited by traditional laws. **[11a]** In its annual report covering 2001 Iteka also referred to violations of women's rights in respect of land ownership and protection following divorce. **[16u]**

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Children

6.90 The definition of a child under Burundian law varies. Under Civil law, a child reaches the age of majority at 21; a child under the age of 16 may not be employed; however the age of marriage is 21 for men and 18 for women. The age of electoral majority is 18. The age of criminal majority is lower and the Penal Code states that in this respect it is reached at 13. Although in recognition of the diminished responsibility of a child, provision is made for reduced penalties for convicted defendants' aged between 13 and 18 at the time of the offence. Under Burundian law, no child under the age of 13 may be detained. Despite increasing sensitivity towards respecting this principle, children younger than 13 are still being detained, particularly by the police and gendarmerie. **[5g]**

6.91 According to statistics from UNICEF published in April 2002 regarding the 150 children incarcerated in Burundi's prisons, crimes that they were accused of included theft or extortion (62%), murder or manslaughter (almost 11%) and rape (10%). Just under 5% were charged with participation in armed groups and a similar number with plotting a massacre. The majority (85%) were between 15 and 17 when first arrested

whilst a further 11% were aged 13 - 14. A total of 97% of the children in detention were from Burundi with the remainder from the DRC. [16v] AI reported in September 2002 that some children in detention were arrested in violation of arrest and detention procedures. Some were reportedly tortured after their arrest; some have been detained for up to three years without trial. Few children who have been tried have benefited from legal counsel. AI also observes that children are also vulnerable to sexual abuse and exploitation while in prison. [5f] In addition to the child detainees approximately 50 babies and infants live with their mothers in prison. [5g]

6.92 The law provides for children's health and welfare, but the Government cannot adequately provide for them, in particular the large population of children orphaned by the violence since 1993 and by HIV/AIDS. [2a] The armed conflict and the related human rights and humanitarian crises in Burundi has particularly affected children. Their most basic civil, political, economic, social and cultural rights have been routinely and massively violated by government security forces, as well as by armed political groups. [5g] Many child victims in the civil war have lost family members and witnessed violence. [2a]

6.93 Nearly ten years of war have left more than 25,000 additional orphans in Burundi and some 12,000 unaccompanied Burundian children living as refugees in Tanzania. [1a] An estimated 250,000 children have been orphaned because of the AIDS epidemic. [1a] Child prostitution is a problem. The Government continued a campaign to reduce underage prostitution. Legislation prohibiting the facilitation of prostitution could be used to prosecute such offenses. [2a] In March 2000 police arrested teenage girls from a club and detained them for several days; 20 were fined for prostitution. [2c] Humanitarian organisations in Burundi estimate that approximately 50% of Burundi's children are severely malnourished. [5g]

6.94 In Burundi's eastern province of Ruyigi, it was reported in February 2003 that a shelter for child victims of war and AIDS was all but overwhelmed by the arrival of newborn babies rescued from the combat zones. Most of the mothers died during childbirth, others were killed while fleeing the fighting, leaving their babies helpless in the bush. Of 18 babies brought in in one week, five died. [16bu]

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Child care arrangements

6.95 In July 2002 it was reported that as part of a World Bank funded project to combat HIV/AIDS, orphans would be integrated into society through placement with extended family. The objective of this was reported to be to raise the standard of basic education, social integration, and nutrition for the most vulnerable groups of orphans to that enjoyed by other children in the community. Under the same project it was announced that orphans would receive subsidised education up until the age of 16. For the purposes of the project orphans are defined as children up to 16 years old who have lost one or both parents. This definition was used to avoid stigmatising orphans of HIV/AIDS. [16an]

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Child Soldiers

6.96 The government and UNICEF signed an understanding in October 2001 to demobilise child soldiers. [16ab] Shortly after taking power the new Transitional Government signed the optional protocol to the Convention on the Rights of the Child, this establishes that 18 is the minimum age for forced recruitment,

conscription, or participation in armed conflict. This confirmed an order of the outgoing government that children under 18 should not be recruited into the army. [6a] In spite of this, observer's report that children below the age of 18 remain in the military. [2a][5f]

6.97 All parties in the civil war have recruited thousands of child soldiers. [2a] [5f] Some children act as fully-fledged combatants; others are used as lookouts and informants, or for menial duties. [5f] Some such children are more than 15 years old and are called doria or doriya, which translates as "ear agent" in Kirundi. [16ab][37a] The children initially generally graduate from what amounts to household chores to full integration into the military environment. [37a] According to estimates from the international NGO, Coalition to Stop the Use of Child Soldiers, there are some 14,000 Burundi child soldiers. [16t] This is the highest estimate reported and AI suggest that reliable information regarding the full extent of the involvement of child soldiers in Burundi's armed conflict is difficult to obtain and no true figure is known. [5f]

6.98 A regional grant from the Belgian government enabled the United Nations Children's Fund (UNICEF) to launch a child-soldier demobilisation and reintegration project in Burundi early in 2002. The grant also enabled the agency to hire a consultant to assess the situation, develop a plan of action and initiate the demobilisation and reintegration of child soldiers. [16t] During 2002 the Burundi army, government and military leaders demonstrated a willingness to deal with the issue of child soldiers. The Ministry of Defence arranged discussion on 28 May 2002 between the child soldiers; army units in which they were serving, UNICEF project staff, and "focal points" from each ministry concerned with the issue. [16ab]

6.99 UNICEF subsequently reported that the child soldiers in the army considered themselves "well looked after", in comparison with many other children in the country and believe they have "better food, have access to medical care and feel they belong to families that care about them." It was explained that many children fled to military posts during the mass killings of 1993 and later periods of violence. Others went to the army in search of food or were simply attracted by the glamour of being a soldier. Many served as cooks, porters and spies. Recounting how they had come to join the army, many children said they had run away during attacks that killed their brothers, sisters, mothers and fathers. With no place to go, they had sought safety and food in the army. Soldiers who had participated in the discussions said the children presented a dilemma for them, because they felt compelled to help the children, yet could not look after them properly. The discussion revealed that neither the children nor soldiers knew how to seek help. UNICEF said the challenge was to find practical solutions to the "complex set of problems" facing these child soldiers, known locally as doriya. [16ab]

6.100 AI also reports that many children have also been recruited into the Gardiens de la Paix. [5f] There were credible reports that during 2001 the Gardiens de la Paix recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. [2a]

6.101 The UN Special Rapporteur on Burundi said the government endeavoured to enrol large numbers of young men and women, about to complete their higher

studies, in a mandatory civic service scheme. It was seen as a positive step as it reduced the hold of extremist groups over young people. However, the civic service was said to bear significant similarities with a military rather than a civilian camp. In addition to regular armed forces Tutsi armed groups made up of youths aged 12 to 25 were reportedly formed, with the governments blessing, with the aim of defending the Tutsi minority. According to the army the Hutu groups are increasingly being made up of child soldiers, including boys and girls under the age of 15 years. They are reportedly recruited at random from vulnerable groups such as unaccompanied minors, orphans and street children. **[37a]**

6.102 In November 2002 the Secretary General of the United Nations reported to the Security Council that 3 parties in Burundi continue to recruit and or deploy child soldiers: the Government of Burundi, PALIPEHUTU/FNL and CNDD-FDD. **[41a]**

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Homosexuals

6.103 According to the AI publication "Breaking the Silence", 1997, homosexuality is not punishable as such under Burundian law; however it is punishable as an "immoral act". **[28]**

6.C Human Rights - Other Issues

Security Situation

6.104 Since 1993 the country has suffered from a civil war that has caused thousands of civilian deaths and mass internal displacement. Media and NGO reports indicate that more than 200,000 persons, mostly civilians, have been killed in ethnic violence since October 1993; however, the source of this figure is unclear. One international NGO estimated the number to be between 100,000 and 120,000. **[2a]** Another source puts the number of dead in excess of 250,000. **[19c]**

6.105 Travel within the country is possible but can be hazardous in areas of rebel activity, particularly in parts of Bujumbura-Rural, Bururi, Rutana, Ruyigi, and Makamba provinces. **[2a]** **[16aa]** Iteka commented in its annual report covering 2001 that freedom of movement remains "seriously compromised" as a result of the insecurity within the country. The report notes that humanitarian assistance has suffered, as certain areas of the country have been inaccessible. **[16u]** During 2001 insecurity in rural areas was cited by the Government as a reason for denying access to some areas of the country to human rights observers as well as journalists and international relief workers. **[2a]** The FNL reportedly tax Bujumbura businessmen who need to use roads in areas they control in order to transport goods into the countryside. **[10]**

6.106 There were a number of urban bombings during 2001. In August 2001 several persons were killed and injured in a grenade attack in the market of Kinama; a grenade also was thrown in a restaurant in Bujumbura. No suspects were identified by year's end. The Chief Prosecutor stated that the Government would create special ad hoc committees composed of police officers and magistrates to investigate each incident; however, no action had been taken to establish such committees by the end of 2001. No suspects were identified by year's end for several hand grenade attacks

carried out during 2000. [2b]

6.107 AI reported in June 2002 that an increase in armed conflict in Rural Bujumbura in 2002 has seen a corresponding increase in the killing of unarmed civilians both by the armed forces and the FNL. In the same report AI also documented a number of killings in Bubanza province where the CNDD-FDD and the armed forces have been responsible. [5e] On 4 and 5 June 2002 suburbs of Bujumbura were shelled; according to some reports there were simultaneous attacks from boats on Lake Tanganyika and the hills north of the capital; it was suggested that this could have been a joint operation involving both the CNDD-FDD and the FNL. [12d] Exchanges of fire between the army and FNL rebels at this time had reportedly led residents of Bujumbura's northern suburbs to temporarily flee their homes. [16ac]

6.108 Violence increased during July 2002 as rebels reportedly spread from the south east of the country in an advance on Bujumbura. On 17 July 2002 an army spokesman claimed 200 rebels had been killed along with 12 government troops. Meanwhile, several people were reportedly killed in the capital as a result of shelling, believed to have been carried out by the FNL. It was also reported that two columns of fighters from the CNDD-FDD had entered Burundi from Tanzania, burning houses and looting as they went. [12h]

6.109 In Late July 2002 an army spokesman said that the security situation was continuing to improve nationwide, although Hutu rebels are still active in the provinces of Gitega, Muramvya and Bujumbura Rurale. Net Press quoted him as saying that between 100 and 150 rebels had attacked Gitega, Burundi's second-largest city, on 22 and 23 July 2002, killing two people. However, the military's optimistic outlook contrasted with that of the UN, the OCHA office of which referred to a deteriorating security situation in the eastern and southern provinces. NGOs were warned that the UN security cell would not be in a position to extract NGOs or any personnel who became trapped in areas with no escape routes. OCHA strongly advised that NGOs take preventive measure, such as having sand or earth bags and some tools to dig holes or trenches." [16am] At the end of July 2002 Reuters reported that the rebels shelled high-density districts of Bujumbura. Ongoing rebel activity was also reported in Bujumbura Rurale Province as well as the provinces of Gitega, Karusi and Kayanza though in the latter three areas rebel forces were said to be much weaker and operating in small groups so as to avoid contact with the army. [16ao]

