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Asylum In The UK

BURUNDI ASSESSMENT

April 2001

Country Information and Policy Unit

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Im. Fln.sekr. 19 J.nr. 97/21511-13

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I. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate of the Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum 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.

1.4 It is intended to revise the assessment on a six-monthly basis, while the country remains within the top 35 asylum producing countries in the United Kingdom. The assessment is available on the IND website (<http://www.ind.homeoffice.gov.uk/>). An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK

Immigration Advisory Service

Immigration Appellate Authority

Immigration Law Practitioners' Association

Joint Council for the Welfare of Immigrants

JUSTICE

Medical Foundation for the Care of Victims of Torture

Refugee Council

Refugee Legal Centre

UN High Commissioner for Refugees

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II. GEOGRAPHY

A. Location and climate

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 (formerly Zaire) to the west. The capital is Bujumbura. **[1a]**

2.2 The national flag (proportions 5 by 3) consists of a white diagonal cross on a background of red (above and below) and green (hoist and fly), with a white circle, containing three green-edged red stars in the centre. **[1a]**

2.3 The climate is tropical, hot and humid in the lowlands but cooler in the highlands, with an irregular rainfall. **[1a]**

B. Population

2.4 The population of Burundi is composed of three ethnic groups; the Hutu (85%), the Tutsi (14%) and the Twa (1%). **[1a]** In mid-1997 it was officially estimated at 6,194,000. **[1b]**

C. Citizenship

2.5 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]**

D. Language

2.6 The official languages are French and Kirundi, while Swahili is used, in addition to French, in commercial circles. **[1a]**

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III. HISTORY - [See Chronology]

A. Economy and Social Provision

3.1 Burundi is one of the poorest countries in the world and its economic performance is heavily dependent on world prices for its cash crops, most notably coffee. By 1995 the financial sector was experiencing severe difficulties. Regional economic sanctions imposed after the coup d'etat in July 1996, exacerbated the economic crisis. In 1997 Burundi recorded a visible trade deficit of US \$10.6 million. The principal exports in 1997 were coffee, tea, hides and skins. Burundi has experienced an acute economic decline since 1993 as a result of severe political upheaval and the population displacement. Burundi is therefore dependent on foreign assistance. [1a][1b]

3.2 The normalization of economic activity and the eventual restoration of growth is dependent on the success of efforts to bring about a lasting peace settlement for Burundi. [1a]

3.3 The Government announced plans to privatize publicly owned enterprises, but little progress was made in 2000. [2a]

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IV. INSTRUMENTS OF THE STATE

A. Government

4.1 Burundi is ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. In 1998 the Buyoya regime reached a political agreement with the opposition-dominated National Assembly, which adopted a Transitional Constitutional Act and a transitional political platform. The agreement brought the predominantly ethnic Hutu opposition party FRODEBU into the Cabinet. Buyoya holds power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. Political parties operate under significant restraints. Since 1993 the country has suffered from a civil war with thousands of civilian deaths and mass internal displacement. The judiciary is controlled by the ethnic Tutsi minority and is not impartial. [2a]

4.2 Under the Constitution of March 1992, executive power was vested in the President, who was directly elected, by universal suffrage, for a five-year term, renewable only once. A Convention of Government was set up in September 1994 among the major political parties. This was however suspended along with the Constitution following the coup d'etat on 25 July 1996. On 6 June 1998 a Transitional Constitution was promulgated, which created two vice-presidencies, replacing the post of Prime Minister. [1a][1b]

4.3 For the purposes of local government, Burundi is comprised of 15 provinces, each of which are divided into districts and further subdivided into communes. [1a]

B. Judicial System

4.4 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 estimated in 2000 that ethnic Hutus accounted for only 10 percent of the country's lawyers and 5 percent of judges, although they constitute an estimated 85 percent of the population. This discrepancy is due in part to unequal access to education. 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]

4.5 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. 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 those accused of the most serious crimes. In practice few defendants had legal representation. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. The majority of persons arrested on criminal charges since October 1993 remain in pre-trial custody. [2a]

4.6 On 1 January 2000 a new criminal code, passed by the National Assembly in

July 1999, came into effect. It 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.[2a]

