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World Report 2010 - Burundi

Events of 2009

Burundi's 16-year civil war ended in April 2009 after the government and the last active rebel movement, the National Liberation Forces (FNL), resolved most issues that had impeded the implementation of a September 2006 ceasefire agreement. The FNL laid down its arms and became a political party. FNL fighters and political leaders were integrated into the security forces and government.

Several politically motivated murders and assaults occurred in early 2009, generally pitting supporters of the ruling party, the National Council for the Defense of Democracy-Forces for the Defense of Democracy (CNDD-FDD), against supporters of the FNL and other opposition parties, particularly the Front for Democracy in Burundi (Frodebu). Advances in the peace process did not appear to terminate such violence, as parties strove to dominate the political terrain in preparation for general elections due in 2010.

Progress in Peace Negotiations and Demobilization

Negotiations between the government and the FNL, which had resumed in May 2008 after a long hiatus, picked up speed in early 2009. The government offered 33 political posts to FNL leaders (although only 24 had been concretely offered and filled by October 2009), and the FNL registered as a political party after turning in approximately 700 weapons. Some 3,500 FNL members were integrated into the security forces, while 5,000 adults and 340 former child soldiers participated in World Bank-funded demobilization programs. Ten thousand "militant-combatants" (men associated with the FNL who had not necessarily participated in regular combat) and a thousand "associated women" received small "reinsertion packages."

Political Violence

Despite advances in the peace process, political violence continues. In January 2009 a CNDD-FDD activist in Ngozi province, Anthère Ntarundenga, was killed. Two FNL members were arrested but then given "provisional liberty" under a provision of the peace agreement. In Bujumbura Rural, in April, FNL members killed prominent CNDD-FDD member Antoine Baransejera. Police arrested the former communal administrator of Isale, a Frodebu member, who was charged with having ordered the killing and is awaiting trial at this writing.

In February FNL combatants killed one of their own civilian members, Abraham Ngendakumana, after he publicly criticized FNL policies. They abducted and tortured another, Jean Baptiste Nsabimana, in late January for similar reasons. Police failed to investigate, qualifying the incidents as "internal FNL matters."

Four Frodebu members were assassinated in Bujumbura, the capital, between January and April. Three were former CNDD-FDD combatants who had been recruited by Frodebu in a public ceremony in January; at least two of these were killed by other ex-combatants linked to the CNDD-FDD and to the intelligence service (SNR). Police investigations were inadequate, and no arrests were made. The fourth victim from Frodebu was Emmanuel Minyurano, a local official who also had close ties to the FNL. Police and prosecutors identified an SNR agent, Olivier Ndayishimiye, as the primary suspect, and issued an arrest warrant, but failed to execute it. Witnesses told Human Rights Watch that Ndayishimiye is protected by the SNR, which for months following the killing denied that Ndayishimiye was in its service. In October Ndayishimiye was finally summoned for questioning but was not arrested.

The CNDD-FDD's youth league, Imbonerakure, engages in acts of intimidation. In Muyinga, Kirundo, Ngozi, and Makamba provinces, Imbonerakure members paraded through the streets, armed with sticks and clubs and chanting slogans that threatened the opposition. Imbonerakure members and demobilized CNDD-FDD combatants illegally arrested opposition members and shut down party meetings. In Muyinga in July, a CNDD-FDD official slashed an FNL member in the head with a machete in an attempt to break up a meeting. Police opened investigations but did not arrest the suspect.

The impunity for these apparently politically motivated crimes caused opposition activists to express concern for their own safety as Burundi approaches general elections in mid-2010.

Repression of Political Opposition

Opposition parties met with obstacles in carrying out activities. Human Rights Watch documented 120 politically motivated arrests between July 2008 and April 2009, and arrests continue unabated. Many opposition members are arrested for "attending unauthorized meetings" – not a criminal offense under Burundian law. While police conduct some arrests, others are carried out by local administrative officials, who have no mandate to do so.

Alexis Sinduhije, founder of the Movement for Solidarity and Democracy (MSD), was acquitted in March of "insulting the president." Following the acquittal, a judge was abducted and beaten by men in police uniform, who accused him of influencing the decision. The judge subsequently fled the country.

A law requiring parties to inform local authorities of their intent to hold meetings was frequently abused, with communal administrators and governors arbitrarily prohibiting dozens of opposition meetings throughout the country.

