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1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights 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-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

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 (DRC) to the west. [1a][39] In mid-1999 the population was officially estimated at 6,483,000. [1b] The official languages of Burundi are Kirundi and French, while Swahili is also used in addition to French in commercial circles. [1a][32] All Burundians know Kirundi but may speak it with regional variations. Kirundi is closely related to Kinyarwanda, the official language of Rwanda. [32] Swahili is widely spoken in and around the capital, Bujumbura, and is a first language in certain Muslim neighbourhoods whilst Congo

Swahili is spoken in Congolese neighbourhoods. [1a][31][32] For further information on geography refer to the Europa Yearbook (source [1a]).

3. ECONOMY

3.1 At the end of 2001 UN statistics ranked Burundi as the world's third poorest country. Civil war and massive population upheaval have exacerbated Burundi's economic downturn. [1a] Burundi's economic performance is heavily dependent on world prices for its cash crops. 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 Prior to the outbreak of the civil war in 1993 30 percent of the population were reported to be living in conditions of extreme poverty; by 1996 this figure had reportedly risen to 60 percent. Burundi's economic performance is heavily dependent upon the international price of coffee. Tea is the second largest export earner. [1b] In 2001 the Burundian Government were reportedly grappling with the effects of a 40 percent reduction in the output of coffee. [30a] By June 2002 the economy was reported to be close to collapse. [16a] On 28 August 2002 the Government took the decision to devalue the Burundi franc by 20%. The government also plans to reduce public expenses and increase revenues in its efforts to deal with the budget deficit; it has already frozen the recruitment of teachers in the civil service. In a separate measure to deter businessmen from profiting from the current economic situation sugar rationing has been introduced. [16ay]

3.3 Indications of a "marked deterioration" in the economy were accompanied by predictions that unless the budget is provided with support to enable it to meet immediate financial needs, political tensions could surface and endanger the country's fragile peace process. [16ag] These concerns, coupled with certain events, such as national teachers' strikes, have led some western governments, especially Belgium and France, to recommend financial assistance to the government. In recent years both the World Bank and the IMF have refused to give money to Burundi, claiming it was being used to purchase arms. In September 2002 it was however reported that the World Bank did plan to release funds. [16ay]

4. HISTORY

Summary of events since independence

4.1 Burundi gained its independence from Belgium on 1 July 1962. Much of the country's history since then has been characterised by 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. There have been a number of occasions where these tensions have resulted in violence and inter-ethnic massacres. Since independence Burundi has also seen a number of coups and many more attempted coups. [1b]

4.2 Following an unsuccessful attempt by the Hutu to overthrow the Tutsi-dominated Government in October 1965, virtually the entire Hutu political elite was executed along with thousands of rural based supporters. In April 1972 following an abortive coup attempt massacres of an unprecedented magnitude and brutality were carried out. An estimated 100,000 - 200,000 were killed and a further 200,000 fled the country. All Hutu elements were eliminated from the armed forces. The aforementioned developments effectively eliminated any significant participation by the Hutu in Burundi's political life until the late 1980's. [1b]

4.3 In August 1988 tribal tensions erupted into violence in the north of the country. Groups of Hutu, claiming Tutsi provocation, slaughtered hundreds of Tutsi in the towns of Ntega and Marangara. The Tutsi dominated army was dispatched to the region and in the week that followed large-scale tribal massacres, similar to those of 1972, occurred. [1b]

4.4 In October 1988 President Major Pierre Buyoya, who had seized power from his close associate Colonel Jean-Baptiste Bagaza in an army led coup in September 1987, announced changes to the council of ministers. This included the appointment of a Hutu, Adrien Sibomana, as Prime Minister. Significantly the council comprised an equal number of Hutu and Tutsi representatives. The same month a commission for national unity was established to investigate the massacres and make recommendations for national reconciliation. [1b]

4.5 On 9 March 1992 90% of voters accepted proposals for constitutional reform at a referendum. The new constitution was promulgated four days later and in June 1993 presidential and legislative elections took place. These were won by Melchior Ndadaye of the predominantly Hutu party, Front pour la démocratie au Burundi (FRODEBU) who had received the support of three other parties with a mainly Hutu base. FRODEBU also won 65 of the 81 seats in the national assembly. The Union pour le progrès national