4.7 Despite the new criminal code that prohibits arbitrary arrest, detention, and exile, security forces arbitrarily arrested and detained persons in 2000. Limits on the length of pre-trial detention were not respected. 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. 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.[2a]

4.8 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. Bail was permitted in some cases. Human rights organisations reported that incommunicado detention exists, although it is prohibited by law.[2a]

4.9 In August 1999 the State Prosecutor's Office released 169 people held in preventive detention for more than two years. Most were accused of minor offences, whilst others had incomplete files. The rate of preventive detention remained high in prisons. The authorities prepared a new penal code, which states that no preventive detention should exceed one year. The code would be effective from 1 January 2000.[8a]

4.10 The disruption of the political process and the general insecurity severely impeded the judicial process. According to the local human rights organisation, Iteka, at the end of 2000, an estimated 3,255 pre-trial detainees constituted 54 percent of the total prison population. The Government released approximately 1,000 prisoners without files by the end of 2000.[2a]

4.11 The Government has not used forced exile as a means of political control. However, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, DRC and elsewhere. A number of officials from the government of deposed president Sylvestre Ntibantunganya, who fled the country in 1996, have not yet returned.[2a]

C. Prisons

4.12 Conditions in state-run prisons remained life threatening but had improved in 2000 due largely to the efforts of the International Committee of the Red Cross (ICRC) to improve sanitation, hygiene, medical care, food and water. Severe overcrowding continued. According to the local human rights group, Iteka, around 10,000 inmates are housed in facilities built to accommodate a maximum of 3,650 persons. Deaths in prisons continued due to disease and malnutrition, however the number of deaths decreased during 2000. In April 1999 Amnesty International reported that a 12-year-old boy, improperly charged in connection with the 1993 killings, had been abused sexually by male inmates at Bujumbura's central prison. [2a]

4.13 An international organisation estimated that up to 2,000 of all the convicted inmates were being held for political crimes. However, no reliable figures were available.[2a]

4.14 International and local human rights monitors were permitted to visit prisons in 2000.[2a]

D. Security

4.15 Security forces continued to commit numerous extrajudicial killings during 2000.[2a]

4.16 On 9 October 1999, a soldier shot and killed six persons, including three children and two women, at the Ruyaga regroupment site in Bujumbura Rural province where they had been moved forcibly, according to the authorities. Seven others were injured. The soldier was detained immediately. There were reports that soldiers shot and killed some persons who tried to leave "regroupment sites" to which Hutus were forcibly relocated starting in September.[2a]

4.17 Amnesty International (AI) estimated that 200,000 persons were killed in ethnic violence between October 1993 and the end of 1998. No credible countrywide casualty figures were available for 1999. Throughout the year, the Government and security forces frequently prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators and the victims. AI reported that the army and rebel groups killed 600 civilians between November 1998 and March 1999 in Bujumbura Rural province alone. Based on media and other reports, much of the extrajudicial killing during the year was concentrated in the province around the capital and in the southern and eastern provinces.[2a][3a][3d][3g][3h][4e][5c][6a][13a]

4.18 It was reported that 51 persons were sentenced to death during the first 10 months of 1999. A death sentence handed down by a military court, against Corporal Bonaventure Ndikumana, was carried out in July 1999. Amnesty International protested against legal irregularities in the case. Ndikumana was allegedly executed the next day without being allowed to file an appeal of his conviction as required by law, according to the authorities and AI. In 1997, for the first time since 1982, the State executed 6 of the 38 civilians sentenced to death. No executions were carried out in 1998. In October 2000 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.[2a][5a]

4.19 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. New trials were set for January 2001.[2a]

4.20 The government authorities blamed rebels for the October 1999 killings of two U.N. foreign staff members and seven others in Rutana province. No arrests were made. The rebels, however, accused the armed forces of committing these killings.[2a]

4.21 There are no definitive statistics available on how many civilians were killed by Hutu rebels. The Government stated that rebels were responsible for the majority of civilian casualties. Rebels reportedly kill civilians for suspected collaboration with the regime and for their refusal to pay "taxes" to rebels. Hutu rebels ambushed minibuses carrying civilians on national highways, robbing and killing the occupants.[2a]

