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FREEDOM IN THE WORLD

Burundi

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Overview:

Violence between supporters of the ruling party and opposition groups decreased in 2012, though most cases of extrajudicial killings remained uninvestigated. Corruption has become a deepening problem, and Burundi is considered by advocacy groups to be the most corrupt in east Africa. In 2012, a prominent antigraft activist and a radio host were sentenced in separate cases to long prison terms.

The minority Tutsi ethnic group governed Burundi for most of the period since independence from Belgium in 1962. The military, judiciary, education system, business sector, and news media were also traditionally dominated by the Tutsi. Violence between them and the majority Hutu has broken out repeatedly since independence. A 1992 constitution introduced multiparty politics, but the 1993 assassination of the newly elected Hutu president, Melchior Ndadaye of the Front for Democracy in Burundi (FRODEBU) party, led to sustained and widespread ethnic violence. The resulting 12-year civil war killed more than 300,000 people.

Ndadaye's successor was killed in 1994, along with Rwandan president Juvénal Habyarimana, when their plane was shot down as it approached Kigali airport in Rwanda. This event triggered the Rwandan genocide and intensified the fighting in Burundi.

A 1994 power-sharing arrangement between FRODEBU and the mainly Tutsi-led Unity for National Progress (UPRONA) party installed Hutu politician Sylvestre Ntibantunganya as Burundi's new president, but he was ousted in a 1996 military coup led by former president Pierre Buyoya, a Tutsi whom Ndadaye had defeated in the 1993 election. Peace and political stability remained elusive, as insurgents sporadically staged attacks and government forces pursued a campaign of intimidation.

In 2000, 19 groups from across the political spectrum agreed to form a transitional government. The new government was installed in 2001, with Buyoya temporarily remaining chief of state and FRODEBU's Domitien Ndayizeye serving as vice president. Key elements of two Hutu rebel groups, the Forces for the Defense of Democracy (FDD) and the National Liberation Forces (FNL), failed to participate in the transition, resulting in both continued negotiations and additional violence.

By the end of 2002, most factions had agreed to stop the fighting and participate in transitional arrangements leading to national elections. In April 2003, Buyoya stepped down and was replaced as president by Ndayizeye, and the FDD subsequently reached an agreement with the government in October. An August 2004 agreement outlined the shape of new democratic institutions—designed to balance the interests of the Hutu and Tutsi populations—and the holding of elections.

In 2005, Burundi held its first local and national elections since 1993. The largely Hutu National Council for the Defense of Democracy (CNDD), the political wing of the FDD, emerged as the country's largest party, and Parliament chose Pierre Nkurunziza as president. Domestic and international observers generally regarded the voting as legitimate and reflective of the people's will.

A tentative ceasefire agreement was reached with the last significant FNL faction in 2007, but violence involving the group flared again in 2008. Nonetheless, FNL leader Agathon Rwasa soon returned to participate in negotiations on the demobilization of his guerrillas and the transformation of the FNL into a political party. These discussions were complicated by complaints regarding repressive actions taken by the CNDD and counterclaims that the FNL was continuing to recruit military cadres.

The talks finally led the FNL to lay down its arms in 2009, leading to its recognition as a legal political party. In April of that year, an independent election commission was sworn in to prepare for elections due in 2010, and a new electoral code was adopted. However, political uncertainty and tension remained, as opposition parties accused the government of trying to manipulate the electoral process.

Local elections took place in May 2010, which the CNDD won with almost two-thirds of the vote. Following increasing efforts by the CNDD to close political space, opposition candidates boycotted both the June presidential election and July parliamentary polls. Prior to the presidential poll, the government placed serious restrictions on freedom of movement for opposition leaders, arrested dozens of opposition activists, and banned all opposition party meetings. According to opposition parties and human rights organizations, the ostensibly independent election commission failed to adequately investigate allegations of pre-electoral violence and make public some individual polling place results. In the legislative poll, the CNDD captured 81 percent of the vote, followed by UPRONA with almost 12 percent and FRODEBU with nearly 6 percent, while Nkurunziza was reelected president with some 92 percent of the vote. Observers viewed the elections as a missed opportunity for strengthening Burundi's democratic culture, as political polarization increased, and several leading opposition figures—including Rwaswa—fled the country fearing for their safety. Political rifts and violence were mainly between rival Hutu groups, and not between Hutus and Tutsis as in the past.

Incidents of political violence between the CNDD and opposition parties decreased in 2012 compared to 2011, though justice has not been pursued in the majority of cases of violence and killings in recent years. In January 2012, however, 16 people were found guilty of the September 2011 massacre of at least 30 people in a bar in Gatumba on the Congolese border. Intelligence services attributed the attack to the FNL, allegedly as retribution for government violence against its members. The trial was seen as seriously flawed by both local and international observers, with defendants alleging that they had been tortured and forced either to confess or to implicate the FNL in the attack.

Political Rights and Civil Liberties:

Burundi is not an electoral democracy. The country lacks representative institutions at the national level, in both the legislative and executive branches of government. Despite citizens' ability to change their government democratically in 2005, serious electoral irregularities and repression during the May 2010 local elections led most opposition parties to boycott subsequent presidential and parliamentary polls. The 2010 presidential election was the first by direct vote, but without meaningful competition, the results lacked legitimacy. The president, who is elected to a five-year term, appoints two vice presidents, one Tutsi and one Hutu, and they must be approved separately by a two-thirds majority in both the lower and upper houses.