(UPRONA) took the remaining 16 seats. [1b]

Outbreak of Civil War

4.6 The Ndadaye Government immediately commenced bringing its supporters into the civil service and drafting plans for extensive reform of the army. On 23 October 1993 more than 100 army paratroopers occupied the presidential palace and killed Ndadaye. However, international condemnation of the coup and the ferocity of the renewed inter-ethnic massacres that resulted in the death of between 25,000 and 50,000 Burundians, undermined support for the insurgents from within the armed forces. On 27 October 1993 the FRODEBU Government had resumed control of the country. [1b] However, it was the killing of democratically elected President Ndadaye that effectively marked the outbreak of civil war in the Burundi. [29]

4.7 On 6 April 1994 Ndadaye's successor to the presidency, Cyprien Ntaryamira, was killed when the plane he was travelling in with Rwandan President Habyarimana crashed after being hit in a rocket attack when coming in to land at Kigali airport. In accordance with the Constitution FRODEBU leader Sylvestre Ntibantunganya was named as interim president. During the first half of 1994 ethnic tension increased as well armed extremist factions within both Hutu and Tutsi communities attempted to establish territorial strongholds within the country. The security conditions prevented a new president being elected by universal suffrage. As a result a 'Convention of Government' elected the new president in 30 September 1994. Under the same provision a four-year transitional government was established with 45% of cabinet posts going to the opposition parties. [1b]

4.8 Exacerbated by the proximity and scale of violence in neighbouring Rwanda ethnic tensions persisted in Burundi during the second half of 1994 and the situation worsened during 1995. By early 1996 reports of atrocities perpetrated against both Hutu and Tutsi civilians by the armed forces and Hutu and Tutsi militias were commonplace. [1b]

Coup of 25 July 1996

4.9 Violence continued to escalate during 1996 and the political tension intensified until, on 25 July 1996 the Burundian armed forces led a successful bloodless coup. This saw former President Buyoya reinstated as the interim President of a new transitional republic. [1b]

4.10 Immediately upon assuming power, the regime dissolved the National Assembly and banned political parties. The 1992 Constitution and 1994 Convention of Government were suspended. About 3 weeks later, Buyoya announced the restoration of the opposition dominated National Assembly and political parties with certain restrictions. [2b]

Peace Talks

4.11 In March 1998 the Government initiated negotiations with the national assembly. [1b] 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. [2b]

4.12 Between 15 and 21 June 1998 the Government attended all party talks in Arusha under the chairmanship of former Tanzanian President, Julius Nyerere. A total of three rounds of talks took place in Arusha during 1998. [1b] At Nyerere's instigation, to speed up negotiations, the 18 delegations attending the peace talks in Arusha, Tanzania, (the government, national assembly, 13 political parties and three armed opposition groups) merged into three groupings. One grouping known as the G3 comprised government and pro-government delegations, while the G8 consisted of PARENA and smaller Tutsi-dominated opposition parties. The third grouping was called G7 and comprised of FRODEBU, allied Hutu-dominated parties and Hutu-dominated armed opposition groups. In August 2000, the pro-government wing of UPRONA and another Tutsi dominated party that came into the negotiations in February 2000 joined the pro-Tutsi group, which thus became known as G10. With the shift of UPRONA the government group was reduced to two groups and became the G2. For details of the individual parties that participated in the talks and groupings they were each affiliated to see Annex B. [5b]

4.13 Negotiations continued during 1999 with the main negotiating parties reporting good progress. However the talks were suspended in October following Nyerere's death. In December 1999 at a Regional heads of state meeting in Arusha former South African President, Nelson Mandela was unanimously selected as the new Burundi mediator. [1b] The ICG (International Crisis Group) observed that up until this point, a great shortcoming of the negotiations had been the exclusion of the armed rebel groups, the Conseil national pour la defense de la democratie - Forces pour la defense de la democratie (CNDD-FDD) and the Forces nationales de liberation (FNL). Both had previously been barred from negotiations until such time as they reconciled with the groups they had split from in 1998 and 1992 respectively. [10]

However, Mandela unsuccessfully invited both groups to join the talks; this was initially declined by both groups and then met with stated preconditions. [1b][10] These included the release of political prisoners, a disbandment of regroupment camps (see paragraph 6.81), the return of the Burundi army to barracks and political recognition and legitimisation for themselves. [10]

