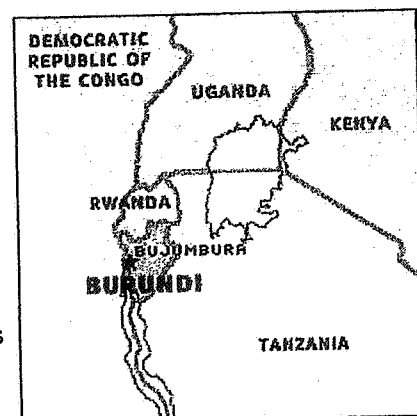


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HUMAN RIGHTS DEVELOPMENTS

In the year following the November 2001 installation of a transitional government comprising seventeen political parties, hopes that the nine-year-old civil war might end remained unfulfilled. Government leaders, both Hutu and Tutsi, pledged serious negotiations with the two largely Hutu rebel groups that had refused to sign the Arusha Accord of 2000, the Forces for the Defense of Democracy (Forces pour la défense de la démocratie, FDD) and the National Forces of Liberation (Forces nationales de libération, FNL). But as of mid-November 2002 the war dragged on with widespread suffering for the population.



Both government and rebel forces killed, raped, or otherwise injured hundreds of civilians and pillaged or destroyed their property. Rebel forces ambushed civilian vehicles and killed and robbed the passengers. As in the past, government military and rebel groups alike coerced men, women, and children into transporting goods, a practice that sometimes placed the civilians in the direct line of fire. The government continued a program of "civilian self-defense" and did little to curb or punish human rights abuses committed by its participants. Courts continued to function badly. In early 2002 an international commission recommended prison reforms and the freeing of political prisoners, but such measures were not taken and prisoners remained in inhumane conditions in overcrowded jails: at 8,400, the prison population declined slightly from the previous year.

The transitional government set up under the terms of the Arusha Accord of August 2000 incorporated various political tendencies as well as a careful balance between Hutu and Tutsi. For the first eighteen months of the transition, beginning in November 2001, the Tutsi Pierre Buyoya was to be president and the Hutu Domitien Ndayizeye vice-president, then Buyoya was to step down and Ndayizeye was to become president. Only once before had a Hutu been president: in 1993 Melchior Ndadaye served a brief term in office and then was assassinated by Tutsi soldiers, setting off the current instability and violence.

The hopes raised by the November 2001 government soon faded as the FDD and FNL at first refused negotiations, then both sides stepped up military activities. Efforts to broker a cease-fire, including those by Tanzanian and South African mediators, foundered on divisions in the rebel movements, personal and policy differences among mediators, and a reluctance by some in the army and the government to share power. The FDD split in late 2001, and its stronger wing negotiated directly with the government for the first time in September 2002 but without reaching an agreement. The FNL split in August 2002, with the weaker group expressing a willingness to negotiate for the first time, although by late in the year there had been no real progress. Regional leaders gathered to discuss Burundi at a summit in October, but also found no way to end the war.

Under the terms of the accord, the government undertook to uphold human rights, end impunity, protect civilians and the displaced, and improve the justice system. It failed to make significant progress in any of these areas, with divisions among political leaders, pressures of the war, and severe economic difficulties all contributing to the failure. In September the government jailed Charles Mukasi, head of a branch of the National Unity and Progress

Party (Parti de l'unité et du progrès national, UPRONA) opposed to peace negotiations, and on November 1 it placed former President Jean-Baptiste Bagaza under house arrest and suspended his political party, the Party for National Renewal (Parti pour le Redressement National, PARENA). Eleven supposed PARENA supporters were jailed in early November after they tried to close down parts of Bujumbura, the capital, as a political protest. The national legislature failed to ratify critical legislation on genocide, on provisional amnesty for persons accused of politically-motivated crimes, and on the establishment of a truth and reconciliation commission. Nor did it establish a national commission to reintegrate refugees and internally displaced persons. Disagreement between the Ministry of Justice and judicial personnel blocked promised and much needed improvements in the judicial and penal systems. Authorities undertook few investigations or prosecutions of the war-related killing, rape and injury of civilians occurring during the year.