4.22 The Government did not identify or bring to justice the persons responsible for the June 1996 killing in Cibitoke province of three foreign employees of the International Committee of the Red Cross.[2a]

4.23 The security forces are controlled by the Tutsi minority and consist of the army and the gendarmerie under the Ministry of Defence, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. Security forces committed numerous serious human rights abuses in 2000. Rebel Hutu militias also continued to commit many serious abuses, including repeated killings

or unarmed civilians, and requiring civilians to perform forced labour.[2a]

4.24 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.[7b] It would start at 2200 until 0500 in the morning.[4b] On 23 December 1999 the curfew was eased, to start at midnight.[7b] Two weeks of heavy fighting between the Burundi army and the rebel Forces nationales pour la liberation (FNL), took place in February 2001.[16i] A curfew was then imposed in Bujumbura, effective from 4 March.[9e] Initially to commence at midnight the curfew was then changed to start in the early evening (2000 to 0600) as a precaution against further rebel attacks.[16g]

4.25 In early May 2000 Burundi villagers on the border with Tanzania said the Burundian army had killed around 200 Hutu rebels during five days of fighting.[3i] There were reports of violent clashes between rebels and government forces towards the end of June 2000. Several dozen rebels were reportedly killed.[17b] Persistent rebel attacks were reported in numerous provinces at the end of July 2000.[4g]

4.26 On 7 August 2000 rebels ambushed a truck, just south of the capital Bujumbura, carrying military cadets. Twenty-eight of the cadets and six civilians were killed.[20a] The Burundi government said it strongly condemned the killings.[16b]

4.27 Hundreds of people took to the streets of Bujumbura on 18 August 2000 in protest against the government and its failure to bring greater security to the war torn country.[7g] On 19 August a Government statement banned the disturbance of public order and said it would hold perpetrators responsible for any damage or destruction. The same statement observed that the government guaranteed security for its citizens.[9c]



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V. HUMAN RIGHTS

A. General Assessment

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

5.2 In 1999 the Government forcibly relocated an estimated 330,000 mainly Hutu inhabitants of Bujumbura Rural province to "regroupment sites" where security forces could more readily monitor and control their movements. Inhabitants were moved to sites with inadequate sanitation and insufficient access to water, food, shelter, and medicine. The Government's stated that these forced relocations was to protect the relocated persons from rebel attacks. All regroupment sites were closed by August 2000. [2a]

5.3 Human rights groups reported that abductions and disappearances occurred during 2000, but no credible figures were available. There were no developments in the disappearance of three men in September 1999. [2a]

5.4 The Transitional Constitution Act prohibits torture and other cruel, inhuman, or degrading treatment or punishment, however, members of the security forces continued to torture and otherwise abuse persons. There were no know prosecutions of members of the security forces for these abuses. [2a]

5.5 At the end of the year, signs emerged of renewed government support for policing of the capital and countryside by armed civilians, which raised fears of the return of militias created in 1995 to destabilise the then Hutu-led government. Unconfirmed reports state that the Government armed civilians in Ruyigi, Rutana and Bururi provinces. [2a]

5.6 Domestic human rights groups received varying degrees of co-operation from government ministries. The local human rights group, Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. Amnesty International representatives and the U.N. Special Rapporteur for Human Rights visited the country during 2000. The U.N. High Commissioner for Refugees maintained a three-person team of observers. [2a]

5.7 Insecurity in rural areas was cited by the Government in denying access to some areas of the country to journalists, international relief workers, and human rights observers. 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]

5.8 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. [2a]

5.9 The law does not prohibit trafficking in persons. There were no reports of trafficking in persons, to, from, within or through the country during 2000. [2a]

5.10 The Government's human rights record in 2000 was poor. The armed forces killed armed rebels and unarmed civilians, including women, children, and the elderly. Rebel attacks on the military often were followed by army reprisals against civilians suspected of co-operating with the insurgents. Despite Buyoya's stated commitment to end abuses by the military, numerous abuses were committed and perpetrators were not punished. 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]

B. Specific Consideration

Freedom of Assembly and Political Association

5.11 The Government restricts freedom of assembly or association and has arrested members of organisations and political parties. The Transitional Constitutional Act permits political demonstrations, but in practice none have been allowed by the Government. It also permits political parties to operate, but the regime places restrictions on groups critical of its policies.[2a]