4.14 The talks progressed without the active participation of the rebels until a peace agreement was due to be signed, initially in mid-July 2000, but this was changed to 28 August 2000 by Nelson Mandela, since agreement had not been reached on a number of points. [1a][1b] The Burundi Government said there must be a cease-fire before any deal could be signed. They also said they wanted current president Buyoya to preside over the transitional period set to last for 30 months. [21a] [37b] Most pro Hutu organisations backed Domitien Ndayizeye for the presidency during the transitional period though the Conseil national pour la defense de la democratie (CNDD) were reported to favour Buyoya. [16d] The majority of political parties were opposed to Buyoya being leader during the transition period. However, it was agreed that the transitional president would not be eligible to stand in the presidential poll scheduled to follow the transitional period. [19a] [37b]

4.15 President Buyoya, all Hutu parties and six of the Ten Tutsi parties signed the agreement on 28 August 2000. A cease-fire failed to be included in the agreement. [20a] The Tutsi parties that did not sign all acknowledged that if they did not change their position they would not have any say in the choice of the government. [1b][8a] The armed Hutu rebel groups, CNDD-FDD and FNL also rejected the agreement. [6a]

4.16 Following the signing of the Accord, fighting between the government army and Hutu rebels continued. [7d] The CNDD-FDD demanded the dismantling of camps and the release of around 11,000 political prisoners. Camps in Bujumbura-Rural province would appear to have been dismantled with the exception of around 10,000 people afraid to return to their homes for security reasons. [4b] The three remaining Tutsi parties listed seven reservations, the first of which was that the agreement itself does not mean an end to the peace process for Burundi because they wanted negotiations to continue. Having reportedly received the commitments they sought, the three signed the peace agreement on 19 September 2000, paving the way for implementation of the agreement reached on 28 August 2000. [1b][22a] The regional leaders present at the signing ceremony demanded that the rebels observe a cease-fire within 30 days, nevertheless the violence continued. [1b]

4.17 After the signing of the accord the South African Deputy President took over an increasing amount of Burundi mediation work from Mandela, who had previously announced that with the agreement signed he considered his role to be largely over. On 27 November 2000 the Implementation Monitoring Committee (IMC) was officially established; its mandate was to supervise the implementation of the Arusha agreement. [1b] In November 2000 at a regional summit in Nairobi the rebels were threatened with sanctions. [10]

4.18 At the Arusha summit in February 2001 regional heads of state proposed alternating the presidency over a transitional period of three years. 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. FRODEBU stated that it had not approved of the power-sharing arrangement and saw it as entrenching ethnicity in an already divided country but all parties present eventually accepted the proposal. [1b][4d] A number of parties present agreed to submit Colonel Epitace Bayaganakandi and FRODEBU's Domitien Ndayizeye as candidates for the transitional leadership. However, the Burundian Government and subsequently, the regional heads of state rejected this proposal. [1b] The National Council for the Defence of Democracy (CNDD), a pro-Hutu rebel group, said that whilst it backed the Arusha accord it would not join the transitional government unless a negotiated cease-fire agreement was concluded. [18b][19b] Meanwhile, in a separate development, in February 2001 Agathon Rwasa replaced Cossan Kabura as leader of the FNL; Kabura did however retain control of a FNL faction although aside from issuing occasional statements it has been inactive. [10][18k]

4.19 On 4 April 2001 President Buyoya announced that his government had decided to implement the Inter-Burundi peace agreement signed in Arusha in August 2000. This would involve the drafting of a new constitution, new legislation on political parties and a general amnesty on crimes committed prior to the signing of the Arusha agreement. [4f] The same month President Bongo of Gabon hosted a second of two meetings that had brought the Government and CNDD-FDD together to draft an agenda for negotiations, although these took place without the participation of the FNL. [10]

Failed Coup attempts of 18 April 2001 and 22 July 2001

4.20 On 18 April 2001, while Buyoya was attending peace negotiations in Gabon, there were reports of a failed coup attempt by a group of around 30 junior army officers, calling themselves the Patriotic Youth Front. [1a][7e] The group, who had not been heard of before, seized the state radio station. Forces loyal to the government surrounded the radio station; however, rather than storm the building they waited until the rebels gave themselves up. [7e] A group of about 40 soldiers and 2 civilians, with links to the Parti pour le redressement national (PARENA) party, were arrested following the coup attempt. Amnesty International (AI) expressed concern at the risk of ill treatment of these people. [16h] On 27 April it was reported that 20 members of the PARENA party were arrested after visiting their colleagues in detention. PARENA refused to condemn the coup attempt, pointing out that President Buyoya himself first took power in a coup. [7f]