The civil war spilled over Burundi's borders into the neighboring Democratic Republic of Congo (DRC) and Tanzania, further complicating peace prospects in Burundi. The FDD used bases in the DRC to launch attacks against Burundi. The Burundian military operated its own bases in the DRC province of South Kivu along Lake Tanganyika, supporting the Rwandan government army and Congolese groups opposed to the DRC government. Both the FDD and the Burundian military committed human rights abuses in Congo, killing, raping, and robbing civilians. Perhaps in exchange for Burundian support in the DRC, soldiers of the Rwandan Patriotic Army supported the Burundian military fighting the FDD and the FNL in Burundi's northern provinces. Burundian rebels also operated from bases in Tanzania, crossing into Burundi to raid communities and launch offensives against the military. Burundian officials repeatedly asked the Tanzanian government to halt such attacks and in July called for an international force to police the border.

During the year both the army and the rebels launched major offensives often with little regard for civilian lives. When rebels increased their attacks in July, the military responded with harsh attacks on civilians. They killed some thirty persons in one commune in Muramvya in July and some fifty more in another commune in the same province in August. Dozens more were killed in Bujumbura-rural in September and October. In the worst single incident of civilian casualties, Burundian army soldiers slaughtered at least 173 civilians in Itaba commune, Gitega province, during combat with FDD fighters in September. At first, military officials blamed the rebels, but then—in a rare admission of responsibility—said that there had been "an error of judgment" and arrested two officers. In late 2001 soldiers killed at least forty-two civilians in Bujumbura-rural, and scores more in early 2002 as they drove the FNL from bases in Tenga forest near Bujumbura and in the nearby hills. Victims included eight civilians (among them four children) killed by soldiers on March 3 in Mutambu commune, and at least thirteen civilians killed and several others wounded in an attack in Nyabibondo commune on March 19. On April 6, the military killed more than twenty civilians and burnt eight houses to the ground in a surprise attack in Gihanga, Bubanza province.

In November 2001, FDD rebels attacked the village of Munini, Bururi province, killing a local government official and eighteen civilians including women and children. In February 2002, the FDD killed a local official and his wife in Minyare, Cankuzo province. On April 18, FDD combatants killed three civilians and burned forty-five homes in the Biniganyi camp for displaced persons in Makamba province. Rebels, apparently of the FDD, shelled Bujumbura in early June and destroyed homes and property in residential neighborhoods. The FDD also shelled residential areas in Makamba and Ruyigi towns in July, wounding one man, and damaging homes and a public school. They shelled civilian areas of Gitega town in early November 2002.

FNL fighters were less active in 2002 than in years past, in part because of successful military operations against their bases near Bujumbura, and in part because of divisions among their leaders. In January, members of the FNL killed a twenty-four-year-old student in Bujumbura-rural for having allegedly collaborated with the military. The FNL shelled Bujumbura in April, wounding four civilians, two of them children. The FNL was apparently responsible for shelling Bujumbura again at the end of July, killing and wounding several civilians and damaging property. FNL fighters killed ten civilians in Nyabiraba commune, Bujumbura-rural, in May for allegedly supporting the military. Two FNL fighters killed the zone chief of Kamenge, Bujumbura, in a local bar one evening in early September.

During the year rebel groups ambushed vehicles throughout the country, killing and looting from passengers. On November 5, 2001, FDD fighters in Ruyigi held up three vehicles coming from Cankuzo province and robbed and killed eleven people. On January 2, 2002, nine people were killed in three separate ambushes orchestrated by the FDD and the FNL on roads from Cibitoke to Bujumbura. FNL fighters ambushed a minibus in May killing Senator Jean Bosco Rutagenwa and ten others. On June 24, FDD fighters attacked a convoy of vehicles waiting for the road to open near Bugarama, Muramvya. They killed eight passengers and robbed the others; several wounded persons later died at a local hospital.