6.110 On 25 August 2002 an FNL attack on the northern outskirts of Bujumbura was reported to have resulted in the death of eight civilians, two members of the armed forces and 30 rebels. Five of the civilians were killed when a grenade exploded in their home, and the other three died after being hit by stray bullets. [16aw] In October 2002 it was reported that the army had launched an offensive against the Nkurunziza's faction of the CNDD-FDD in the Kibira forest, north east of Bujumbura and that two rebel command posts had been destroyed. [16bf] In February 2003 renewed fighting broke out at Gisovu, near Bujumbura. Several soldiers were killed and all the people in the region (around 5,000) fled. [41b] In March 2003 approximately 3000 residents of Rukarama were living in the open for fear of rebel attacks. [16bw]

6.111 As observed in an IRIN report in July 2002 both the FNL and CNDD-FDD have their reasons for not ending the war. The FNL and the faction of the CNDD-FDD led by Nkurunziza allege that Buyoya's government is avoiding direct talks with them, and is instead involved in "pseudo-negotiations" with non-belligerent groups. But Cyrille Ndayirukiye, Burundi's Defence Minister, says the FNL rebels do not want a negotiated ceasefire, because they believe this would be tantamount to conceding defeat. The divisions within the rebel groups constitute another obstacle to ceasefire negotiations. **[16ak]** During the negotiations in Arusha President Buyoya did not authorise a major offensive against the rebels but, immediately after the July 2001 summit that named him the leader of the transitional Government, the military began to prepare for a serious war against the rebels. **[10]**

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Bujumbura curfew

6.112 A curfew was imposed on the capital Bujumbura, in August 1999. It was extended by two hours in September 1999, following a series of rebel attacks around the city. **[7a]** It started at 2200 and continued until 0500 in the morning. **[4a]** On 23 December 1999 the curfew was eased, to start at midnight. **[7a]** Two weeks of heavy fighting between the Burundi army and the FNL, took place in February 2001. **[16g]** On 4 March 2001 the curfew was again re-adjusted in the capital so as to commence at 2000 and run through to 0600; this was as a precaution against further rebel attacks. **[9e][16e]** Further fighting between the FNL and the army and police, was reported throughout September 2001. **[18h][24b]** At the end of 2001 the US Department of State reported that the curfew times for Bujumbura was between 11.00pm and 5.00 am. **[2a]** Despite numerous attacks on the fringes of Bujumbura, the Hutu rebels have never managed to reach the city centre. **[16ac]**

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Internally Displaced Persons (IDP's)

6.113 Within Burundi there are in excess of 500,000 people displaced as a result of violence and armed conflict. **[2a]** The displaced fall mainly into the categories known in Burundi as déplacés, "displaced people" and dispersés, "dispersed people". **[5a]**

6.114 Déplacés are predominantly members of the Tutsi ethnic group who have fled since 1993 to camps protected by the military and never returned home. **[2a]** **[5g]** According to UNHCR there were more than 387,000 IDP's living in 212 sites at the end of 2002; this represents over 5 percent of the total population. **[2a]** Approximately 200,000 children live in camps for the displaced. Conditions in camps for the displaced vary, but are generally described as harsh and in some cases appalling. In some cases IDP's do not have access to clean drinking water and sanitation facilities even after many years. **[5g]** Soldiers did not restrict the movement of residents of IDP camps during 2002 and provided a measure of protection. However, security forces prevented access by international humanitarian aid agencies to some of the IDPs in remote sections of Bujumbura Rural and Ruyigi provinces. There have previously been reports of abuses against IDP's by the soldiers that guard the camps; however, there were no reports of any abuses committed against IDP's during 2002. Camp inhabitants often were required to perform labour for the soldiers without compensation. **[2a]**

6.115 Dispersés are predominantly members of the Hutu ethnic group, who have fled their homes but sought shelter away from camps and the military whom they perceive to be a threat rather than a source of protection. **[5g]** Approximately

200,000 IDP's lived outside displacement sites during 2001, either staying with friends, families or on their own. **[2a]** **[1a]** Some persons who remained outside the sites reportedly were killed both by Hutu rebels, allegedly for collaborating with authorities, and by the armed forces on suspicion of collaborating with the rebels. Some IDP's lived beyond the reach of aid programmes. **[2a]** In some conflict areas, particularly in the south, AI reported in 2002 that some displaced Hutu populations have been prevented by local government authorities or army commanders from returning freely to their land in what appears to be a continuation of the notorious regroupement policy. **[5g]** During April and May 2002, in Ruyigi province, more than 30,000 civilians were forcibly regrouped into camps. **[2a]**

6.116 In April 2001 President Buyoya launched a national security task force to develop internal security mechanisms and announced a three-year plan to build houses and other basic infrastructure for 1.2 million Burundians affected by the war. However, the Burundian media remained sceptical about whether the Government would fulfil these promises. **[30a]**

6.117 During the teachers strike between May and July 2002 IDPs were permitted to shelter in schools in some parts of the country. When the strike ended it was reported that in at least one commune in Bujumbura Rural province the IDP's would be able to continue with this arrangement but would have to vacate the premises during the day. **[16aj]** At the end of August 2002 the Burundian state-owned news agency, ABP, reported that least 32,000 people in the central province of Gitega were in distress and in urgent need for humanitarian supplies. **[16ax]** AI reported in September 2002 that the humanitarian consequences of mass and prolonged population displacement are worsened by the systematic looting of crops and destruction of property, which is carried out by armed political groups and government forces. The international human rights organisation reported persistent allegations from the rural displaced claiming organised population displacement by government troops at times of harvest. When they are allowed to return to their homes, their crops are gone. **[5g]**

6.118 Hundreds of thousands of Burundians have been temporarily displaced since mid-2002 by ongoing fighting between the government and two armed Hutu rebel groups. The number of IDPs surged in the second part of 2002 and early 2003 particularly in the central province of Gitega and southeastern provinces of Ruyiga, Rutana and Makamba. **[42]** Up to 60,000 people were reported to have fled fighting between the army and CNDD-FDD in January 2003 as both sides tried to capture as much territory as possible ahead of the resumption of cease-fire talks. There were reports of the army using heavy artillery in Gitega province and of fierce battles in the east and the north-west. **[7n]**

6.119 Overall, some 500,000 Burundians remain internally displaced in 'sites' for displaced people and living dispersed throughout the countryside. Some 100,000 may be dispersed including those living with friends and relatives since regroupement sites were dismantled in July 2000. The number of IDPs in sites may have decreased since July 2002 according to the preliminary results of a demographic and reproductive health survey by the United Nations Population Fund. This shows a total of 281,052 people displaced in sites, suggesting a decrease of more than 100,000 IDPs. **[42]**

Regroupment camps

6.120 As rebel military strength increased during the late 1990s, government authorities responded by forcing up to 800,000 Hutu civilians into designated "regroupment camps" to deprive rebels of support in rural areas. **[1a]** Having closed most such forced relocation camps in 1998, the authorities responded to renewed rebel attacks on Bujumbura by re-establishing dozens of new regroupment camps in September 1999. **[2c]** **[1a]** The government reportedly forced more than 320,000 mainly Hutu civilians to leave their homes in Bujumbura-Rural province and occupy the new sites. **[1a]** **[2c]** Conditions in the regroupment camps were reported to be appalling and the relocated population at times lacked access to food, safe drinking water, shelter, basic sanitation and health care. **[1a]** **[2c]** The Government received criticism from the UN, USA and EU in relation to their regroupment policies and the camps subsequently began to be closed. **[1a]****[9b]**

6.121 On 1 August 2000 it was announced in the press that the closure of the regroupment camps in Bujumbura-Rural had concluded. Thirty-six camps in total were closed. However, approximately 12,000 people decided not to return to their homes because of the prevailing insecurity. **[9b]** There were no fresh reports of forced regroupment during 2001 although an AI report suggested a possible re-emergence of the practice in some southern areas in 2002 and during April and May 2002, in Ruyigi province, more than 30,000 civilians were forcibly regrouped into camps. **[2a]****[5g]**

Humanitarian Situation

6.122 The hostilities in Burundi have claimed the lives of hundreds of thousands of people, primarily civilians, since the outbreak of the conflict in 1993, disrupted social development and worsened the humanitarian situation. The picture that emerges is gloomy: almost one of six Burundians continue to live away from their homes; almost 388,000 people are living in 226 camps in their own country, constituting the largest internally displaced population in the Great Lakes region; there are an estimated 639,000 Burundian refugees in neighbouring countries, and a further 200,000 who have been living in Tanzania since 1972; and every month, 311,000 people in Burundi receive food aid. Over 24,000 people are treated monthly for malnutrition in 233 therapeutic and supplementary feeding centres around the country. Their number would probably be much higher if all of the needy had access to centres. **[43]**

6.123 More than 71 per cent of the people living in camps in Burundi have no access to the minimum daily requirement of drinking water. On the human development index for 2002, Burundi has dropped to the third-worst ranking country in the world, reflecting the accumulated impact of deteriorating indicators, such as vaccination coverage (down from 83 per cent in 1993 to 54 per cent in 2001), primary school attendance (down from 70 per cent in 1993 to 48 per cent in 2002) and an under-five mortality rate of 190 deaths per 1,000 live births. **[43]**

6.124 While one third of the country's provinces remain troubled by conflict and hold high numbers of displaced, the others are in desperate need of rehabilitation and development. Yet even in those provinces, the relative stability is periodically

disrupted by bursts of violence, leaving uncertainty and fear in their wake. The incidence of HIV infection is increasing at an alarming rate. It is estimated that 20 per cent of the country's urban population and 6 per cent of its rural population are HIV-positive, and the number of AIDS orphans now exceeds 160,000. [43]

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Refugees outside Burundi

6.125 According to the U.N., more than 370,000 Burundian refugees, most of them Hutus, remained in Tanzania in 2002. Estimates of "old caseload" refugees--many of whom fled as early as 1972 or following the October 1993 assassination of former president Ndadaye--ranged from 200,000 to 400,000. Such refugees were not assisted by UNHCR and therefore not encamped under UNHCR auspices in the system of camps in Western Tanzania. Estimates of the total number of Burundians living in Tanzania at year's end ranged from 570,000 to nearly 800,000. More than 23,000 additional refugees, most of them Hutu, were in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia. [2a]

6.126 By year's end, approximately 115,000 Burundian refugees had registered to repatriate from Tanzania; UNHCR had facilitated approximately 31,100 voluntary repatriations. However, this was offset by the arrival of 30,000 new refugees and the birth of 10,000 to 20,000 children in the camps. During the last 6 months of the year, repatriation slowed due to an increase in fighting. Many of the 30,000 new Burundian refugees had voluntarily repatriated earlier in the year to areas that later became unstable again. [2a]

