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BURUNDI

Preparing for peace - one year on

A public appeal by Amnesty International



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On 23 July 2001, nearly one year after signature of an Agreement for Peace and Reconciliation in Burundi (Peace Agreement), Regional Heads of State announced in Arusha, Tanzania, that incumbent President Pierre Buyoya would lead the first phase of a transitional government and that the transition would start on 1 November 2001.¹

Amnesty International is addressing the following appeal to Burundian political and military leaders, including leaders of the various armed opposition groups, to Burundian civil society and to the international community, all of whom have key roles to play as Burundi moves towards the transitional period.

Amnesty International's new appeal focusses on measures that can and should be taken by all these parties to protect human rights in this period. Amnesty International is an independent and impartial human rights organization and this appeal should in no way be considered to be an indication of political support for, or opposition to, any of the parties to the conflict, or on political aspects of the transitional arrangements. Amnesty International's concern is that human rights should be vigorously protected at all times and by all those involved.

The Peace Agreement provides, in the main, a legal framework which could provide better respect for human rights.² However, its negotiation and signature generated a spiral

¹Following stalemate over the nomination of a president for the transitional period, Nelson Mandela, proposed a three year transitional period, divided into two 18-month periods. Under the current arrangement, President Buyoya, a Tutsi, and Vice-President Domitien Ndayizeye, a Hutu, and Secretary General of the main Hutu-dominated political party, the *Front pour la démocratie au Burundi* (FRODEBU). Front for Democracy in Burundi, will be replaced in the second half of the transition by a Hutu President and Tutsi Vice-President.

²The Peace Agreement makes recommendations on the reform of key institutions including the armed forces, on providing training in humanitarian and human rights law for the armed forces, on the exclusion of human rights violators from the security forces and the separation of the roles of the police and military, all of which could lead to better respect for human rights. A number of provisions, if implemented, and properly resourced with experienced personnel, equipment and funding, could be an effective starting point to tackling impunity, in relation to both past and future abuses. These provisions include legal reform, recruitment to the judiciary, the establishment of a National Truth and Reconciliation Commission, a request for an International Judicial Commission of Inquiry, and measures to prevent and prosecute acts of genocide. Other provisions could, however, lead to impunity for mass human rights violations through provision of an amnesty and, as such, are a threat to peace, human rights and ethnic reconciliation in the future. For further information, please see an Amnesty International publication, *Burundi: Between hope and fear* (AFR 16/007/2001, 22 March 2001).

of political tension and an upsurge in political violence. Since August 2000 progress towards implementation has been slow, hampered by escalating conflict within Burundi and continued evidence of lack of support for the Peace Agreement, even by some of its signatories. Following the announcement of the transition, both main armed opposition groups, the *Conseil national pour la défense de la démocratie- Forces pour la Défense de la Démocratie* (CNDD-FDD), National Council for the Defence of Democracy - Forces for the Defence of Democracy, and the *Forces nationales pour la libération* (FNL), National Liberation Forces, neither of which signed or are bound by the Peace Agreement, have carried out their stated intention to continue fighting, and at the time of writing, are yet to show any serious intention of negotiating a cease-fire or entering into peace talks. A number of initiatives are, however, underway aimed at reaching a cease-fire agreement. Other political leaders, primarily those from Tutsi-aligned opposition parties or those who were in some way alienated from the Arusha peace talks, have also expressed discontent at the announcement of the transitional arrangements or have opposed the prospect of foreign peace-keeping troops.³ On the other hand, some groups within civil society have continued their promotion of human rights issues around the peace agreement. Senior government officials are currently undertaking a series of initiatives aimed at increasing understanding and acceptance of the transitional arrangements.

In this context of political and military uncertainty, the human rights of ordinary Burundians, of all ethnic groups, are routinely and blatantly violated. Since August 2000, hundreds of civilians have been killed; some have been victims of the numerous ambushes carried out by both the main armed opposition groups (many of which appear to be motivated solely by economic gain), others have been extrajudicially executed by members of the government armed forces or deliberately and unlawfully killed by members of the CNDD-FDD or FNL, who have killed scores of people suspected of collaborating with the government administration or armed forces. Human rights defenders and humanitarian workers have been abducted, attacked and killed by members of the armed opposition, and threatened and their work obstructed by members of the government armed forces or administration. Numerous cases of torture and ill-treatment have been reported, particularly in military and para-military custody. There have been a number of deaths in detention as