4.21 On the night of 22 July 2001 rebel members of the armed forces staged an abortive coup attempt, reportedly kidnapping a senior presidential aid. [1b] The mutineers tried to storm the Mpimba Central Prison to free the soldiers being held for the failed coup attempt on 18 April 2001. After failing to do so they took 30 or so vehicles and headed towards Kayanza province with a number of hostages. In the early evening of 23 July 2001 it was reported that all hostages had been freed and the mutineers had surrendered to the military authority in Ngozi. Two soldiers were killed in the mutiny. [17b] The officers who led the mutiny were placed in Ngozi prison. [17c] At the end of August 2001 over 320 soldiers were discharged from the army in Ngozi for their involvement in the April and July 2001 coup attempts. [7g][17e]

Developments prior to term of the Transitional Government

4.22 In July 2001 it was announced that President Buyoya would remain as president for the first 18 months of the country's transition. Domitien Ndayizeye of the main opposition pro-Hutu FRODEBU party, would be the vice-president. Nelson Mandela announced that Buyoya would have to abide by a list of conditions, which include the implementation of the Arusha peace agreement, the release of all political prisoners and offering full protection to all political leaders, especially those returning from exile. [4j] In August 2001 President Buyoya confirmed that he would give way to a new head of state at the end of his 18-month phase. [17d] The same month it was reported that the IMC would be repatriated from its base in Arusha to Bujumbura two weeks before the instillation of the Transitional Government on 1 November 2002. [15a] In September 2001 Ndayizeye said the establishment of a lasting cease-fire remained the main concern for the transitional period. [16n]

4.23 At the end of August 2001 Burundi's judicial commission proposed a bill granting temporary immunity to those who had committed politically motivated crimes. The bill was inspired by the Arusha accord and aims at dealing with crimes committed before the accord was signed on 28 August 2000. It must also be able temporarily to protect those politicians who may decide to return before the transitional government is set up on 1 November 2001. The commission believes that 'temporary immunity' should be granted for a period of two years, after which there must be a re-trial, an amnesty, in all cases, should have been avoided. [16k]

4.24 In September 2001 it was reported that a special army unit to protect exiled politicians, returning to Burundi under the Arusha peace process, would not be ready in time for the commencement of the transitional period, which is due to begin on 1 November 2001. President Buyoya said that the transitional government could still begin functioning despite this special unit not being in place. Buyoya said that people returning to the country in preparation for the transition period would still be safe. [16o][16p]

4.25 In October 2001 South Africa agreed to provide troops for a protection force; this was demanded by opposition politicians before they would join the transitional government (see paragraph 5.40). [6a] The South Africans arrived in the country on 19 October 2001. [30a] Meanwhile at a summit in South Africa the same month the CNDD-FDD renewed its commitment to the discussions that had taken place in Gabon in January and April 2001. However, the following day it was reported that a faction of the group had rejected its leader, Jean-Bosco Ndayikengurukiye, and broke away to form a splinter group under the leadership of Pierre Nkurunziza (See Annex B). [10]

The Transitional Government

4.26 On 1 November 2001 Buyoya was sworn in as president, and Domitien Ndayizeye, the secretary general of FRODEBU, was sworn in as vice president of the Transitional Government. [2b] This development represented the implementation of a key provision of the Arusha Accord of August 2000. However, in spite of ongoing activity by the South African facilitation team, a ceasefire with the CNDD-FDD and FNL remained the missing element of the Arusha framework. Shortly before the new government took over, the rebels stepped up attacks within the country. [6a][10] Meanwhile, in the latter part of 2001 several opposition figures that had been party to the Arusha negotiations began returning to the country, although a few leaders remained in self imposed exile as they continued to fear for their security. [8e][18i][36a]