6.127 In August 2000 Burundi government, UNHCR and NGOs held tentative discussions regarding a planned infrastructure mechanism, in preparation for a possible return of refugees to the country subject to stability within the country. [16c] In January 2001 Burundi, Tanzania and the UNHCR agreed to sign a tripartite agreement on the voluntary repatriation of Burundian refugees in Tanzania; this was signed on 8 May 2001. [8b][26a]

6.128 In August 2001 Burundi, Tanzania and UNHCR delegates met to discuss the repatriation of Burundi refugees based in Tanzania. [16i] The Minister for Refugee Repatriation said he expected Burundi to soon receive around 250,000 refugees who left the country in 1972 and around 300,000 others who left 1993. [8d] However, refugees who had left camps in Tanzania to return to eastern Burundi in August 2001 reported incidents of harassment and interference by the Tanzanian police. [8c]

6.129 In March 2002 the UNHCR commenced an exercise that facilitated the voluntary repatriation of refugees based in the camps of western Tanzania. [19c] By August 2002 the number registered for this repatriation scheme was reported to be 80,000. [16at] The Governments of the Burundi and Tanzania had initially stated that it was their objective to repatriate all voluntary returnees within six months. [19c] A group of 10 American NGOs subsequently expressed concern over the voluntary repatriation of Burundian refugees from Tanzania. In a statement issued in May 2002 for the attention of the office of the United Nations High Commissioner for Refugees (UNHCR) and the US government, the group (which includes refugee aid, resettlement and protection agencies) said: "Current conditions in Burundi do not appear conducive for refugee return." [16x]

6.130 In June 2002 Burundi and Tanzania announced their intention to send a joint delegation to Geneva to request that the UNHCR facilitate the return of all Burundian refugees in Tanzania. However, the UNHCR position is to facilitate repatriations only to safe areas, while extending "limited assistance" to refugees insisting on going elsewhere in Burundi. Under its programme of facilitated repatriation, UNHCR registers refugees, provides them with going-home packages, money and drugs, and organises their transport. The operations have been directed at Burundians returning to the north of the country, as opposed to the east and south, where fighting between Hutu rebels and government troops continues. **[16ah]**

6.131 In August 2002 it was reported that a UNHCR run workshop for both Government officials and NGOs had improved the participants understanding of the organisations repatriation regime and in particular its inability in the existing climate of poor security to facilitate repatriations to the south of the country. Humanitarian workers say that if ceasefire talks are successful there could be a spontaneous rush of returnees. A senior UNHCR official confirmed that in such circumstances his organisation would assist in their reintegration adding that the necessary funding is available. **[16at]** During September 2002 UNHCR reported in excess of 3,000 refugee arrivals in Tanzania; the organisation said this represented a ten-fold increase and reflected an escalation in the conflict. The organisation also reported that in the first nine months of 2002 at least 45,000 Burundian refugees had returned to the country, 25,000 of them with UNHCR assistance. **[16bb]**

6.132 In February 2003 the Tripartite Commission on the Voluntary Repatriation of Burundian Refugees announced that efforts to repatriate Burundians living in Tanzania would be stepped up to include refugees who have been living in the country for the last 30 years and those living in villages near the shared border, as well as those in refugee camps. The Commission cited considerable improvements in the security situation in Burundi's southeastern provinces of Makamba, Rutana and Bururi and agreed to activate three more exit/entry points to help facilitate repatriation. However, implementation would depend on the outcome of the planned transition of presidential power on 1 May 2003. **[16bv]**

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Conflict in the DRC

6.133 The war in Burundi has been intertwined with conflicts in neighbouring DRC and Rwanda. For several years Burundian rebels, particularly those of the CNDD-FDD, have launched attacks from bases within DRC. The DRC government reportedly supported the rebels in return for assistance in their fight against a rebel movement backed by Rwanda. However, during 2001 thousands of rebel combatants came home, hastened by signs that the DRC government were moving towards ending their own war along with hundreds of Rwandans who had previously been based in the DRC and fighting against the Rwandan government. According to a Human Rights Watch report covering 2001 the reason for the Rwandans coming into Burundi could be to assist their Burundian comrades or possibly to prepare for an assault against Rwanda. Nevertheless, the Rwandan Patriotic Army (the official army of the Rwandan government) had, in late 2001, began fighting both the Burundian and Rwandan rebel groups within Burundi. **[6a]** In October 2002 Burundi agreed to withdraw its remaining two battalions of troops from the neighbouring DRC while the Kinshasa authorities pledged that its territory would no longer serve as a base for

Burundian Hutu rebel groups. [16be]

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Relations with Tanzania

6.134 Also during 2001 Burundian rebels in Tanzania frequently crossed the border to raid communities inside Burundi. This resulted in increased tensions between Burundi and Tanzania though military authorities in both countries attempted to calm the situation during the latter half of the year. [6a] However, further incursions of CNDD-FDD rebels during 2002 resulted in Burundi repeating accusations that Tanzania is sheltering rebel fighters among the hundreds of thousands of refugee camps close to the border. Tanzania has angrily denied these accusations. [12h]

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Treatment of Non-Governmental Organisations (NGOs)

6.135 Domestic human rights groups received varying degrees of co-operation from government ministries during 2001. Insecurity in rural areas was cited by the Government as a reason for denying access to some areas of the country to human rights observers. [2a] However, some organisations confirm that the current situation in the country precludes them from operating in certain areas; for example in August 2002 UNHCR confirmed it was unable to operate in the south of the country. [16at] Army elements in the field frequently denied access to human rights observers when the army was accused of human rights violations. Observers were unable to investigate reports of killings due to these restrictions. [2a]

6.136 International and local human rights monitors were permitted to visit most prisons and speak with inmates during 2001; however, they were denied access in some cases. During 2001 the ICRC reached a formal agreement with the Ministry of Interior regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict". Similar agreements between the ICRC and the Ministries of Justice and Defence already were previously in place. The Ministries co-operate with the ICRC. [2a]

6.137 The pro-Tutsi anti-genocide movement and self defence association, PA-Amasekanya were involved in demonstrations organised against the peace process during 2001 in conjunction Tutsi dominated political parties. [5a] The president of the organisation, Diomed Rutamucero, has been detained fifteen times during his tenure. [5a][16ad] On 12 September 2001 he was arrested for organising an illegal demonstration. He was released on 19 September 2001. His detention had met with disapproval from genocide survivors across Bujumbura. [18e] In April 2002 Rutamucero was arrested in connection with a complaint, lodged by a Government minister, that members of his organisation had been singing offensive songs. [16ad] On this occasion he was detained for a period of 40 days without charge; a regional analyst suggested this represented an attempt by the authorities to get genocide organisations to "shut up". [16ae]

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ANNEX A

CHRONOLOGY OF EVENTS

1899

Burundi (formerly Urundi) became part of German East Africa.

1916

Belgian forces from the Congo (now Democratic Republic of Congo) occupied the Territory.

1958

Union pour le progrès national (UPRONA) formed by Ganwa Prince Louis Rwagasore.

1961

Elections in September were won by the Union pour le progrès national (UPRONA). As leader of UPRONA, Prince Rwagasore became Prime Minister later that month, but was assassinated after only two weeks in office. His brother-in-law, Andre Muhira, succeeded him.

1962

Internal self-government was granted in January and full independence on 1 July, when the two Trust Territories became separate states, as Burundi and Rwanda.

1966

In July the Mwami was deposed, after a reign of more than 50 years, by his son Charles, and the Constitution was suspended. In November Charles was himself deposed by his Prime Minister, Capt. (late Lt-Gen.) Michel Micombero, who declared Burundi a republic.

1969 – 1971

Several plots were made against the Government in 1969 and 1971.

1972 - 1973

In 1972 an abortive coup occurred, during which Ntare V was killed. Hutu activists were held responsible and the Tutsi conducted a series of large-scale massacres of the Hutu. The final death toll estimated around 100,000. Large numbers of the Hutu fled to neighbouring countries. Michel Micombero restructured the executive, which in 1973 resulted in an appointed seven-member Presidential Bureau, with Micombero as President and Prime Minister.

1974

In July the Government introduced a new republican Constitution which vested sovereignty in UPRONA, the sole legal political party. Micombero was elected Sec-Gen of the party and re-elected for a seven-year presidential term.

1976

On 1 November an army coup deposed Micombero, who died in exile in July 1983. The leader of the coup, Lt-Col Jean-Baptiste Bagaza, was appointed President by

the Supreme Revolutionary Council (composed of army officers), and a new Council of Ministers was formed.

1978 - 1980

In October 1978 Bagaza abolished the post of Prime Minister. The first national congress of UPRONA was held in December 1979 and a party Central Committee, headed by Bagaza, was elected to take over the functions of the Supreme Revolutionary Council in January 1980.

1981

A new Constitution was adopted by national referendum in November and provided for the establishment of a national assembly, to be elected by universal adult suffrage.

1982 - 1984

The first legislative elections were held in October 1982. Bagaza, having been re-elected President of UPRONA (at the party's second national congress in July 1984), was the sole candidate and elected President of Burundi, by direct suffrage in August, winning 99.63% of the votes cast.

1987

On 3 September a military coup led by Maj. Pierre Buyoya, deposed Bagaza and accused him of corruption. A Military Committee for National Salvation (CMSN) was immediately formed to administer the country, pending the appointment of a new President. The Constitution was suspended and the National Assembly was dissolved. On 2 October Buyoya was sworn in as President of the Third Republic. His Council of Ministers included mostly civilians, retaining no minister from the previous regime.

1988 - 1989

In August 1988, Hutu, claiming provocation, slaughtered hundreds of Tutsi in the towns of Ntega and Marangara. The Tutsi-dominated army was dispatched to the region and large-scale tribal massacres occurred. In October Buyoya announced changes to the Council of Ministers, the majority of which were Hutu. He appointed a Hutu, Adrien Sibomana, to the newly restored post of Prime Minister. A Committee for National Unity (comprising equal numbers of Hutu and Tutsi) was established to investigate the massacres. Buyoya announced plans to combat all forms of discrimination against the Hutu and regulations to ensure equal opportunities in education, employment and the armed forces. Despite these efforts political tension remained at a high level in 1989.

1990

Buyoya announced plans to introduce a democratic constitution under a one-party government in place of military rule. In December at a national congress of UPRONA, the CSMN was abolished, its functions transferred to an 80-member Central Committee. Buyoya was Chairman, with a Hutu, Nicolas Mayugi as Sec-Gen.

1991

In February a referendum was conducted, which overwhelmingly approved the draft charter on national unity. A ministerial shuffle saw Hutu appointed to 12 of the 23 government portfolios. In March a commission was established to prepare a report on the democratisation of national institutions and political structures, in preparation for the drafting of a new constitution. The commission's report was presented in September.

1992

The commission's proposals received the support of more than 90% of the voters in a referendum held on 9 March. The new constitution was promulgated on 13 March. There was an extensive ministerial reshuffle in April, 15 of the 25 portfolios appointments were Hutu. Buyoya approved legislation creating new political parties in accordance with the provisions of the new constitution. In October Buyoya created the National Electoral Preparatory Commission (NEPC), a 33-member body comprising representatives of the eight recognised political parties, together with administrative, judicial, religious and military officials. The NEPC convened for the first time in November. By December Buyoya had appointed a new 12-member technical commission, charged with drafting an electoral code and a communal law.