5.12 Citizens do not have the right to change their government. The Transitional Constitutional Act makes no provision for elections. The 1992 Constitution and 1994 Convention of Government were suspended by the Buyoya military regime that assumed power on 25 July 1996, in a bloodless coup. On that date, the regime dissolved the National Assembly and banned political parties. About 3 weeks later, Buyoya announced the restoration of the National Assembly and political parties with certain restrictions. The National Assembly is dominated by the opposition party, FRODEBU, which draws the majority of its membership from the Hutu ethnic group.[2a]

5.13 In April 1998, multiparty peace talks began in Arusha, Tanzania, and Burundi's regime subsequently launched an internal peace process. On 4 June 1998, the National Assembly and the Government entered into a partnership agreement. The National Assembly adopted a Transitional Constitutional Act and a Transitional Political Platform. 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]

5.14 The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It calls for the creation of an international tribunal to try crimes of genocide. No such tribunal had been created by the end of 2000.[2a]

5.15 In February 2000 Burundi was still unable to decide on how to deal with genocide suspects in the country. Two committees to deal with genocide and amnesty were proposed, the International Committee on Inquiry and the Committee for Truth and National Reconciliation. Frodebu, CNDD and Parena have suggested the International Committee on Inquiry should deal with genocide suspects starting from Burundi's independence day until the present day. Uprona and the National Assembly insist that the Committee should deal with suspects starting from the coup attempt in 1993.[11a]

5.16 On 12 June 1998, a new Government was announced in which the First Vice President and 10 of the 22 cabinet ministers are members of FRODEBU. The Cabinet includes 12 Hutus, including the Minister of External Relations. Pro-government ethnic Tutsi members hold the key Ministries of Defence, Interior, Justice, and Finance.[2a] In early January 2000 President Buyoya made a major cabinet change, involving more than fifteen ministers.[7c]

5.17 Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the Assembly took place in

June 1993. The Transitional Constitutional Act stipulates that the National Assembly shall consist of 121 parliamentarians: those elected in 1993 who sat in the previous National Assembly, plus 40 new members—28 members of civil society appointed by the President and one representative each (selected by their respective parties) from all 12 officially recognised political parties not previously represented. Not all of those elected in 1993 are alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats. [2a]

5.18 Political parties operate under significant constraints. [2a]

5.19 The Transitional Constitutional Act gives the President the authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court and the National Security Council, which has not been convened since 1996. [2a]

5.20 No legal restrictions hinder the participation of women or indigenous people in elections or politics, although women and the ethnic Twa (Pygmies) are underrepresented in government and politics. About 1 percent of the population is Twa, but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly. [2a]

5.21 Tutsis dominate the formal sector of the economy and the unions. [2a]

Freedom of Religion

5.22 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'. About 1% are Muslims. The Baha'i Faith is also active in Burundi. [1b]

5.23 The Transitional Constitutional Act provides for freedom of religion, and the Government respects this right in practice. There is no state religion, and the Government does not restrict freedom of worship. [2a]

5.24 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]

5.25 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]

Freedom of Speech and of the Press

5.26 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 requires that newspaper articles undergo review by a government censor 4 days before publication. [2a]

5.27 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. Other newspapers, including at least one opposition newspaper, appear irregularly. [2a]

5.28 The government-owned radio broadcasts in Kirundi, French, and Swahili and offers limited English programming. The private radio station, Umwizero, is financed by international donors and broadcasts in French and Kirundi. Listeners also can receive the British Broadcasting Corporation, Voice of America, and Radio France Internationale. The BBC began broadcasting from within the country.