In May, Hussein Radjabu, the former CNDD-FDD party leader expelled from the party in 2007 and convicted in 2008 (along with seven others) of "threatening state security," lost an appeal. Judges refused to hear several witnesses proposed by the defense, and admitted into evidence a confession extracted under torture. Radjabu took his case to the cassation court, the final appeals stage. Two of Radjabu's allies, Pasteur Mpawenayo and Gérard Nkurunziza, arrested in 2008 on similar charges, remain in prison awaiting trial.

Human Rights Defenders and Journalists

Trade union leader Juvenal Rududura and journalist Jean-Claude Kavumbagu, both imprisoned in September 2008 pending trial on defamation charges after accusing government officials of corruption, were released: Kavumbagu was acquitted in March

2009, while Rududura was "provisionally released" in July after the Anti-Corruption Court declared itself not competent to hear his case.

On April 9, civil society activist Ernest Manirumva, vice-president of the Anti-Corruption and Economic Malpractice Observatory (OLUCOME), was murdered. The government established an investigatory commission and accepted an offer from the United States to provide FBI technical support, but failed to provide the commission with resources and named as its head a prosecutor known to be close to the SNR, which some Burundian civil society groups suspected of playing a role in the killing. Under pressure from Burundian civil society organizations, the government disbanded the commission and named a new one in October, and investigations appeared to move forward. Civil society organizations were refused permits on two occasions for a planned march to protest Manirumva's assassination.

In November, Pacifique Nininahazwe, a representative of Forum for the Strengthening of Civil Society (FORSC), was subjected to death threats and surveillance by the SNR, seemingly because of his outspoken role in calling for justice for Ernest Manirumva. On November 23, FORSC's registration was revoked by the Minister of Interior, marking the first time that the government of Burundi has outlawed a civil society organization.

Criminal Justice System and Transitional Justice

In April 2009 President Pierre Nkurunziza signed into law a new criminal code. It contains many human rights advances: it abolished the death penalty, prohibits torture, increased penalties for most forms of sexual violence, and raised the age of criminal responsibility from 13 to 15. However, the new code criminalizes homosexual conduct for the first time in Burundi's history.

Although a number of police and soldiers have been arrested for common crimes such as rape and assault, members of the security forces continue to enjoy impunity for the abuse of detainees. Three police officers charged in 2007 with torturing at least 13 detainees have not yet been tried; two remain on active duty despite the gravity of the charges against them, and the third was imprisoned after a May 2009 incident in which he ordered police to fire on a group of boy scouts. Human Rights Watch received several other allegations of mistreatment of detainees in 2009, none of which were followed by arrests. On November 5, Salvator Nsabiraho died after being brutally beaten in October. Before his death he told Burundian human rights activists that he was beaten by police on orders of the governor of Kayanza, who had a land conflict with Nsabiraho. The governor was questioned the following week but was not arrested.

After months of delays, a tripartite committee including the government, the United Nations, and civil society initiated in July a series of national consultations on transitional justice, financed by the UN Peacebuilding Fund. The consultations seek to solicit Burundians' opinions on aspects of a proposed Truth and Reconciliation Commission and a special chamber in Burundi's judicial system. The latter, potentially composed of both Burundian and international judges, would be dedicated to prosecuting war crimes, crimes against humanity, and genocide. No timeline is in place for the establishment of either mechanism, however. Serious war crimes by the FNL, the CNDD-FDD, and the former Burundian army remain unpunished.

Key International Actors

In September 2008 the UN Human Rights Council renewed the mandate for the independent expert on the situation of human rights in Burundi. The Burundian government agreed to extend the mandate until a proposed national human rights commission (CNIDH) begins operating. However, as of late 2009 the CNIDH had not been established. The UN determined that the independent expert would not report at the September 2009 Council meeting because of a provision insisted on by the Burundian government that the expert would report to the Council "at the session following the establishment of the above-mentioned commission," rendering his mandate essentially meaningless given the evident lack of political will by the Burundian government to

establish the commission.

South African facilitators and the UN Integrated Office in Burundi (BINUB) were instrumental in advancing negotiations between the government and the FNL. A "Political Directorate" including representatives of the government, the FNL, and key international partners remained in place to follow loose ends in the peace process through the end of 2009.

In August South Africa, Tanzania, the European Union, the US, and the UN jointly expressed concern over the lack of dialogue between political parties concerning a proposed Electoral Law. The statement sent a strong message that international actors were closely watching the preparations for the 2010 elections, and several days later a compromise bill was adopted.

While international actors vigorously condemned the murder of OLUCOME vice-president Manirumva, they were less outspoken in response to the murders and harassment of low-level political activists.

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