While the lower house of Parliament—the 100-seat National Assembly—is directly elected for a five-year term, locally elected officials choose members of the Senate, also for five-year terms. Each of Burundi's 17 provinces chooses two senators—one Tutsi and one Hutu. Carefully crafted constitutional arrangements require the National Assembly to be no more than 60 percent Hutu and no less than 40 percent Tutsi, with three additional deputies from the Twa ethnic minority, who are also allocated three senators. In both houses, a minimum of 30 percent of the legislators must be women.

There are more than two dozen active political parties in the country, ranging from those that champion radical Tutsi positions to those that hold extremist Hutu views. Most are small in terms of membership, and many Tutsi have now joined formerly Hutu-dominated parties. The government appointed in September 2010 consists of members from the three political parties represented in Parliament: the CNDD, UPRONA, and FRODEBU. Many political parties include youth groups that intimidate and attack opponents.

Corruption remains a significant problem. Burundi was ranked 165 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index, making it the most corrupt country in East Africa. In February 2012, prominent antigraft activist Faustin Ndikumana was arrested after he reported on alleged bribes that judges were forced to pay for their appointments. Ndikumana was convicted in July and sentenced to five years in prison for making "false declarations" under an anticorruption law. In May, 14 people were convicted for the April 2009 assassination of the deputy head of Burundi's largest anticorruption organization, the Anticorruption and Economic Malpractice Observatory, despite concerns that the investigation had targeted the wrong suspects and exonerated police and military officers who were known to have been involved. The jail sentences ranged from 10 years to life imprisonment.

Freedom of speech is legally guaranteed, but press laws restrict journalists in broad, imprecise ways, and sanctions for defamation and insult include harsh fines and imprisonment. Several draft laws were introduced in the National Assembly in 2012 that would further restrict freedoms of expression and assembly. While journalists continue to engage in self-censorship and are sometimes censored by authorities, they have been increasingly willing to express opinions critical of the government. Radio is the

primary source of information for the majority of the population. The media is dominated by the government, which owns the public television and radio stations; it also runs *Le Renouveau*, the only daily newspaper. Several private broadcast media outlets also operate, though most have a limited broadcast range. The British Broadcasting Corporation, Radio France Internationale, and Voice of America are available on FM radio in the capital. Print runs of most newspapers remain small, and readership is limited by low literacy levels. Access to the internet remains largely confined to urban areas.

Despite the recent emergence of a more pluralistic press, journalists have been arbitrarily arrested, harassed, or threatened on numerous occasions. Following the Gatumba attack in September 2011, the government imposed a 30-day media blackout regarding the massacre, issuing a statement banning “publishing, commenting or doing analyses in connection with the ongoing investigations into the carnage in Gatumba.” After the 30-day period expired, the government harassed and intimidated journalists who attempted to report on or investigate the attack or the other murders that had occurred throughout the year. In June 2012, Hassan Ruvakuki, a reporter for Radio France Internationale in Burundi, was sentenced to life in prison along with 13 others for purportedly participating in the Gatumba attack. The charges were levied against Ruvakuki primarily on the basis that he had conducted an interview in Tanzania with the leader of a new rebel group, the Front for the Restoration of Democracy-Abanyagihugu.

Freedom of religion is generally observed. For many years, the ongoing civil strife and the Tutsi social and institutional dominance had impeded academic freedom by limiting educational opportunities for the Hutu, but this situation has improved in recent years.

The constitution provides for freedoms of assembly and association, although members of human rights groups that criticize the government have been threatened with or subjected to surveillance. There is modest but important civil society activity with a focus on human rights. In June 2011, members of the newly created National Independent Human Rights Commission were sworn in, and a 2012 assessment by Human Rights Watch of the commission’s work found that it has thus far been able to investigate politically sensitive cases and operate independently.

Constitutional protections for organized labor are in place, and the right to strike is guaranteed by the labor code. The Confederation of Burundi Trade Unions has been independent since its establishment in 1995. Most union members are civil servants and have bargained collectively with the government.

Burundi’s judiciary is hindered by corruption, a lack of resources and training, and executive interference in legal matters. Crimes, especially those related to political violence, often go unreported or uninvestigated. An unusually high number of extrajudicial executions have been reported in recent years, though there were fewer in 2012. The current judicial system struggles to function effectively or independently and cannot handle the large number of pending cases, many of which are politically sensitive. Prisons are overcrowded, unhygienic, and at times life threatening. In June 2012, President Pierre Nkurunziza pardoned several thousand prisoners—including those serving terms of five years or less, pregnant or breastfeeding women, prisoners over 60 and under 18 years of age, and the terminally ill—in order to alleviate prison overcrowding and celebrate Burundi’s 50th anniversary. In July 2011, the president had announced the creation of a truth and reconciliation commission designed to provide accountability for past abuses, but the commission had yet to begin work by the end of 2012.

Women have limited opportunities for advancement in the economic and political spheres, especially in rural areas. Burundi continues to have a serious problem with sexual and domestic violence, and these crimes are rarely reported. The 2009 penal code criminalizes same-sex relationships. Albinos face a particular threat from discrimination and violence; an albino girl was kidnapped and killed in May 2012.