³Ghana, Nigeria, Senegal and South Africa have already promised troops, and Belgium logistical support. According to a communiqué issued at the close of the July 2001 Heads of State summit, the peace-keeping troops will be sent in advance of a request to the United Nations Security Council to mandate the deployment of a United Nations peace-keeping force, as envisaged in the Peace Agreement. The mandate of the peace keeping troops would be to ensure respect for the cease-fire, supervise the integration of the army, provide technical support for demobilisation and training, ensure protection for government institutions and public figures, and assist in the "establishment and training of an ethnically-balanced special unit for the protection of the institutions".

a result of torture. Freedom of expression has also come under threat, including through the ill-treatment and brief detention of journalists from an independent radio station which broadcast an interview with an FNL spokesperson following the short-lived FNL occupation of parts of Bujumbura in February 2001. Human rights violations including illegal and arbitrary detentions, torture and extrajudicial executions have also been attributed to the armed but unpaid government militia, the *Gardiens de la Paix*, Peace guards, used, particularly in the south, to bolster the security forces. Hundreds of thousands of people are displaced within the country, while new refugees have continued to arrive in neighbouring Tanzania, which hosts already over 400,000 Burundian refugees.⁴

Recent serious human rights abuses include the deliberate and unlawful killing by the FNL of eight civilians, including Audace Mabono, Rusenda, Bamboye, and Frédéric Nteziriba, all peasant farmers, and two *Gardiens de la Paix*, from Masama, Kabezi commune, Rural Bujumbura Province between 20 and 28 July 2001. The men were reportedly accused by the FNL of collaboration with government forces. These killings were followed on 1 August by the extrajudicial execution in Masama of at least 13 unarmed civilians including a woman, Madame Barakamfutiye, her two children, Hervis Mugisha, aged two, Fiston Uwizeye, aged six, her niece, Nadege Nduwimana, aged six, and another adult relative, Madame Misago, by soldiers who in turn accuse the population of the area of collaborating with the FNL. Neither the FNL nor the government have acknowledged their responsibility. On 11 July, in Muyira zone, Kanyosha commune, Rural Bujumbura, 11 unarmed civilians including Pierre Shirakandi, Emmanuel Bandanduruyeko, five women, and three children, reportedly aged four, eight and 14, were extrajudicially executed by soldiers and two others were wounded on Saro colline⁵ and the surrounding area. The attack was carried out by soldiers from the Sororezo, Kucinkona and Kiriri military positions, using guns and bayonets, and was apparently in reprisal for the murder the previous day of another soldier, who had reportedly been killed by the population after he allegedly tried to rape a local woman. Houses were also burnt and looted by the soldiers. No action against those allegedly responsible for these abuses is known to have been taken by the authorities.

The move towards the transition provides both challenges and opportunities for increasing human rights protection. However, significant obstacles remain which must be overcome if a durable solution to the political and military crisis is to be found, in which

⁴For more information about the range and scale of human rights abuses in Burundi, see *Burundi: Between hope and fear*.

⁵*Colline* (hill) is an administrative division at local level which breaks down into smaller units referred to as *sous-collines*. A *colline* is itself a unit of the zone.

human rights may be better respected. Despite the appalling level of human rights abuses and political and ethnic violence documented by Amnesty International over the last 30 years in Burundi, and despite the organization's repeated calls for perpetrators to be brought to justice, the majority of human rights abuses remain unacknowledged and uninvestigated and their perpetrators remain largely unaccountable. Resolving the human rights crisis is integral to resolution of the political crisis Burundi has experienced since 1993, and it is crucial that all parties increase their accountability and acknowledge responsibility for human rights abuses carried out by their members, and take action to remedy the abuses for the sake of a better human rights future for all Burundians.

Many abuses in Burundi have been carried out by individuals who feared that they themselves, or their family, would become victims of abuse, or political or ethnic violence. This fear, consolidated by years of violence, has led to a belief held by many that violence is the only form of self-protection. These fears have, however, often been cynically and openly manipulated by some political and community leaders, leading to intercommunal violence. The prospect of imminent implementation of the Peace Agreement and the inauguration of new institutions, particularly, an ethnically reformed armed forces, may for some reactivate and intensify these fears.⁶ This may be particularly dangerous given the government policy of providing arms to the civilian population ostensibly, to defend themselves.

⁶The armed forces are dominated by members of the Tutsi ethnic group, and have failed to fulfil the role of a national army. They are accused of massive human rights violations against the Hutu ethnic group. The CNDD-FDD, the FNL and the three armed political movements who are signatories to the Peace Agreement are all predominantly Hutu. The Peace Agreement provides for a new national defence force in which one ethnic group cannot represent more than 50%, as well as for intergration of former Hutu combatants. Reform of the armed forces has been strongly contested by the armed forces themselves, as well as Tutsi dominated political parties and movements.