Radio France Internationale. The BBC began broadcasting from within the country following an agreement in March 2000 with the National Communication Council in March 2000.[2a] On 29 January 2001 Radio Umwizero changed its name to Radio Sans Frontiers (RSF) Bonesha FM.[23a] The National Communication Council (CNC) asked for the change of name and frequencies in December 2000 stating that neither belonged to the association responsible for running the radio station. [18b]

5.29 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][3b][3c][9a]

5.30 In March 2001 two journalists from Radio Bonesha FM were arrested for covering the activities of opposition activists, Forces nationales de liberation (FNL). [3k][16h] The journalists were reportedly freed by the authorities on 16 March, after paying a penalty of 100,000 CFA each. [16j]

5.31 No laws or regulations limit academic freedom, and no persons at the University of Burundi were persecuted for what they published or said. The state university remains primarily ethnic Tutsi. Tensions occasionally flared between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. [2a]

5.32 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. [4i]

Ethnicity

5.33 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, escalated during 1965. Following an unsuccessful attempt by the Hutu to overthrow the Tutsi-dominated Government in October, virtually the entire Hutu political elite was executed, eliminating any significant participation by the Hutu in Burundi's political life until the late 1980's. [1a]

5.34 In August 1988 tribal tensions erupted into violence in the north of the country. Groups of Hutus, claiming Tutsi provocation, slaughtered hundreds of Tutsis in the towns of Ntega and Marangara. The Tutsi dominated army was dispatched to the region and large-scale massacres occurred. [1a]

5.35 The Twa (Pygmies), who 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. [2a]

5.36 The principal national problem continued to be ethnic conflict between the majority Hutus and the minority Tutsis. Also 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 Hutus and Tutsis of genocide and exclusion. Tutsis claim to have been the targets of a genocide carried out in 1993 by Hutus angered over the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis, historically have held power, and they dominate educated society and control the security forces. In 1996 a coup deposed president Ntibantunganya, a Hutu, and replaced him with Major Pierre Buyoya, a Tutsi. [2a]

5.37 The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion. The

citizens, without distinction based on sex, origin, ethnicity, religion, or opinion. The Government failed to implement effectively the act's provisions. The Tutsi-dominated government and army reportedly discriminate against Hutus, 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. The President and the Tutsi-dominated army retain their dominance in decision making and have not initiated genuine power sharing.[2a]

5.38 Incidents of ethnically motivated destruction and killing occurred throughout the country in 2000. State discrimination against Hutus is widespread.[2a]

5.39 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 (Hutus and Tutsis) would provide 48 percent of the army. This then allowed for people of the Twa ethnic group to be a part of the national army.[4f]

Women and Children

5.40 Violence against women occurred, but its extent is undocumented. Police normally do not intervene in domestic disputes. No known court cases dealt with the abuse of women.[2a]

5.41 Women have fewer opportunities for education than men.[2a]

5.42 The Government is unable to protect the rights of children or prevent discrimination against the disabled.[2a]

5.43 Education is provided free of charge. 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. [1a][1b]

5.44 The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children, in particular the large population of orphans resulting from the violence since 1993 and HIV/AIDS. About 45 percent of children are enrolled in primary school and 44 percent in secondary school. The Government provides subsidised health care.[2a]

5.45 The law prohibits the performance of forced or compulsory labour by adults or children. Soldiers guarding internally displaced persons sites often required inhabitants to cook, fetch water, chop wood, and other chores without compensation. The rebels also required the rural population to perform uncompensated labour.[2a]

5.46 The law prohibits forced and compulsory labour, however, there were reports that soldiers forced children to perform occasional tasks, such as carrying supplies.[2a]

5.47 The minimum age for military service is 18, but observers believe that there are some children below that age in the army.[2a] The government acknowledged in a report the use of underage citizens. The report stated that the minimum age of recruitment was fixed between 16 and 25 years, but given the dire need for troops to fight rebel insurgents, this remained only in theory. Estimates of the number of children recruited by the armed forces over the last five years ranges between 2,000 and 14,000. It is reported that up to 1,000 children between the ages of 14 and 17 are currently serving in the regular armed forces. 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.[12a]

C. Other Issues

Refugees, Freedom of Movement, Exit and Return

5.48 The Transitional Constitutional Act provides for these rights, although the Government restricted this right in practice. During the first half of 2000 the regime continued to forcibly relocate an estimated 330,000 Hutus from Bujumbura Rural province. Parts of Bujumbura Rural, more heavily populated by Tutsis, were not subject to relocation. Those relocated at "regroupment sites," some of which are remote, at times lacked access to food, safe drinking water, shelter, basic sanitation, and health care. Authorities said they had relocated the population to protect it from rebels, but there were credible reports that the displacements were also used to remove rebels from the relocated population and to impede civilian assistance to rebels. Unlike the previous year there were no reports that persons who tried to leave the sites, were shot by soldiers.[2a]