The new government continued a paramilitary program known as Guardians of the Peace, justifying it as a form of civilian self-defense. These militias, sometimes including boys as well as young men, were armed, trained, and controlled by the military but they received no pay and no regular benefits. Some of the guardians committed killings, rapes, robberies and torture against the population they were meant to protect. Several dozen were arrested in 2002 for their crimes, but many more went unpunished. In December 2001, seventeen guards from Kayanza province were arrested and charged with murder and theft. Tortured in detention, they were still awaiting trial at this writing. Guardians working in Bubanza province killed three civilians and wounded several others in January 2002.

Many women and girls were raped by men in uniform, particularly in urban areas. Victims were often unable to identify their attackers. In cases where they did recognize the perpetrators, victims were too afraid to bring action against them. In one such instance, a young mother of three children was raped by a soldier and a civilian charged with local security in mid-February, but she refused to press charges against them. Even when women reported the crime, they rarely got justice. One displaced woman was raped by a soldier in early March. When she complained to a captain at a nearby military position, he told her that the criminal was likely a rebel. Also in March three Guardians of the Peace raped a woman. They were arrested the following day but were subsequently released without charge. In Kayanza province local people accused Guardians of taking advantage of their firearms to rape women. In a number of cases FDD rebels abducted women and then forced them to serve as "wives" for weeks or longer at their bases in the bush.

Both the FDD and the FNL abducted hundreds of civilians during operations to transport looted goods, carry wounded combatants, or serve as guides. They often obliged civilians to provide such services during military operations and sometimes put them at risk of enemy fire by making them march at the head of the column. In November 2001, FDD fighters kidnapped three hundred primary and secondary school students in Ruyigi and Kayanza provinces and forced them to carry supplies. Most of the students escaped in the following days, but only after having been caught in combat and after having endured long marches and abuse by their captors. The FDD kidnapped the bishop of Ruyigi in May and held him for several days. Burundian soldiers obliged residents of displaced persons camps and others living near military positions to supply water and firewood and to provide other services without pay.

During repeated fighting in 2002, tens of thousands fled their homes, particularly around Bujumbura and in the east and center of the country. Most took shelter with neighbors and friends and received little or no humanitarian assistance. When FDD rebels stepped up attacks in the east in April and May, the government reinstated its regroupment or forced displacement practice. Soldiers obliged some thirty thousand residents to leave their homes and move near military positions. Authorities provided no shelter, food, or water at the camps and, for five weeks, did not allow humanitarian agencies access to them. The camps were closed in June. Meanwhile, over three hundred thousand Burundians previously displaced by combat were living in semi-permanent camps throughout the countryside.

By October approximately forty-five thousand Burundian refugees who lived in Tanzania had returned home in a program of voluntary repatriation, albeit in August and September there was also reverse movement as hundreds of Burundians fled to Tanzania to escape renewed combat.

In December 2001 and January 2002, the Burundian military joined soldiers of the rebel Congolese Rally for Democracy (RCD) and of the Rwandan army in forcibly repatriating over three hundred Burundians from Congo, apparently believing that they offered support for Burundian rebels operating there. Some of the Burundians had been refugees in Congo for years and others had been born there. In January gendarmes in Burundi assisted Rwandan and RCD officials in rounding up thirteen Congolese nationals suspected of opposing the RCD. They were taken back to Congo, where eleven remained in a military prison at the time of writing. Burundian officials arbitrarily detained other Congolese in Bujumbura in March, April and July.

Disagreements among political leaders over how to restructure the judicial system, lack of resources, and problems of transport and communication hampered the performance of the justice system. Officials largely ignored procedural rules meant to protect the accused and to limit time in detention without charge. Torture and beating of detainees to obtain confessions was widespread. An international commission on political prisoners recommended the release of hundreds of prisoners and improvements in prison facilities, but little progress was made on these measures. In two high profile cases—the December 2000 shooting at a Belgian passenger airplane approaching Bujumbura airport, and a massacre committed in Teza—Hutu defendants assisted by international attorneys were found not guilty. These two decisions enhanced the credibility of courts often seen as

prejudiced against Hutu.