1993

In February Buyoya announced presidential and legislative elections would be held in June, with elections for local government officials to be held in November. On 1 June the Presidential Poll was won by Melchior Ndadaye of the FRODEBU with the support of the Rassemblement du peuple Burundian (RPB), the Parti du peuple and the Parti liberal, with 64.8% of the votes cast. Buyoya received 32.4% of the vote as the UPRONA candidate, with support from the Rassemblement pour la democratie et le developpement economique et social (RADDES) and the Parti social democrate. On 29 June legislative elections for 81 seats in the national assembly were held. FRODEBU received 71% of the votes and 65 seats and UPRONA received 21.4% and the remaining 16 seats. None of the other four contesting parties secured the 5% minimum of votes needed for representation in the legislature. On 10 July Ndadaye, Burundi's first Hutu Head of State, assumed the presidency. The new Prime Minister, Sylvie Kinigi, was one of seven newly appointed Tutsi ministers. On 21 October Ndadaye and several prominent Hutu politicians and officials were detained and subsequently killed by insurgents, who proclaimed Francois Ngeze (UPRONA) as head of a National Committee for Public Salvation (CPSN). A state of emergency was declared by the armed forces, with national borders and the capitals airport being closed. The coup received unanimous international condemnation and there was renewed tribal violence, which undermined the support for the insurgents from within the armed forces and precipitated the collapse of the CPSN, which disbanded on 25 October. Kinigi announced the ending of the curfew. On 28 October the government reassumed control of the country. Ngeze and 10 coup leaders were arrested. In December a 27-member commission of judicial inquiry was created to investigate the insurgency. Also in December Sylvestre Ntibantunganya (who succeeded Ndadaye as leader of FRODEBU) was elected Speaker of the National Assembly.

1994

In January FRODEBU deputies in the National Assembly approved a draft amendment to the constitution allowing a President of the Republic to be elected to the National Assembly, in the event of the Constitutional Court's recognition of a presidential vacancy. UPRONA deputies boycotted the vote and challenged the validity of the amendment. Cyprien Ntaryamira was elected president and assumed the post in February. Anatole Kanyenkiko, a Tutsi, was elected Prime Minister. Ethnic tension was renewed. On 6 April Ntaryamira was killed when the plane in which he was travelling, along with the President of Rwanda, who was widely acknowledged to be the target of an attack, crashed over Kigali airport. Sylvestre Ntibantunganya was made interim president. On 30 September Ntibantunganya was elected to the presidency and formally inaugurated on 1 October. Kanyenkiko was reappointed as Prime Minister. In December UPRONA announced its intention to withdraw from the Government following the election of Jean Minani as Speaker of the National Assembly. UPRONA accused Minani of inciting Hutu attacks against Tutsi in the aftermath of the October 1993 coup attempt. Ethnic tension persisted in the second half of 1994.

1995

A political crisis was averted in January when Minani assumed the role of FRODEBU party leader as part of a compromise. UPRONA declared its willingness to rejoin the government. On 22 February, Antoine Nduwayo was appointed Prime Minister by a presidential decree. Political stability was undermined in early March following the murder of a Hutu Minister, Ernest Kabushemeye. An escalation in the scale and frequency of incidents of violence during 1995 prompted renewed concern that the security crisis would precipitate a large-scale campaign of ethnic massacres similar to that in Rwanda during 1994. In May humanitarian organisations suspended their activities in Burundi for one week in an attempt to draw international attention to the deteriorating security situation in the country. In June an AI report stated that national security forces had collaborated with extremist Tutsi factions in the murder of thousands of Hutu since 1993.

1996

By early 1996 reports of atrocities perpetrated against both Hutu and Tutsi civilians by rogue elements of the Tutsi-led armed forces, including militias known as the *Sans échec*, and by extremist Hutu rebel groups, had become commonplace in rural areas. In February the UN Special Rapporteur on Human Rights concluded that no improvement had been made in the protection of human rights since mid-1995 and that a state of near civil war existed in many areas of the country. In April despite Ntibantunganya undertaking to establish a human rights commission and a comprehensive reform of the security forces, violence continued to escalate. In early June the International Committee of the Red Cross (ICRC) suspended all activities in the country following the murder of three of its workers. On 25 July, in a bloodless military coup, the armed forces were extensively deployed in the capital. The National Assembly was suspended, as was all political activity. A nation-wide curfew was imposed and the national borders and Bujumbura airport were closed. Former president Buyoya was declared the interim president of a transitional republic. Pascal-Firmin Ndimira, a Hutu member of UPRONA, was appointed as Prime Minister at the end of July. In early August a new 23-member, multi-ethnic Cabinet was announced. Also announced was an expanded transitional national assembly,

which would be inaugurated in September for a three-year period. Buyoya was formally inaugurated as president on 27 September. In early October the National Assembly was formally reopened, but the majority of FRODEBU legislators boycotted the event. A report issued by the UN High Commissioner for Refugees (UNHCR) in December estimated that 1,100 individuals, predominantly Hutu refugees, had been killed by the armed forces in October and November alone. Also in December, AI alleged that the army had massacred as many as 500 Hutu civilians earlier in the month. The Burundian government denied the reports.

1997

In January the UNHCR reported that the army had, over a period of seven weeks, massacred more than 100,000 (mainly Hutu) civilians in 'regroupment' camps. Although the authorities asserted that the 'regroupment' programme was voluntary, and that members of all ethnic groups were seeking the protection of the camps, it was widely believed that Hutu civilians were being coerced into camps by the armed forces. According to government figures around 200,000 civilians had been regrouped into about 50 camps, while non-governmental organisations variously estimated the number affected at around 350,000 - 500,000. In late May the UNHCR appealed to bordering countries to cease repatriating Burundian refugees because of renewed massacres, notably in regroupment centres. Also in May 79 military officers accused of involvement in the October 1993 coup attempt were put on trial. An AI report in July appealed to the Buyoya regime to end the regroupment policy. It was estimated that as many as 250,000 people, mainly civilians, had died since the outbreak of hostilities in 1993. At the end of July it was reported that six people, convicted of acts of genocide in 1993, had been executed. Between July and August the Burundian courts issued 30 death sentences in relation to such crimes. In December the government suspended FRODEBU from political activities for six months, but reversed the decision later that same day. Civil unrest continued in late 1997.

1998

On 1 January more than 1,000 Hutu rebels attacked Bujumbura airport, which resulted in at least 250 deaths. On 28 January Minister of Defence Firmin Sinzoyiheba was killed in a helicopter crash. On 18 February the second stage of Burundian peace talks was held. In June the government and the National Assembly signed a political accord and a new Transitional Constitution was promulgated on 6 June replacing the law enacted by Buyoya after he took power in July 1996. In accordance with the Transitional Constitution Buyoya was inaugurated as president on 11 June, with the new National Assembly inaugurated on 18 July. Peace talks opened in Arusha on 15 June following by further talks in July and October.

1999

Fighting continued throughout 1999. Starting in September 1999, almost 350,000 people were reported to have been forcibly resettled into around 60 regroupment camps. Further rounds of peace talks are held. In December former South African President, Nelson Mandela, was named as the new mediator in the Burundi peace talks, following the death of Julius Nyerere in October. Mandela's appointment was welcomed by the Burundian Government and main opposition parties.

2000

Peace talks continued in February and March 2000. In February two committees set up to decide on how to deal with genocide suspects in Burundi were still unable to decide on the way forward. In March 2000 President Buyoya agreed to gradually dismantle the controversial resettlement camps. On 28 March the authorities in Burundi said they had closed 23 of the estimated 60 camps. On 3 May the National Assembly passed a dual citizenship law allowing Burundian citizens to hold a second nationality. In July the closure of thirty-six regroupment camps concluded in Bujumbura-Rural. In August peace talks continued and a peace agreement was signed on 28 August. Following the signing, violence between Hutu rebels and the army continued. All regroupment sites were closed by August. In October two soldiers were executed for murder without having had legal representation during their trial or a chance to appeal their convictions. These were the first executions carried out since July 1999.

2001

On 29 January Radio Umwizero changed its name to Radio Sans Frontiers (RSF) Bonesha FM. In February two weeks of heavy fighting took place between the Burundi army and the FNL. On 4 March a curfew (2000 to 0600) was imposed in Bujumbura. Also in March a new radio station called African Public Radio was launched. In April a new newspaper called Al Fatwa, was launched. Also in April it was reported that the school year due to begin in January had still not begun due to the ongoing war in the country. On 18 April there were reports of a failed coup attempt by junior army officers. In May Burundi reached an agreement with pharmaceutical companies to help reduce the cost of anti-retroviral drugs to HIV/AIDS sufferers in the country. In July the National Resistance Movement party was created. On 23 July mutineers tried to release those held in prison following the April coup attempt. Also in July it was announced that President Buyoya would remain as president for the first 18 months of the country's transition. At the end of August over 320 soldiers were discharged from the army following both the April and July incidents. The Parliamentary Monarchist Party was created in August. Also in August a new constitution for the three-year transitional period was concluded. In October South Africa agreed to provide troops for a protection force demanded by opposition politicians before they would join the transitional government. Meanwhile the rebel CNDD-FDD faction was reported split. Meanwhile, the IMC moved from its former base in Arusha in advance of the instillation of the Transitional Government on 1 November; the inauguration of which proceeded as per the agreed timetable with Buyoya sworn in as president and Ndayizeye as vice-president. During the latter part of 2001 several political figures who were living in exile returning to Burundi.

2002

In February the CNDD-FDD agreed a framework for negotiations designed to lead to a cease-fire. In March reports also suggested that FNL were ready to enter into dialogue. April saw delegations from the two CNDD-FDD factions and the FNL travel to South Africa for various separate talks. During May and June both CNDD-FDD factions continued to attend talks with little substantive protest; the FNL however remained reluctant to participate. At the end of the month former president, Jean-Baptiste Bagaza returned from 4 years exile. In July Mathias Hitimana of the PRP became the first minister to be dismissed from the Transitional Government; meanwhile there were reports of discontent among the smaller parties of the G7 and

G10 political groupings. In early August it was first reported that the FNL faction had split - the lesser faction led by Alain Mugabarabona signalled it was prepared to participate in peace negotiations which took place later in the month. In September a massacre which was reportedly carried out by the army claimed the life of at least 173 people in Gitega province. At a regional summit in October the lesser factions of both the FNL and the CNDD-FDD signed formal cease-fire agreements; the main factions were given 30 days to do likewise. Burundi announced it would withdraw its remaining forces from neighbouring DRC. A cease-fire agreement with Nkurunziza's CNDD-FDD was signed on 3 December 2002 and was due to take effect on 30 December 2002, with provisions for the rebels to join the government and be part of a new national army. Rwasas's FNL faction remained outside the process.