5.49 At the end of 2000, according to the U.N. there were about 324,100 internally displaced persons (IDP's) living in 212 sites. Soldiers guarding these camps provided a measure of protection to camp inhabitants, although they sometimes committed human rights abuses against them.[2a] On 18 September 2000 it was reported that there were still around 320,000 people internally displaced in Burundi.[16e]

5.50 Those persons who remained outside the sites were reportedly killed by Hutu rebels for allegedly collaborating with authorities. Also by the armed forces on suspicion of collaborating with the rebels.[2a]

5.51 Unlike the previous year there were no reports that the authorities restricted foreign travel for political reasons. Travel within the country was possible but could be hazardous in areas of rebel activity.[2a]

5.52 The majority of citizens could travel legally in and out of the country. Travel within the country was possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi and Makamba provinces. The Government sometimes denied access to certain areas to human rights observers, citing insecurity in rural areas.[2a]

5.53 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. This period could be extended by the immigration offices of the two countries. The visa requirement would no longer be considered necessary if the security situation were to improve in the regions.[10a]

5.54 The U.N. High Commissioner for Refugees (UNHCR) reported that as of the end of September 2000, about 10,000 Burundian refugees had returned during the year from Rwanda, Tanzania, the Democratic Republic of Congo (DRC), and other countries. During the same period, an estimated 47,528 persons fled Burundi to Tanzania. Approximately 563,700 Burundian refugees, most of them Hutu, remained in Tanzania. Another 23,408 refugees, most of them Hutu, are in Angola, Cameroon, the DRC, Kenya, Malawi, Rwanda, Tanzania, and Zambia. About 200,000 of these persons fled as early as 1972, and many fled following the assassination of former president Ndayaye in October 1993.[2a]

5.55 There were no reports of the forced return of persons to a country where they

reated persecution.[2a]

5.56 The Government has granted first asylum in recent years.[2a]

5.57 The Burundi government, UNHCR and NGOs have been planning infrastructure mechanisms in preparation for a return of refugees to 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 order to put a framework for repatriation in place.[8c] An estimated 2,700 Burundian refugees have voluntarily returned from Tanzania since the peace accord was signed in August 2000.[4j]

Foreign Relations

5.58 At the end of January 2000, Tanzania's defence and national service minister said that Tanzania was no longer willing to host other Burundians.[4d] The presence of hundreds of thousands of Burundi refugees in Tanzania was said to be causing mounting political tension between the two countries.[4c] United Nations officials reported that at least 30,000 refugees had crossed into Tanzania during December 1999.[3f] According to the UNHCR the population of Burundi refugees in Tanzania at the end of November 1999 was over 288,000.[4c] Since October 1996 around 208,000 Burundian refugees have reportedly returned home.[4a]

Peace Talks

5.59 Peace talks began in Arusha in June 1998 [7d] aimed at ending the civil war in Burundi.[7a] In December 1999 former South African president, Nelson Mandela was named as the new mediator in the Burundi peace talks. Mr Mandela took over the role from former Tanzanian president, Julius Nyerere who died in October 1999. The appointment was welcomed by the Burundian government and main opposition parties.[7a] In February 2000 Mr Mandela said the process of bringing peace to Burundi must bring together not only the 18 political parties, but also the armed groups.[7d]

5.60 The peace agreement was due to be signed in mid-July 2000, but a new date of 28 August was set by Nelson Mandela as a number of issues remained unresolved.[7f] The Burundi Government says there must be a cease-fire before any deal can be signed. They also want current president Buyoya to preside over the transitional period.[21a]

5.61 The majority of political parties are opposed to Buyoya leading the transition period, which will conclude with the election of a new president. The transitional president will not be eligible to stand in the presidential poll.[12b][19a]

5.62 On 15 August 2000 two names were put forward for the transitional presidency. The Group of Seven (G7 group), which consists of the pro-Hutu parties, the Front for Democracy in Burundi (Frodebu), Liberal Party (PL), Republican Party of Burundi (PRB), People's Party (PP), CNDD, Front for National Liberation Party (Frolina) and the Party for the Liberation of the Hutu people (Palipehutu) have named Domitien Ndayizeye from Frodebu as its candidate. Although the CNDD were said to favour the current president Pierre Buyoya. Jean-Baptiste Bagaza of the Tutsi PARENA party has also applied.[16d][17a] No agreement has yet been reached on the leadership for the transition.[16f]