AMNESTY INTERNATIONAL'S APPEAL

Amnesty International is appealing to:

The current Government of Burundi

- to ensure that allegations of human rights violations by its own forces are investigated impartially and independently, and those responsible are brought to justice in trials which meet international standards of fairness and without recourse to the death penalty;
- to ensure that mechanisms are put in place to hold members of the security forces who carry out human rights violations accountable for their actions, both now and once the transitional arrangements are in place;
- to organize and encourage debate on key human rights issues around the conflict and transitional arrangements, including on the question of impunity and justice, with a view to promoting a central role for human rights in the transitional process and preventing human rights violations; to ensure that freedom of expression and of the press are respected during this period;
- to continue and increase efforts to inform the security forces and the civilian population, about the role of new or reformed institutions;
- to cease arming the population and take urgent measures to prevent abuses by the *Gardiens de la Paix* including by providing arms which may be used to carry out human rights violations;
- to take prompt lawful action against any incitement to political or ethnic violence or human rights abuses by political or community leaders;
- not to encourage or seek to incite involuntary repatriation of refugees and not to promote programs for voluntary repatriation until there has been a fundamental and durable improvement in the human rights and security situation in Burundi and until lasting conditions exist for the safe and dignified return of refugees;
- to implement effectively all the international human rights instruments including, inter alia, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to which Burundi is party.

Commanders of the Burundian armed forces

- to ensure that ongoing talks in which they are involved discuss ways of preventing human rights abuses in the current situation, and in the future;
- to issue strict instructions to their forces not to carry out human rights violations; and in particular to remind them of the protection afforded under international humanitarian law to the unarmed civilian population and combatants who are *hors de combat*;
- to publicly acknowledge and condemn any abuses which do occur, and to ensure that those responsible are held accountable and are brought to justice;
- to ensure that their forces in no way threaten or hinder the work of humanitarian organizations and human rights defenders.

Commanders of armed political movements

- to ensure that ongoing talks in which they are involved discuss ways of preventing human rights abuses in the current situation, and in the future;
- to issue strict instructions to their forces not to carry out human rights abuses; and in particular to remind them of the protection afforded to the civilian population and combatants who are *hors de combat*;
- to publicly acknowledge and condemn any abuses which do occur, and to ensure that those responsible are held accountable, and that they are removed from positions where they may be able to carry out such abuses;
- to refrain from manipulating acknowledged fears of the civilian population that they, or their families, will become victims of abuse, political and ethnic violence, by making special efforts to promote peace and reconciliation and the respect of human rights of all citizens regardless of their ethnic or political affiliation;
- to ensure that their forces do not threaten, abduct or kill anyone working for humanitarian organizations and human rights defenders, nor in any other way hinder their work.

Leaders and representatives of political parties or movements

- to issue public statements making it clear to supporters that they absolutely condemn human rights abuses - whatever the perceived provocation - and recognize that there can be no hope for a lasting peaceful solution in Burundi unless there is recognition of the need to respect the basic human rights of all citizens;
- to now use their influence to call for, and encourage, respect for human rights in the run-up to and during the transitional period;
- to refrain from manipulating acknowledged fears of the civilian population that they, or their families, will become victims of abuse, political and ethnic violence, by making special efforts to promote peace and reconciliation and the respect of human rights of all citizens regardless of their ethnic or political affiliation.

Burundian civil society

- to promote debate on key human rights issues around the conflict and transitional arrangements, including on the question of impunity and justice, with a view to promoting a central role for human rights in the transitional process and preventing human rights violations;
- to refrain from manipulating acknowledged fears and inciting in anyway violence or human rights abuses and to actively engage in programs of human rights education and for building trust and reconciliation between ethnically divided communities.

The International Community

- to ensure that human rights concerns are given a central place in on-going negotiations and in planning for the future;
- impress on the parties to the conflict the obligations to observe the provisions of Common Article 3 of the Geneva Conventions and its additional Protocol II;

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- to support independent and impartial national human rights groups and human rights defenders, in recognition of the important role they could play in the current context;
 - to provide assistance and sufficient additional resources now to the Burundian judiciary to increase its capacity and independence;
 - to support and strengthen the UN Office of the High Commissioner for Human Rights in Burundi to ensure that it has enough resources and political support to carry out its tasks efficiently and independently, and to report publicly on its findings;
 - to provide sufficient financial support to countries hosting large numbers of Burundian refugees, particularly Tanzania, to ensure that these states scrupulously observe the concept of *non-refoulement* and to ensure that voluntary repatriation programs are not put into operation until there is a fundamental and durable improvement in the situation in Burundi;
 - to ensure that international peace-keeping forces, however composed, should have the mandate and capacity to protect persons belonging to all ethnic communities and political groups in Burundi from abuses of human rights, and that the duty to monitor and report on human rights abuses is explicitly included in their mandate.