2003

The 3 December 2002 cease-fire agreement with CNDD-FDD did not come into effect on the scheduled date because the African mission to monitor implementation and set up cantonment camps did not arrive in time. On 27 January President Buyoya and Nkurunziza's faction signed a memorandum of understanding paving the way for implementation. 35 African Union observers arrived to oversee the process but the CNDD-FDD refused to recognise them and would not vouch for their safety. On 21 February CNDD-FDD suspended talks with the government accusing it of failing to respect the cease-fire accord but the talks were resumed on 2 March.

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ANNEX B

Political and Organisations and Rebel Groups

Political parties within Burundi

Political parties are required to demonstrate firm commitment to national unity and impartiality with regard to ethnic or regional origin, gender and religion, in order to receive legal recognition. The principal political associations participating in the peace negotiations comprised a grouping of 10 Tutsi parties, G10 (formally known as G8) and seven Hutu organisations (G7). [1b] Where known the details of the group each party was affiliated to during the talks is included in the information below. [5b]

Alliance burundaise-africaine pour le salut (ABASA)

Formed in 1993

Leader: Serge Mukamarakiza (Bujumbura faction) Térence Nsanze (external faction)

English translation: Burundo-African Alliance for Salvation

ABASA were a member of the G10 grouping of parties.

The party reportedly involved in the violent *villes mortes* - violent general strikes and paralysis of city life - that characterised life in Bujumbura between 1994 and 1996.

[1b][5b]

Alliance nationale pour les droits et le développement économique (ANADDE)

Formed in 1992

Leader: Patrice Nsababaganwa

English translation: National alliance for Law and Economic Development

ANADDE was a member of the G10 grouping of parties and is one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month.

The party was linked to the *villes mortes*. [1b][5b][8a]

AV-Intwari

Formed in 1993

Leader: André Nkundikije

English translation: Alliance of the Brave (or the Valiant)

French Translation: Parti vert-intwari

AV-Intwari was a member of the G10 grouping of parties.

The party has a small following, according to AI they were not formed until 1996.

[1b][5b] [12f]

Conseil national pour la defense de la democratie (CNDD)

Formed in 1994

Leader: Léonard Nyangoma

English translation: National Council for the Defence of Democracy

The CNDD were a member of the G7 group of parties during the peace talks.

The CNDD was formed in Bukavu, DRC, following the assassination in 1993 of President Ndadaye and the subsequent flight into exile of many FRODEBU and FRODEBU-allied politicians. The main stated aims at this time were to fight for the

restoration of democracy and to end the Convention of Government power-sharing arrangement signed in September 1994. [1b][5b][29]

The Hutu-dominated CNDD retains many FRODEBU principles but advocated since its formation the use of its armed wing, the *Forces pour la Défense de la Démocratie* (FDD), Forces for the Defence of Democracy. The CNDD-FDD initially carried out joint operations with PALIPEHUTU and FROLINA (see below) but such co-operation came to an end in 1995 over disagreements of strategy and the inclusion of Tutsi in the ranks of the CNDD. [5b]

The political wing of the CNDD comprises largely of Hutu intellectuals from the Southern Bururi area though many of the group's fighters were from other parts of the country. [29] In early 1998, the CNDD and FDD publicly split, with the commander-in-chief of the FDD, Jean-Bosco Ndayikengurukiye, breaking away to form a new faction, the CNDD-FDD, after claiming that Nyangoma was remote from the armed struggle. Several members of the political executive were also temporarily expelled.

The CNDD retained its armed wing the FDD, although the split substantially diminished its size. The FDD are thought to operate mainly in southern Burundi. AI report that FDD have been responsible for serious human rights abuses including the deliberate and arbitrary killings of unarmed civilians. There is an intense rivalry between the CNDD and the breakaway group and Nyangoma has threatened on several occasions to pull out of negotiations if the CNDD-FDD were permitted to attend. Following the inauguration of the new Transitional Government on 1 November 2001 Nyangoma remained in exile. [5b][36a]

Forum démocratique (FODE)

Formed in November 1999

Leader: Deogratias Baburifato [1b]

Front pour la démocratie au Burundi (FRODEBU)

Officially recognised in 1992, split in June 1999

Chairman: Jean Minani; Secretary-General: Domitien Ndayizeye (both external wing)

Leader of the internal wing is Augustin Nzojibwami - See also text below regarding split.

English translation - Front for Democracy in Burundi

FRODEBU were a member of the G7 grouping of organisations and, as the majority party in the National Assembly controlling a 65 of the 121 seats were also represented in the Government delegation. Though formed in the mid-1980s

FRODEBU were not officially recognised until mid-1992. The parties manifesto includes a commitment to abolish the death penalty. Many of its founder members including former presidents Melchior Ndadaye and Sylvestre Ntibantunganya were also founder members of the Burundian human rights organisation, Iteka. FRODEBU officially rejects recourse to violence. [1b][5b]

However, as recorded in a report by AI dating from March 2001 the party has been frequently accused of links with armed opposition groups including PALIPEHUTU and subsequently the CNDD and its armed wing. Hundreds of supporters and officials of FRODEBU have been arrested and detained on the basis of such accusations. FRODEBU also used PALIPEHUTU networks to mobilise support for the 1993 FRODEBU election campaign. [5b]

AI further reported in March 2001 that thousands of FRODEBU supporters were in detention, mainly on suspicion of participation in the massacres of Tutsi civilians in October 1993 or on suspicion of links with the armed opposition. Several senior FRODEBU representatives including some in government have been the subject of legal proceedings or accusations of participating in or inciting violence. Since 1993 the security forces or militias have reportedly killed 24 FRODEBU members of parliament. Others have fled into exile, many then joining ranks with the CNDD. [5b] Divisions within the party have become obvious since Buyoya returned to power in 1996. The extent of the crisis was revealed in March 1999 when the then Secretary-General, Augustin Nzojibwami expelled senior members of the party from the executive committee for alleged ethnicism and ill discipline. In retaliation, Jean Minani expelled Nzojibwami although he refused to recognise this. In June 1999 two factions emerged: the external Minani wing and internal Nzojibwami wing, which appears to be closer to the government. Senior party members including former president, Sylvestre Ntibantunganya, Léonce Ngendakumana and Domitien Ndayizeye rallied to the Minani cause. [1b][5b] In January 2002 Minani defeated Nzojibwami by 115 votes to 53 to take the post of Speaker in Burundi's Transitional National Assembly. [16r]

Front pour la libération nationale (FROLINA)

Leader: Joseph Karumba

English translation: Front for National Liberation

FROLINA were a member of the G7 grouping of organisations.

A small breakaway faction of PALIPEHUTU and also believed to date from the 1970's. Karumba left Burundi after the 1972 massacres of Hutu and is based in Dar-es-Salaam, Tanzania. The group's armed forces are known as the *Forces armées populaires* (FAP), Popular Armed Forces. The group is mainly based in Tanzania but is largely inactive militarily. Since signature of the peace agreement, however, AI does refer to reports of small FAP units attempting to establish bases in southern Burundi. [5b][29]

In November 2001 Karumba stated it was still too soon for him to return from exile. He blamed the delay in his return upon the fact that a special protection unit for exiled leaders was yet to be formed. In February 2002 it was reported that the Immigration department in Tanzania had ordered the immediate involuntary repatriation of Karumba along with an official of PALIPEHUTU. Both men wrote to the authorities in Tanzania requesting more time. [36a][36b]

Inkinzo y'Ijambo Ry'abarundi (MSP - Inkinzo)

Formed in 1993

President: Dr Alphonse Rugambarara

English translation: Guarantor (or Shield) of Freedom of Speech in Burundi

Inkinzo were member of the G10 group of parties.

A small Tutsi-dominated party MSP-INKINZO was critical of the Governments policy of regroupment on human rights and humanitarian grounds. MSP-INKINZO was also reported to have been heavily involved in the *villes mortes*. [1b][5b][17f]

Mouvement de la résistance pour la réhabilitation du citoyen

Formed in July 2001

Leader: Colonel Epitace Bayaganakandi

English translation: Resistance Movement for the Rehabilitation of the Citizen

Kirundi translation: Murundi rema wisubize icubahiro (MRC)

The party was created by a group of six pro-Tutsi political parties known as the G6. The parties all supported the candidacy of Bayaganakandi for presidency of the transitional period. Bayaganakandi was unanimously elected to lead the new party and formally signed in front of around 300 members and sympathisers of the movement. Bayaganakandi stated that the party was political in nature but peaceful. He also said the aim of the party is to gather together those who are demanding change in the country and effectively fight against extermination, genocide and the agreement signed in Arusha on 23 July 2001. [1a][16j][17f][24a]

Parliamentary Monarchist Party (PMP)

Formed in 2001

There are seven founder members who, in August 2001 applied for official permission to hold public meetings and establish the leadership organs of the new party. [18c]

Pajude-Intazimiza

Formed in 2002

President: Pascal Nkunzumwami; Deputy: Leopold Ndayisaba

English translation: Party for Justice and Development

A regionally and ethnically balanced party that does not describe itself as opposition but rather as a "complementary party to what is positive in what already exists". [12g]

Parti indépendant des travailleurs (PIT)

Formed in 1993

Leader: Etienne Nyahoza

English Translation: Independent Labour Party

PIT were a member of the G10 grouping of parties and is one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month. [1b][5b][8a]

Parti Liberal (PL)

Formed in 1992

Leader: Joseph Ntidendereza (internal wing) Gaëtan Nikobamye (external wing)

English translation: Liberal Party

PL was a member of the G7 grouping of organisations.

According to information dating from March 2001 the party is split. Nikobamye, a lawyer and businessman had fled the country because his business activities "apparently placed him in danger". [1b][5b] However, Nikobamye returned to the country in 2001 and now holds the position of Minister of Country Planning, Environment and Tourism in the Transitional National Assembly. [16q][18i]

Parti de liberation du peuple Hutu (PALIPEHUTU)

Formed in 1980 - based in Tanzania

Leader: Etienne Karatasi

English translation: Party for the Liberation of the Hutu People

PALIPEHUTU were a member of the G7 group of organisations.

Formed clandestinely in 1980 - earlier according to some sources - by Rémy Gahutu to fight against Tutsi domination and seek to advance the interests of the Hutu ethnic

group. PALIPEHUTU are the longest established Hutu rebel group in Burundi. The group originates from the central Muramvya area of Burundi regularly states its complete independence from the CNDD who have many members from the south of the country. [1b][5b][29]

As stated in an AI Report, Between Hope and Fear PALIPEHUTU incited the civilian Hutu population to violence in 1988 in the north of the country in Ntega and Marangara, and several hundred Tutsi were killed. Members of the Tutsi-dominated armed forces killed 20,000 Hutu civilians in retaliation. PALIPEHUTU are also believed to have been responsible for armed attacks on Bujumbura and Bubanza provinces in November 1991 and April 1992 in an effort to disrupt the forthcoming 1993 elections. PALIPEHUTU campaigned clandestinely against the 1993 elections, claiming that no political change was possible for as long as the army remained Tutsi-dominated. The party was not officially recognised in 1992 due to its mono-ethnic stance. [5b]

The CNDD split with its armed wing in 1998 and rivalry between PALIPEHUTU and the breakaway PALIPEHUTU-FNL is intense. PALIPEHUTU has no control over the PALIPEHUTU-FNL (more commonly referred to as FNL). PALIPEHUTU retains a small fighting force of its own; this is also called the *Forces nationales de libération* (FNL) - in this report any reference to this group will be referred to as "the armed group of the PALIPEHUTU. Karatasi, the current PALIPEHUTU president, lives in exile in Denmark. [1b][5b]

Parti du peuple (PP)

Formed in 1992

Leader: Shadrak Niyonkuru (external) Séverin Ndikumugongo (internal)

English translation: People's party

PP was a member of the G7 grouping of organisations.