5.63 A peace agreement was signed on 28 August 2000 by President Buyoya, Hutu parties and six of the ten Tutsi parties. A cease-fire failed to get included in the agreement.[6d] The agreement was rejected by two Hutu rebel groups.[8b] Since the signing, fighting between the government army and Hutu rebels has continued.[7h] The rebel movement, the Forces for Democracy in Burundi (FDD) is demanding the dismantling of camps and the release of around 11,000 political prisoners. Camps in rural Bujumbura would appear to have been dismantled with the exception of around 10,000 people afraid to return to their homes for security

reasons.[4h] The other rebel group who failed to sign the agreement was the Forces for National Liberation (FNL). The remaining Tutsi parties signed the peace agreement on 19 September, paving the way for the agreement reached on 28 August. The regional leaders have given the rebels 30 days to sign a cease-fire.[22a] The peace agreement instructs the country's next transitional government to hold local, national and presidential elections within a 3-year period. This agreement was not implemented by the end of 2000.[2a]

5.64 At the Arusha summit in February 2001 regional heads of state proposed alternating the transitional presidency of three years between the Hutu and Tutsi. 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. The Front for Democracy in Burundi (Frodebu) stated that it had not approved of the power-sharing arrangement and saw it as entrenching ethnicity in an already divided country. The Council for Defence of Democracy (CNDD) said it would not collaborate with any new leadership of the transitional government unless an agreement was reached to guarantee security to all Burundians inside and outside the country.[4k][19b]

Regroupment Camps

5.65 Since September 1999 it is reported that almost 350,000 people had been forcibly resettled into nearly 60 regroupment camps.[6b] In March 2000 President Buyoya agreed to gradually dismantle the controversial resettlement camps for Hutus, under strong pressure from Nelson Mandela.[6c] On 28 March the authorities in Burundi said they had closed 23 of the camps. The governor of Bujumbura Rural province said that 70,000 people had been allowed to return home in the previous two months.[7e] In October 1999 the camps were condemned by Amnesty International, concerned for the safety of those moved from their homes.[5b] Also in October the United States [14a] and U.N. Secretary General, Kofi Annan expressed their concern over the resettlements.[3e] The UN High Commissioner for Human Rights in January 2000 condemned the forced relocation of the population into camps it said were without adequate shelter, access to food and water, health care and education.[15a]

5.66 In mid-July 2000 villagers in eastern Burundi said the army had massacred 53 civilians, including 18 women and 16 children, for refusing to move into a temporary regroupment camp while they swept the area for Hutu rebels. The villagers said those killed had all been shot.[3j]

5.67 On 1 August 2000 it was announced that the closure of the regroupment camps in Bujumbura rural had concluded. Thirty-six camps in total were closed. About 12,000 people decided not to return to their homes because of the prevailing insecurity.[9b]

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CHRONOLOGY OF MAJOR EVENTS, 1899-2001

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 progres national (UPRONA) formed by Ganwa Prince Louis Rwagasore.

1961 - Elections in *September* were won by the Union pour le progres national (UPRONA). As leader of UPRONA, Prince Rwagasore became Prime Minister later that month, but was assassinated after only two weeks in office. He was succeeded by his brother-in-law, Andre Muhira.

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, Hutus, claiming provocation, slaughtered hundreds of Tutsis 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 Hutus appointed to 12 of the 23 governments 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**, Hutus were appointed 15 of the 25 portfolios. 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 Front pour la démocratie au Burundi (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 démocratie et le développement économique et social (RADDES) and the Parti social démocrate. 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 Tutsis 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 Amnesty International report stated that national security forces had collaborated with extremist Tutsi factions in the murder of thousands of Hutus 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 Echechs*, 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 and all political activity was suspended. A nationwide 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**, Amnesty International 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 Amnesty International 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

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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 rebel Forces nationales pour la liberation (FNL). On **4 March** a curfew (2000 to 0600) was imposed in Bujumbura.

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