4.27 In February 2002 Nkurunziza's CNDD-FDD faction participated in further talks in South Africa. A code of conduct for further talks was agreed upon and it was agreed that they would reconvene to finalise a framework of negotiations. The same month, the South African facilitators requested the assistance of Tanzania to help bring the rebels to the negotiating table. In March 2002 Tanzania convened a meeting in Dar-es-Salaam to which all rebel groups and splinter groups were invited to consider a joint position for ceasefire negotiations. These talks included three Arusha signatories; the CNDD, Front pour la libération nationale (FROLINA) and Parti de libération du peuple Hutu (PALIPEHUTU). Both Nkurunziza's CNDD-FDD faction and the FNL initially participated in these talks but quickly rejected the process. The rebels also objected to the Hutu political groups participating in the talks having been accorded the same status in the talks as themselves; they considered these organisations to be compromised by their participation in the Transitional Government. Additionally, the rebels also demanded their own exclusive forum to negotiate reform of the army. [10]

4.28 In late April 2002 representatives from both of the CNDD-FDD and the FNL were in South Africa for separate talks. The CNDD-FDD met with both international mediators and a delegation of the Burundian Government though the faction leader, Nkurunziza, warned in advance that his organisation was not ready for a cease-fire. [14a] Meanwhile, rival CNDD-FDD faction representatives led by Ndayikengurukiye spent 10 days in South Africa for talks with the same delegations and agreed upon an agenda for cease fire negotiations. [10][14a] The FNL had been in the country for a separate purpose, this being a meeting with the UN Security Council. [14a] A FNL representative reportedly said that they would not meet a Government delegation, as they (the Government) do not represent anyone; they wish to negotiate directly with the Burundian army.

4.29 In May 2002 an ICG report entitled "Burundi after six months of transition; Continuing the War of Winning Peace" noted both a lack of progress made in securing peace in Burundi and in the implementation of the Arusha accords. ICG observed that the ceasefire negotiations in South Africa had failed to produce "a single concrete result" though acknowledged that the facilitation team was not solely to blame. The report referred to powerful elements within Burundi who had no interest in ending the war as well as differing opinions among parties to the conflict as to the purpose of ceasefire negotiations. While calling upon CNDD-FDD and FNL to cease operations against the Burundi army as well as relations with the dissident Rwandan Liberation Army (ALIR) the ICG also called upon the Burundian government to cease hostilities against the rebels. The ICG also called for the implementation of elements of the Arusha accord relating to an international commission of inquiry on political prisoners, the reshuffle of all governors and representatives of the territorial administration, and the establishment of the Burundi protection unit comprising of equal numbers of Hutu and Tutsi. [10][12c]

4.30 In June 2002 talks in South Africa between the government and Ndayikengurukiye's faction of CNDD-FDD were reported to have been at an advanced stage but then reportedly hit a snag when the faction declared itself unready to discuss ceasefire modalities. [10] [16ak] Meanwhile, at talks held in Tanzania in late May and early June 2002 the Nkurunziza faction of CNDD-FDD reiterated its commitment to a negotiated settlement but, like the FNL, emphasised it would talk only to the Burundi army. [10] However, during the following two months progress towards further talks was characterised by further postponements and the reluctance of the FNL to participate. [10][12h][16ak]

4.31 On 29 June 2002 former Burundi President Jean-Baptiste Bagaza returned from 4 years self imposed exile saying he wanted to take part in the nations political life. [12d] [16ai] Reports suggested that under provisions of the Arusha agreement of August 2000 all former presidents are de facto members of the Senate, the higher chamber of parliament. [16ai]

4.32 In early July 2002 Net Press news agency in Bujumbura reported that all was not well within the G7 and G10 groups of political parties. The so-called "small" parties in the G10 first expressed their displeasure with the majority UPRONA faction over the allocation of posts within the Transitional Government. The parties termed as "small" within G7 then took the cue to express their anger against FRODEBU for similar antics. FROLINA and PALIPEHUTU wrote a joint letter to the newly appointed special envoy to Burundi, Mr Dinka, citing numerous violations of the Arusha accord and a "co-operation agreement to share responsibility". The co-operation agreement was signed on 19 March 2001 by all G7 parties except the CNDD; in return for the 5 "small" parties' signing gave their support for Ndayizeye for the position of vice-president. In their letter the two parties lamented that FRODEBU had failed to honour its commitments by taking the majority of seats allocated to the G7. Dinka was urged to quickly address the situation before G7 disintegrated. [18j]