Allied to FRODEBU and also in favour the abolition of the death penalty. According to information dating from March 2001 the party is split, Niyonkuru who had fled the country following the 1996 coup leads one faction, Séverin Ndikumugongo who is based in Bujumbura leads the other. [1b][5b] Niyonkuru has now returned to Burundi and in January 2002 won the second deputy speaker's seat in the Transitional National Assembly. [8e]

Parti de réconciliation du peuple (PRP)

Formed in 1992

Leader: Mathias Hitimana

English translation: **People's Reconciliation Party**

PRP were a member of the G10 grouping of parties.

Formerly the *Parti royaliste parlementaire* (same acronym) translated as the Parliamentary Monarchist Party. The PRP leader had been living in exile in Belgium but is now Minister of Energy and Mines in the Transitional National Assembly.

[1b][5b][16q]

Parti pour le redressement national (PARENA)

Formed in May 1994

Leader: Jean-Baptiste Bagaza

English translation: Party for National Recovery

PARENA were a member of the G10 grouping of parties. Formed following the return of former president Jean-Baptiste Bagaza from exile. Since its creation it has reportedly been linked to armed movements or militias within Burundi which have incited violence against FRODEBU members and Hutu civilians in general. In January 2000, nearly four years after their arrest several senior members of PARENA were convicted of plotting to assassinate President Buyoya. They were released in August 2000. [1b][5b]

On 19 September 2001 it was reported that there were problems prevailing within the pro-Tutsi National Recovery Party (PARENA). Party chairman, Bagaza decided from Kampala, Uganda to dismiss secretary general Remy Nkengurutse. PARENA vice-chairman Cyrille Barancira chose to resign in sympathy with his sacked colleague. The rest of the party's leadership was reported to be relieved the two men had left the party. The party's official line is to keep away from all the transitional institutions emanating from Arusha and Pretoria. [18g] Since signing the Arusha Accord in August 2000 in PARENA boycotted the subsequent negotiations on implementation. However, in January 2002 it was reported that Bagaza was planning to return from exile to negotiate his party's participation in the transitional institutions. [15b]

Parti social démocrate (PSD)

Formed in 1993

Leader: Godefroid Hakizimana

English translation: Social Democratic Party

PSD were a member of the G10 grouping of parties.

Members of the PSD are suspected of involvement in the *villes mortes*. Despite sometimes taking different positions from UPRONA, the party is generally perceived to be an UPRONA satellite. [1b][5b][8a]

Rassemblement pour le démocratie et le développement économique et social (RADDES)

Formed in 1992

Chairman: Joseph Nzenzimana

English translation: Rally for Democracy and Economic and Social Development

RADDES were present at the start of the peace negotiations but refused to sign a document on participation. It subsequently made a series of highly critical declarations accusing the late Nyerere of bias in his management of the talks. When RADDES joined the negotiations in February 2000 it became a member of the G8 subsequently re-named the G10 grouping of parties after UPRONA joined later in the year. RADDES are one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month.

The party was openly involved in the *villes mortes* and associated violence during the 1994-1996 period. [1b][5b][8a]

Rassemblement du peuple Burundian (RPB)

Formed in 1992

Leader: Balthazar Bigirimana

English translation: Rally of the Burundian People

RPB were a member of the G7 grouping of organisations.

The current leader of this FRODEBU-allied party, Bigirimana, has spent a period of time living in exile in Paris though now holds the post of Minister of Public Works and

Equipment in the Transitional National Assembly. He had fled Burundi in late 1996 shortly after the arrests of close party associates. He had been actively pushing for investigations into the death of Ernest Kabushemeye, former Minister for Mines and Energy, who was gunned down in Bujumbura in March 1995 and the "disappearance" of Etienne Mvuyekure after his arrest by members of the armed forces in November 1997. The party is led in Bujumbura by Philippe Nzobonariba. [1b][5b][16q]

Solidarité pour la défense des minorités (SORJEDEM)

English translation: Youth Solidarity for the Defence of Minorities

Déogratias Niyonzima was formally the leader of SOJEDEM that is no longer believed to exist. It is understood that the party served as a front for Tutsi militias in Bujumbura from 1994 onwards and was actively involved in the *villes mortes*. Niyonzima, who fled Burundi in 1997 after being briefly detained on suspicion of threatening state security and as of March 2001, was reported to be living in Kampala, Uganda. He was a member of the PRP delegation during the peace talks. [5b] Niyonzima returned to the country on 3 December 2001. [18i]

Union pour le progrès national (UPRONA)

Formed in 1957, legally recognised 1960

Chair: Charles Mukasi - however, in October 1999 moderate members of the central committee who opposed Mukasi's rejection of the Arusha talks elected Dr Luc Rukingama as a rival chair.

English translation: Union for National Progress

UPRONA became a member of the G10 grouping of parties after its pro government wing joined what had been previously know as G8.

Following the 1961 elections the numerous small parties that had been defeated merged with UPRONA, which became the sole legal party in 1966. Party activities were suspended following the coup of September 1987, but resumed again in 1989. The party currently occupies 16 seats in the National Assembly, aside from FRODEBU they were the only other party to win seats in the elections of June 1993. Nevertheless, their 1993 polls represented a heavy defeat and unwilling to cede power, UPRONA were closely associated with violence by *Sans échec* (without failure) and other Tutsi militia during the period between 1993 and 1996. The Mukasi faction of the party are vehemently opposed to the peace negotiations whilst Rukingama represents the pro-government wing of the party. According to Europa the formation of the party was in 1958. [1b][5b]

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Political alliances

Two political alliances comprising of a combination of both Hutu and Tutsi parties were formed during the second half of 1999.

Alliance nationale pour le changement (ANAC)

Formed in December 1999

ANAC were formed in response to the creation of CNPR (see below) and primarily consist of the external wing of FRODEBU and PARENA. [1b]

Convergence nationale pour la paix et la réconciliation (CNPR)

Formed in October 1999

President: Augustin Nzajibwami [1a]

This alliance brings together UPRONA, the internal wing of FRODEBU and most of the minor Tutsi parties that made up G10 (previously known as G8). [1b] The CNPR was perceived as a mouthpiece of the government and largely took the same positions as the Government during the negotiations in Arusha. [5b]

MRC-Rurenzangemero

Formed: 2002

Chairman: Col Epitace Bayaganakandi; Vice-Chairman: Basile Gateretse

English translation: National Resistance Movement for the Rehabilitation of the Citizen.

The party was formed when a non-profit making organisation of the same name changed its legal status. The party is in fact a coalition of pro-Tutsi parties. In a speech at the inaugural constituent assembly held in June 2002 Bayaganakandi indicated that the organisation stood for the restoration of peace, fighting crime and addressing poverty. [12e]

Externally based political groups

The following political organisation has been formed by Burundians living in exile: -

The Rally of Communities in Burundi for Democracy (RADECO)

Formed: April 2002

Members of the Burundi Tutsi community formed RADECO in Belgium. The group aims to work for the promotion of security, political autonomy and equality for Hutu and Tutsi communities. [12b]

Armed rebel groups

The following are the two major armed opposition groups active in Burundi. Neither group had any active participation in the Arusha negotiations and neither were signatories to the peace agreement. [1a][5b]

Conseil national pour la defense de la democratie - Forces pour la defense de la democratie (CNDD-FDD)

Formed in 1998

Commander-in-Chief: Jean-Bosco Ndayikengurukiye

Co-ordinator general of faction that broke away in October 2001: Pierre Nkurunziza

English translation: National Council for the Defence of Democracy - Forces for the Defence of Democracy.

The group may be referred to as FDD but throughout this report they are referred to as CNDD-FDD.

This armed group is a breakaway-armed faction of the CNDD representing a force of some 30,000 that rebelled against the CNDD political leadership in 1998. In 2002 the ICG estimated this number had reduced to around 15,000 with an approximate ratio of fighters to auxiliaries of 1:4. The fact that the CNDD political leadership were from the southern Bururi area of the country whilst its fighters came from other areas of the country is believed to be a factor behind the split. However, the leader of the breakaway, Jean Bosco Ndyikengurukiye, is from Bururi, There is an intense rivalry between the two groups. [1b][5b][10][29]

For several years the CNDD-FDD had its main base eastern DRC, however during 2001 thousands of rebel combatants came home, hastened by signs that the DRC government were moving towards ending their own war. Even prior to 2001 the group had bases within Burundi, CNDD-FDD also incursions have been launched from Tanzania. The group has actively recruited out of Burundian refugee camps in Tanzania and includes many child soldiers in its ranks. Although primarily an armed opposition group the CNDD-FDD also have a limited number of political advisors within its ranks. CNDD-FDD is largely active in southern Burundi where it has committed wide spread human rights abuses. [2b][5a][6b]

In October 2001 there was a split within the CNDD-FDD; this resulted in the emergence of a new faction with Pierre Nkurunziza as its co-ordinator general. The new faction claims to be the genuine CNDD-FDD, has its own central committee known as the "National Circle of Patriots". [10] Nkurunziza's faction has since engaged in dialogue with the authorities and international mediators regarding a possible cease-fire agreement without success. Meanwhile, Ndayikengurukiye who continues to control a faction that according to ICG is smaller both numerically and in terms of activity, have proceeded with separate negotiations. [14a][16bd][10] Nkurunziza has objected to the continued recognition of Ndayikengurukiye's faction and as a result of this has called for the replacement of South African Deputy-President Jacob Zuma as mediator in the ceasefire talks. [16ak][10] Nkurunziza also claims that Ndayikengurukiye has no fighting forces in the country and cannot, therefore, participate in the search for peace. [16ak]

In July 2002 Nkurunziza called on the Tanzanian government to organise talks between the "real belligerents" (meaning the FNL and his CNDD-FDD faction) and the army, which, he stated, wields the real power. [16ak][10][4i] After talks with the Tanzanian government in mid-June 2002, Nkurunziza's faction agreed to engage in cease-fire negotiations with the political and military leaders of Burundi. [7i][16ak] When these negotiations finally commenced in Tanzania in August 2002 both CNDD-FDD factions were represented. [7i] Ndayikengurukiye's faction made progress at the August 2002 talks and at a regional summit in October 2002 signed a ceasefire agreement. [16av][16bd] Meanwhile Nkurunziza's faction was given 30 days to follow suit; however, they called for a clear declaration of the objectives of the negotiations, a definition of the belligerents, and a commitment from both sides to implement any agreement signed. [16bd]

Forces nationales de libération (FNL)

President: Agathon Rwasa

Former president and leader of rival faction (see below): Alain Mugabarabona

Leader of third faction (see below): Cossan (also spelt Kossan) Kabura

An armed dissident wing of PALIPEHUTU and based in southern Rwanda the PALIEPHUTU-FNL is most commonly referred to as the FNL (as is the case throughout this report).