As the war continued, economic conditions worsened. Promised international aid was not delivered, the currency was devalued, and the prices of basic commodities rose. Primary and secondary school teachers went on strike for better conditions from May through July, returning to work with the promise of salary increases in 2003. Two students, aged fourteen and sixteen, were killed during student demonstrations to support their teachers.

Independent radio and news organizations operated in Burundi, but authorities occasionally harassed or arrested journalists. They imprisoned the director of Net Press, a web-based information service in December 2001, and accused him of publishing information which undermined national unity. Authorities closed down Net Press for two months in early 2002 on similar accusations. A journalist of the Studio Ijambo radio station was briefly detained and beaten in March as he was gathering information on a meeting of PA-Amasekanya, a Tutsi extremist group. Journalists from the African Public Radio (RPA) were arrested and detained for trying to report on regroupment in Ruyigi in May. RPA was also threatened with being closed down if it continued investigating the November 2001 murder of the World Health Organization Burundi country director. (See below.) Military authorities repeatedly warned journalists to limit their contact with rebel leaders and banned the broadcast of interviews with them. In July, journalists were banned from reporting on the death of soldiers killed in the war.

DEFENDING HUMAN RIGHTS

Local and international human rights organizations functioned with relative freedom in 2002. The government became increasingly vocal in responding to their criticism. The Ligue Iteka, the principal human rights organization in the country, published reports and press releases, and maintained a web site. Military and governmental officials occasionally threatened Iteka observers in the provinces in connection with their work. The Burundian Association for the Defense of Prisoners (ABDP) monitored conditions in the prisons, provided judicial assistance, and released a report on pretrial detention. The Association for the Promotion of Human Rights (APRODH) was established in 2002 and produced press releases on prison conditions and the displaced. All three groups organized workshops and conferences on international justice, the fight against torture, and freedom of expression.

The national human rights commission, composed of government officials from several ministries and the offices of the president and vice-president, operated but in October had not yet produced the annual report due under its mandate. The parliamentary human rights commission was more active than in years past, with members speaking out against human rights abuses. Its president played an important role in drawing attention to the Itaba massacre.

THE ROLE OF THE INTERNATIONAL COMMUNITY

The international community invested considerable time and money in promoting negotiations between the government and rebel groups. Members of the Security Council, the European Union (E.U.) and other governments repeatedly urged the rebels to negotiate and called on all parties to halt human rights abuses. Donors pledged some U.S.\$830 million in aid at a November 2001 meeting but delivered little of it because they were awaiting a cease-fire. The World Bank approved a U.S.\$54 million credit to Burundi in September in the fields of health, education and justice. This followed another World Bank approved credit in April for U.S.\$36 million.

The E.U. promised U.S.\$17.5 million in humanitarian aid to Burundi in March.

Belgium promised an additional grant of U.S.\$4.2 million to cover teachers' salary arrears in September. The United States provided \$12.9 million in humanitarian assistance to Burundi for fiscal year 2002, funding health and nutritional programs and refugee assistance.

South African troops sent to Burundi at the installation of the transitional government provided security for politicians. Troops pledged by Senegal, Nigeria and Ghana to provide additional security did not arrive. A planned Burundian protection force to replace the South Africans and to be composed half of Tutsi, half of Hutu, was not

established.

In November 2001, the head of the World Health Organization in Burundi, Dr Kassi Manlan, was murdered in the capital. A government committee created to investigate his death moved slowly and published no findings; a new commission was created in September 2002.

The field office of the United Nations (U.N.) high commissioner for human rights provided legal assistance, monitored prison conditions, and worked closely with the national human rights commission. It published no reports but raised abuses with authorities privately. The U.N. special rapporteur for Burundi, Marie-Therese Keita Boucom, continued to denounce human rights violations through press conferences and reports.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

To Protect the People: The Government-Sponsored "Self-Defense" Program in Burundi, 12/01

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