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Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Burundi - Researched and compiled by the Refugee Documentation Centre of Ireland on Tuesday 1 February 2011

Treatment of FLN members including available state protection; current information on the peace process~security situation

A *Human Rights Watch* report published in May 2010 states:

“Towards the end of the war, the stakes became no longer largely ethnic, but political. In 2004, the CNDD-FDD, led by Pierre Nkurunziza, disarmed and joined the government following a series of peace negotiations. It won a clear majority in elections in 2005, which international observers judged to be generally free and fair. However, the FNL continued fighting. After a failed attempt to mount a military attack on the capital, Bujumbura, in April 2008, FNL leader Agathon Rwasa returned from exile to conduct peace talks. The FNL disarmed and registered as a political party in April 2009. However, the military conflict between the two parties rapidly transformed into a largely non-militarized, but still at times violent, political conflict, with both parties competing for the largely Hutu electorate. Both sides included large numbers of ex-combatants, some of them still armed. This contributed to political assassinations and other attacks during the last months of peace negotiations, and even after the FNL’s official disarmament” (Human Rights Watch (14 May 2010) *“We’ll Tie You Up and Shoot You”, Lack of Accountability for Political Violence in Burundi*, p.10).

An *Amnesty International* report from August 2010 commenting on recent elections states:

“Campaigning for the presidential elections, which began on 12 June, was marked by political violence. Over 30 political party offices were burnt, primarily in the interior of Burundi with the vast majority belonging to the ruling CNDD-FDD party. Grenade attacks intensified, with at least 116 grenade attacks between 1 June and 8 July. Most of these happened after the presidential campaign began and almost half of these were in Bujumbura, the capital, and the surrounding neighbourhoods which comprise Bujumbura Mairie. 4 Many grenade attacks targeted the ruling CNDD-FDD party. Political violence took place against a backdrop of a general deterioration in the human rights situation. There were a significant number of arrests of opposition party members. Some were arrested and later charged with threatening state security, as part of the government’s investigations into the grenade attacks and destruction of party offices” (Amnesty International (23 August 2010) *“A Step Backwards” – Torture and other Ill-Treatment by Burundi’s National Intelligence Service*, p.2).

This report also states:

“Opposition parties, including the Union for Peace and Development-Zigamibanga (Union pour la Paix et le Développement-Zigamibanga, UPD), the Movement for Solidarity and Democracy (Mouvement pour la Solidarité et la Démocratie, MSD) and the FNL were regularly banned from holding meetings” (ibid, p.2).

The report comments on torture stating:

“Those allegedly tortured were opposition party members, including some in leadership positions within their parties. Some had secured elected positions in the municipal elections, but chose not to take up their seats. Most belonged to the FNL, an opposition political party registered in 2009 and formed out of the last armed opposition group to demobilize, but detainees belonging to at least two other opposition parties were also subjected to torture” (ibid,p.3).

The *Agence France Presse* in October 2010 report that:

“Burundi's police on Sunday denied that it had summarily executed at least 22 members of a former rebel group, saying they had died during clashes between security forces and armed groups. "It is not the first time the president of the Association for the Protection of Detainees and Human Rights has made accusations which are totally false," said Pierre Chanel Ntarabaganyi, a police spokesman. The president of the rights group, Pierre Claver Mbonimpa, said on Saturday that at least 22 militants of the National Liberation Forces (FNL) had been summarily executed by agents acting for the police or intelligence services” (Agence France Presse (17 October 2010) *Burundi police deny executing 22 ex-rebels*).

The *United Nations Security Council* in November 2010 states:

“The security situation, although relatively stable during the period under review, remains a concern” (United Nations Security Council (30 November 2010) *Seventh report of the Secretary-General on the United Nations Integrated Office in Burundi [S/2010/608]*,p.4).

It is also stated in the report that:

“Over the past year, there has been a significant increase in human rights violations. Throughout the electoral period, in particular, BINUB observed severe restrictions on the freedom of expression and association, as well as violations of the right to liberty and security of persons. In the aftermath of the elections, incarceration of members of opposition parties continued” (ibid,p.8).

In November 2010 research by *Human Rights Watch* points out that:

“The Burundian government has on numerous occasions tried to overthrow the FNL hierarchy and replace it with a leadership compliant with the ruling party” (Human Rights Watch (23 November 2010) *Closing Doors?, The Narrowing of Democratic Space in Burundi*,p.40).

This report also states:

“At least three opposition party presidents, and several other high-ranking opposition officials, have left the country or gone into hiding. The government's takeover of the FNL in August robbed the party's members of a political voice, a dangerous and destabilizing move given that the FNL only transitioned from armed rebel group to a political party in 2009” (ibid,p.8).

In December 2010 an article in the *Agence France Presse* states:

“UN chief Ban Ki-moon last week told the Security Council he was "deeply concerned about signs of a returning climate of impunity, the resurgence of acts of torture, intimidation, extra-judicial executions and arrests of opposition members" in Burundi. Several political opponents either returned to the bush or fled the country after elections earlier this year which the regime of President Pierre Nkurunziza won” (*Agence France Presse* (14 December 2010) *Three civilians, one policeman killed in Burundi*).

IRIN News in December 2010 states:

“Amid growing complaints that post-war democratic gains are being reversed in Burundi, officials in the central African state have downplayed reports that a former rebel group has begun remobilizing in neighbouring Democratic Republic of Congo (DRC). Reacting to a report by a UN Group of Experts on the DRC that quotes "multiple credible sources" on the remobilization of the Forces nationales de libération (FNL) in eastern Congo, Burundi's government spokesman and army spokesman both said there was no evidence the FNL was preparing for war” (*IRIN News* (8 December 2010) *Burundi: Officials downplay FNL rebel activity in eastern Congo*).

Reviewing events of 2010, a report issued in January 2011 by *Human Rights Watch* states:

“The government facilitated the illegal takeover of the main opposition party, the National Liberation Forces (FNL), by a dissident wing friendly to the ruling party. Some FNL and other opposition members retreated to the bush and took up arms. Police apprehended and killed several FNL members who were attempting to join the armed groups” (*Human Rights Watch* (24 January 2011) *World Report 2011, Burundi*, p.1).

The *Agence France Presse* in January 2011 state that:

“Burundi is also in the throes of a deep internal political crisis that erupted in mid-2010 when the opposition, including a former rebel group that had only recently disarmed, accused the regime of rigging elections. Observers say the rebels are regrouping and several deadly incidents have been reported across the country in recent months, heightening fears of a return to the 1993-2006 civil war that left 300,000 people dead” (*Agence France Presse* (2 January 2011) *Burundi grenade blast kills three*).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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