Until February 2001 Cossan Kabura led the FNL but together with other senior officials of the group he was removed from his functions and Rwasa, a senior FNL commander, was nominated as president and chief of staff. Kabura had been cut off from military operations for some time prior to his dismissal and was discredited by direct contacts with President Buyoya though he reportedly maintains control of a

minor faction that issues occasional statements. The FNL maintain bases within Burundi as well as the DRC where they have strong links with the Mai Mai groups from whom they buy food and supplies. They have actively recruited from refugee camps in Tanzania. [1b][5b][7h][16ar][10][18k]

The FNL have been particularly active around Bujumbura. They have committed serious human rights abuses including the deliberate and arbitrary killings of unarmed civilians and prisoners of war, mutilation and torture. The FNL are consistently reported to have links with armed opposition groups in Rwanda including the ex-FAR and Interahamwe. [2b][5b] The FNL are also believed to be very close politically and militarily to Nkurunziza's faction of the CNDD-FDD. [16ak][10]

The Burundian media reported in June 2002 that the FNL leader, Agathon Rwasa, died of wounds sustained during an exchange of fire with allies of the FNL spokesman, Alain Mugabarabona, resulting from a disagreement over holding talks with the government. [16ak] Although this turned out not to have been the case BBC reported that there had been an attempt on Rwasa's life during which a number of FNL leaders had been killed. [7h] On 8 August 2002 it was reported that Rwasa had been sacked as president and replaced by Mugabarabona on a temporary basis. [7h][16ar] The FNL's 30-member Higher Revolutionary Council (HRC) said it had taken the step to stop the group from being transformed into "the property of one person, and into a secret religious sect by some political and military personnel". The HRC, which has an equal number of civilian and military members, also said it had rejected the idea of "taking the Burundian people hostage" by refusing to take part in peace negotiations. [16ar] There are suggestions that millenarist religious movements as well as some local Adventist churches fund the FNL, which claims to be fighting to realise a millenarist prophecy of liberation from Tutsi repression. [10] Mugabarabona's faction quickly indicated that it might be prepared to participate in peace talks; when the next talks commenced in Tanzania in mid August 2002 it was reported that his FNL would join for the third week. [7h][7i][16ar]

Whilst Mugabarabona did represent the FNL at the talks it became apparent that his backing within the FNL was limited and reports suggested that Rwasa did in fact continue to lead the main faction. One analyst commented that the arrival of Mugabarabona for the talks, and reports that the facilitation team recognises him as the "interim leader" of the FNL despite his "limited backing", was "very damaging" and likely to lead Agathon Rwasa to "turn his back on the negotiations, sever all contacts and increase hostilities". He expressed the view that this was the worst thing that could happen, because, without the main faction of the FNL, the war will not end. [16au][16av] In October 2002 at a regional summit the Mugabarabona faction signed a formal ceasefire at a regional summit. Rwasa's faction was given 30 days to follow suit. [16bd]

Front for Democracy and the Nation in Burundi - FRODEBU-Mparaniragihugu

Formed in June 2000

Leader: Christian Sendegeya

The former vice president of the CNDD-FDD deserted the movement to set up his own group. According to a press statement at the time supporters of the new group felt that they could not opt for peace and reconciliation, and at the same time support

war. The statement gave this as the reason why they had withdrawn from the coalition of the armed movement. **[16b]**

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ANNEX C: Prominent People

Buyoya, Pierre: Current President of Burundi. First took power in a coup in September 1987, deposing President Jean Baptiste Bagaza, whom he accused of corruption. In response to international pressure led the country to its first democratic elections in 1993. Buyoya returned to power in July 1996 in a bloodless coup supported by the armed forces. Following extensive peace talks 1 November 2001 Buyoya was sworn in as President for the first 18 months of the new transitional Government's three-year term. [1b][5b]

Bagaza, Jean-Baptiste: From Bururi Province, served as president of Burundi from 1976 to 1987. After the 1987 coup he went into exile in Libya returning in 1994. Now leader of PARENA was, together with other party members, initially accused of involvement in the alleged plot and placed under house arrest. Charges against him were dropped in the run up to the start of the Arusha negotiations and he returned to exile. In August 2000 Bagaza put his name forward as a candidate for the transitional presidency without success. [1b][5b][16d][18g][15b] In June 2002 Bagaza, a hard line Tutsi returned from exile in Uganda; it was reported that he would receive protection from SAPSD. [16ai][12d]

Hitimana, Mathias: The leader of the PRP and a businessman who returned from exile in Brussels to take up a ministerial portfolio in the Transitional Government. [5b][12f] However, President Buyoya sacked him from his post in July 2002 and his portfolio was passed to a member of another Tutsi party. [12f] Hitimana is alleged to have been behind the financing and arming of the *Sans échec* militia in the mid 1990s. [5b]

Mukasi, Charles: From Ngozi Province in northern Burundi, served as Chair of the UPRONA until October 1999 when he was replaced by a pro-government figure. He has refused to accept his dismissal, claims to be party president and to be the victim of harassment by the president and security forces. Mukasi has also been accused of undermining the 1994 Convention of Government power-sharing arrangement and of orchestrating some of the spiralling violence that enabled Pierre Buyoya to return to power in 1996. [5b]

Minani, Jean: Leader of the external wing of FRODEBU, had been living in exile - as of March 2001 he was based in Dar-es-Salaam, Tanzania. He is accused of inciting violence in October 1993 after calling on Radio Rwanda for people to "resist" the coup. However, following the peace process [5b] However, Minani has now returned to Burundi and in January 2002 was elected Speaker of Burundi's Transitional National Assembly. [16r]

Ndadaye, Melchior: Burundi's first democratically elected President winning 64.8% of the votes in the poll on 1 June 1993. Stood as a candidate of FRODEBU but gained the support of the PP, PL and RBP. Killed during an attempted coup on 21 October 1993. Ndadaye was also a founder member of Iteka. [1b][5b]

Ndayikengurukiye, Jean-Bosco: Former CNDD-FDD Commander in Chief who led a breakaway from the CNDD in 1998. He is the brother of Nzajibwami, leader of the internal grouping of FRODEBU and a nephew of Léonard Nyangoma, president of

the CNDD. Prior to joining the CNDD-FDD, Ndayikengurukiye was undergoing officer training with the Burundian armed forces. [1b][5b] Since October 2001 when the CNDD-FDD itself split Ndayikengurukiye has remained in charge of the smaller and reportedly less active of two factions. [10]

Ndayizeye, Domitien: Current Vice President of Burundi and Secretary General of the external wing of FRODEBU; has also had legal proceedings brought against him on charges of threatening state security or involvement in the 1993 massacres. In August 2000 Ndayizeye received the backing of the G7 group for the presidency during the three-year transitional period of Government. In the event a compromise was reached over the presidency and on 1 November 2001 Ndayizeye was sworn in as Vice-President for 18 months after which he will serve as President for the remainder of the period. [2b][5b][16d]

Ntaryamira, Cyprien: Formally the Agriculture Minister in the FRODEBU government Ntaryamira was elected to replace Ndadaye by the National Assembly in early 1994 taking up office on 5 February 1994. Killed together with the President of Rwanda on 6 April 1994 after the Rwandan president's plane was hit in a rocket attack and crashed in Kigali, Rwanda. Ntaryamira was a founder member of Iteka. [1b]

Ntibantunganya Sylvestre: Succeeded Ntaryamira as interim President in accordance with the constitution. After fresh presidential elections were discounted Ntibantunganya was elected as President at a 'Convention of Government' on 30 September 1994. Buyoya deposed him on 25 July 1996 in a bloodless coup. [1b]

Nyangoma, Léonard: Served as Minister of Interior under president Ndadaye; currently holds the CNDD presidency. Nyangoma, along with other senior members of the CNDD, was charged *in absentia* with responsibility for a series of mine explosions in Bujumbura in 1997. [5b]

Nzajibwami, Augustin: leader of both the pro-government "internal" wing of FRODEBU and the National Assembly delegation during the talks Arusha. From Bururi Province, he is also a key figure in the CNPR. Nzajibwami was formerly an outspoken defender of human rights within FRODEBU and has been detained on several occasions, including in 1997, for his criticism of the regroupment policy. [5b]

Rugambarara, Dr Alphonse: A founder member of Iteka and leader of MSP-INKINZO. [5b]

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ANNEX D: References to Source Material

[1] Europa Yearbook Publications

- (a) Europa World Year Book, Volume I - 2002
- (b) Africa: South of the Sahara - 2003

[2] US Department of State

Country Report on Human Rights Practices in Burundi

- (a) 2002 - issued 31 March 2003
- (b) 2001 - issued 4 March 2002

International Religious Freedom

- (c) 2002 - issued 7 October 2002

[3] Reuters News Service

- (a) Burundi tells army journalists are enemies - 09/09/99
- (b) RSF condemns Burundi's "Call to murder" journalists -10/09/99
- (c) Burundi journalist arrested after rebel interview -15/03/01
- (d) Burundi President says army had role in killings – 30/09/02

[4] Pan African News Agency (PANA)

- (a) Bujumbura curfew extended by two hours - 01/09/99
- (b) Mandela urges Burundians to support peace process - 13/06/00
- (c) Buyoya says Ausha Accord has resolved key elements of Burundi - 20/09/00
- (d) Six students injured in Bujumbura demonstration - 19/12/00
- (e) Leading HUTU party rejects transition arrangement - 03/08/01
- (f) Academic year is three months late at Burundi University - 05/04/01
- (g) Buyoya set to implement Arusha Peace Agreement - 05/04/01
- (h) Burundi journalists want press laws revised - 05/04/01
- (i) Companies to supply cheaper anti-retrovirals to Burundi - 25/5/01
- (j) Mandela attaches conditions to Burundi Transition Agreement - 12/07/01
- (k) Human Rights body launches "Media For Peace" scheme -20/09/01
- (l) Burundi rebel factions call for armistice - 13/08/02

[5] Amnesty International

- (a) Annual Report 2002 - covering 2001 *Burundi Section only*.
- (b) Burundi: Between hope and fear *published* 22 March 2001.
Press release and pages 60-68 of full report only.
- (c) Burundi: Preparing for peace - one year on *published* August 2001
Public appeal - in full.
- (d) Government must now act to stamp out torture and impunity *Press Release* -
4 February 2002
- (e) Punishing the population - reprisal killings escalate *published* June 2002
Report in full.
- (f) Burundi: Summary of human rights concerns
Media briefing- 22 September 2002
- (g) Poverty, isolation and ill treatment, Juvenile justice in Burundi *published* 24
September 2002 - *Report in full.*
- (h) Burundi: Alexandre Nzeyimana, aged approximately 12 – 27/01/03
- (i) Burundi: No justice for victims of Itaba massacre – Press Release – 24/02/03
- (j) Burundi: Journalists subject to constant attacks – Press Release – 20/02/03

[6] Human Rights Watch

(a) World Report 2002 - covering 2001

Burundi Section only.

(b) Burundi: To protect the people *published* December 2001.

Report in full.

(c) World Report 2003 – covering 2002

(d) Burundi: Escalating violence demands attention – November 2002

[7] BBC World News

(a) Burundi curfew eased - 23/12/99

(b) Burundi peace deal delayed - 16/07/00

(c) Hundreds protest against the Burundian Government 18/08/00

(d) Burundi ceasefire blow - 20/09/00

(e) Inquiry into Burundi coup set up - 27/04/01

(f) Burundi coup arrest - 27/08/01

(h) Hopes rise for Burundi talks - 08/08/02

(i) Ceasefire call at Burundi talks - 12/08/02

(j) Burundi rebels boycott peace talks - 19/09/02

(k) Burundi army arrests over massacre - 04/10/02

(l) Burundi peace deal signed – 03/12/02

(m) Analysis: Burundi's new signs of hope – 03/12/02

(n) Thousand flee Burundi fighting – 22/01/03

[8] ABP News Agency, Bujumbura

(a) Last four Tutsi parties may sign peace accord - 31/08/00

(b) Agreement on repatriation of refugees to be signed in January 2001 - 05/12/00

(c) Some 800 refugee return home from Tanzania - Agency -17/08/01

(d) Plans under way for major repatriation of refugees - 30/08/01

(e) Transitional National Assembly office bearers elected - 11/01/02

(f) Burundi army reportedly denies media report that it took part in Itaba massacre - 20/09/02

[9] Radio Burundi, Bujumbura

(a) Defence Ministry says journalists are not "enemies"- 11/09/99

(b) All 199 regroupment camps in Bujumbura closed official says - 01/08/00

(c) Government bans disturbance of public order - 19/08/00

(d) Government suspends sect's activities over law and order violations - 16/12/00

(e) Government imposes curfew to beef up security - 05/03/01

(f) No improvement in human rights, UN Human Rights Envoy says - 14/07/01

[10] International Crisis Group, Nairobi/Brussels

The Burundi rebellion and ceasefire negotiations - 06/08/02

Full report

[11] Danish Immigration Service

(a) Report on the roving attaché mission to Bujumbura, Burundi 22 April to 4 May 1999 - published November 1999 - *full report*

(b) Report on the roving attaché mission to Bujumbura, Burundi and Kinshasa, Democratic Republic of the Congo 8-18 September 1999 - *up to page 18 only*

[12] Africa Research Bulletin

Note - month of issue for this publication is referred to; monthly issues cover events from the previous month (e.g. April covers March)

- (a) Burundi SANDF in Bujumbura - April 2002
- (b) Untitled - *from 'in brief' section* - May 2002
- (c) Need for a truce - June 2002
- (d) Tension stepped up - July 2002
- (e) Pro - Tutsi alliance - A new party holds its constituent assembly - July 2002
- (f) Minister sacked - Hitimana claims his dismissal violates the Arusha agreement - July 2002
- (g) Untitled - *from 'in brief' section* - July 2002
- (h) Summit postponed - July 2002

[13] Alert Net

- (a) Burundi's education mirrors old Oxbridge elitism - 15/04/02

[14] Agence France-Presse (AFP)

- (a) Burundian government, rebels meeting in S. Africa - 28/02/02

[15] Foundation Hironnelle, Lausanne, Switzerland

- (a) Peace monitoring body chairman on move to Bujumbura - 21/08/01
- (b) Exiled ex-president Bagaza to return to Burundi - 28/02/02

[16] Integrated Regional Information Network (IRIN), Nairobi

- (a) Dual citizenship law passed - 26/05/00
- (b) New rebel group formed - 27/06/01
- (c) Burundi, UNHCR bracing for refugee return - 11/08/00
- (d) Candidates named for transitional presidency - 16/08/00
- (e) Government extends curfew in Bujumbura - 09/03/01
- (f) Concern over attacks on local journalists - 14/03/01
- (g) Curfew to remain "as precaution against attacks" - 16/03/01
- (h) About 40 suspected coup plotters arrested - 27/04/01
- (i) Authorities deny forcible repatriation plans - 18/06/01
- (j) New party launched - 30/07/01
- (k) Commission proposes two-year immunity for political criminals - 29/08/01
- (l) Rights body tips Burundi on measures to be implemented
- (m) Protest "nipped in the bud" - 05/09/01
- (n) Ndayizeye speaks on transitional government - 06/09/01
- (o) Concern about protection unit for returning Burundi exiles - 17/09/01
- (p) President optimistic about Peace Process - 20/09/01
- (q) Transitional government's cabinet - 01/11/01
- (r) Assembly elects Minani as speaker - 10/01/02
- (s) Ban lifted on Net Press news agency - 25/02/02
- (t) UNICEF launches child-soldier project - 28/02/02
- (u) Widespread human rights violations persist - 01/03/02
- (v) Focus on children in prison - 17/04/02
- (w) VP Ndayizeye "optimistic" about conflict resolution - 18/04/02
- (x) US NGOs concerned over voluntary repatriation - 15/05/02
- (y) Local media banned from interviewing dissidents - 17/05/02
- (z) Iteka concerned over freedom of speech - 23/05/02

- (aa) Eleven killed in ambush - 24/05/02
- (ab) Government, military now willing to discuss child soldiers - 03/06/02
- (ac) Thousands of panic-stricken Bujumbura residents home again - 05/06/02
- (ad) Lawyers demand release of anti-genocide leader - 07/06/02
- (ae) Anti-genocide leader released from jail - 14/06/02
- (af) Vaccination campaign progresses, despite fighting - 21/06/02
- (ag) Critical economic situation endangers fragile peace – UN - 24/06/02
- (ah) Joint delegation to seek repatriation of Burundian refugees - 26/06/02
- (ai) Former president returns from exile - 01/07/02
- (aj) Teachers end strike - 05/07/02
- (ak) Rebels divided over peace negotiations - 09/07/02
- (al) G-10 threatens to leave government - 16/07/02
- (am) Military says security situation improving - 24/07/02
- (an) World Bank signs \$36 million deal to fight HIV/AIDS - 25/07/02
- (ao) Hutu leaders condemn rebels - 31/07/02
- (ap) Journalists' association calls for unbanning of periodical - 02/08/02
- (aq) Seminar on democracy and minority rights ends - 07/08/02
- (ar) Hardline HUTU rebel group sacks leader, might negotiate - 09/08/02
- (as) Cholera spreads in Cibitoke Province - 21/08/02
- (at) UNHCR says government now understands repatriation regime - 22/08/02
- (au) Focus on Burundi ceasefire talks - 23/08/02
- (av) "Memorandum of understanding" signed with one Hutu faction - 26/08/02
- (aw) Minister says at least 40 killed in Sunday's rebel attack - 27/08/02
- (ax) 32,000 people destitute in central region - 30/08/02
- (ay) Devaluation results in commodity price increases - 05/08/02
- (az) Focus on women in government - 11/09/02
- (ba) Health Ministry appeals for more meningitis vaccine - 01/10/02
- (bb) Hundreds more flee as conflict escalates - 02/10/02
- (bc) Regional leaders gather for final summit on Burundi - 07/10/02
- (bd) Two factions sign ceasefire, others given 30 days to comply - 08/10/02
- (be) Bujumbura, Kinshasa to sign peace accord - 14/10/02
- (bf) Government continues to accept Congolese refugees -16/10/02
- (bg) Bagaza house arrest extended by 60 days – 13/02/03
- (bh) Six new parties call for release of political detainees – 12/02/03
- (bi) Opposition leader in prison despite court's release order – 05/03/03
- (bj) Implementation of cease-fire agreement delayed – 31/12/02
- (bk) Another rebel leader signs memorandum on cease-fire implementation – 28/01/03
- (bl) Rebels caution on security for observers – 26/02/03
- (bm) Suspension of talks threaten peace process – 24/02/03
- (bn) Government, rebels in talks again – 03/03/03
- (bo) FDD, FNL rebel leaders return from exile – 14/02/03
- (bp) Elders call for international criminal tribunal – 25/02/03
- (bq) Focus on education of internally displaced children – 14/11/02
- (br) Analysts warn of serious political deterioration – 19/02/03
- (bs) New station begins broadcasts – 19/11/02
- (bt) President bans private radio stations from carrying rebel statements – 06/03/03
- (bu) Focus on child war victims in Ruyigi – 25/02/03

- (bv) Repatriations to include settled Burundians – 27/02/03
- (bw) Rebels attack village, displace 3000 people – 11/3/03
- (bx) Opposition leader released from house arrest – 7/4/03

[17] Azania News Agency, Bujumbura

- (a) Muslim newspaper begins publishing in Bujumbura - 17/04/01
- (b) News agency says university students sided with "mutineers" - 23/07/01
- (c) More army officers said involved in recent coup attempt - 31/07/01
- (d) President Buyoya pledges to leave office after prescribed 18 months - 01/08/01
- (e) Over 300 soldiers sacked following probe on foiled coup - 28/08/01
- (f) New pro-Tutsi association of political parties founded - 28/08/01

[18] Net Press News Agency, Bujumbura

- (a) Radio Umwizero set to change name, frequencies - 18/01/01
- (b) Rebel group sets condition for participation in new government - 01/08/01
- (c) Monarchist party reportedly to be formed - 03/08/01
- (d) Pro-Tutsi PARENA party to hold protest march on 1 September - 30/08/01
- (e) Leader of Tutsi movement fined, released -19/09/01
- (f) Police crackdown on pro-Tutsi demonstrators - 16/09/01
- (g) Former President Bagaza sacks Secretary-General of his party - 19/09/01
- (h) Bujumbura road remains closed as violent fighting continues - 23/09/01
- (i) Former deputy National Assembly Speaker returns from exile - 03/12/01
- (j) Smaller Hutu, Tutsi parties express displeasure with bigger parties - 05/07/02
- (k) Hutu parties reject "exclusive" cease-fire agreement - 09/09/02
- (l) Hutu parties threaten to quit Government following recent massacre - 23/09/02

[19] Xinhua News Agency, China

- (a) Burundian delegates debate peace deal in ethnic groups - 08/08/00
- (b) Hutu opposition refuses to support Burundi transitional government - 07/03/01
- (c) More Burundi refugees head home from Tanzania - 24/04/02
- (d) News analysis – Stubborn Burundians send mediators home empty-handed - 28/09/02

[20] Associated Press

- (a) Doubts grow over signing of cease-fire to end Burundi war - 19/09/00

[21] Pakistan Press International

- (a) Burundi government refuses to agree on peace deal - 29/07/00

[22] KBC Radio, Nairobi, Kenya

- (a) Three remaining Tutsis parties join Arusha peace accord - 20/09/00

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- (a) Burundi privately owned radio station adopts new name, frequencies - 31/01/01

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