4.33 On 6 July 2002 President Buyoya dismissed Mathias Hitimana of the Parti de réconciliation du peuple (PRP) from his post as Minister of Energy and Mines and replaced him with the leader of another Tutsi dominated party, AV-Intwari. This was the first ministerial reshuffle to have taken place since the Transitional Government took office on 1 November 2001. Hitimana claimed that he was dismissed because he was the only cabinet minister who stood up to Buyoya in the on going discussions concerning the deadlock that has prevented the full implementation of the Arusha agreement. [12f]

In response to the dismissal of Hitimana, Bonesha FM radio reported that parties within G10 had threatened to pull out of government unless their continued marginalisation ended. Five parties of the group urged Mandela to intervene; the group alleged that those parties that had not supported Buyoya for the presidency in the Transitional Government were particularly targeted. [16al]

4.34 During July 2002 rebel attacks increased, CNDD rebels reportedly entered the country from Tanzania while the FNL were responsible for further shelling of Bujumbura resulting in several people being killed (see paragraph 6.66). [12h] At the end of July 2002 the local Net Press news agency reported that the G7 group of Hutu dominated parties had "strongly condemned" rebels for continuing attacks on civilians and other non-military targets. [16ao]

4.35 In early August 2002 Pierre Nkurunziza's faction of the CNDD-FDD agreed to participate in peace talks and reportedly called for a ceasefire while negotiations proceed, a call repeated by the Tanzanian president whose country was to host the talks. [4i] [7h][7i] On 8 August 2002 it was revealed that the FNL

had sacked its president Agathon Rwasa, replacing him with Alain Mugabarabona on a temporary basis. [16ar] This development was immediately followed by indications that, for the first time, the FNL would also be prepared to participate in the talks in Tanzania. [7h][16ar] However, in subsequent reports Rwasa maintained he was still in charge and it became apparent that the FNL had split into two factions with Rwasa retaining control of the more powerful one. [16au] When talks commenced in Dar-es-Salaam on 12 August 2002 both CNDD-FDD rebel factions were represented whilst it was reported Mugabarabona's FNL would join the talks for the third week. [7i] Meanwhile a report by the Panafican News Agency (PANA) coinciding with the start of the talks observed that neither side had been able to gain a decisive military advantage in the civil war. However, the report acknowledged that the Government forces had recently claimed a number of important victories in the on going conflict. [4i]

4.36 The South African Deputy President again led the facilitation team for these latest talks; their stated aim was to harmonise the results of individual talks between the government and participating delegations and finalise a comprehensive ceasefire agreement. [10] There were mixed reports of progress in Tanzania at which successive rounds of talks between the Government delegation and each of the three participating factions took place. [10] [16au] Progress was reported with the Ndayikengurukiye faction of the CNDD-FDD to the extent that a "memorandum of understanding" not amounting to a ceasefire was signed between the two sides whilst the newly created FNL faction led by Mugabarabona participated for the first time. [16au] [16av] However, talks with Nukurunziza's faction resulted in stalemate before discussions over the ceasefire document commenced and Rwasa's faction of the FNL did not attend. Analysts warned that the ongoing problems with the larger factions of each organisation threatened to undermine any agreement that might be signed. [16au] On 25 August 2002 the FNL attacked the northern outskirts of Bujumbura resulting in a number of fatalities. [16aw]

4.37 A joint press release by the CNDD, FROLINA, PALIPEHUTU and the Kabura led faction of the FNL and reported by the Net Press news agency on 9 September 2002 described as unacceptable the agreement reached between Ndayikengurukiye's CNDD-FDD faction whilst excluding other groups involved. [18k] The statement went on to warn the mediation team against conducting exclusive negotiations, sharing analysts concern that this could lead to division between the armed political movements. [16au][18k]

4.38 During September 2002 reports emerged of a massacre of at least 173 civilians that had occurred during clashes between the army and CNDD-FDD rebels in Itaba commune of Gitega Province. [3d][6a] [7k][38] Despite initial denials it became apparent that the army had been involved in the killings; President Buyoya publicly acknowledged this on 30 September 2002. [3d][6a] Hutu parties and rebel groups reacted angrily to the killings; CNDD, FROLINA and PALIPEHUTU all threatened to quit the Transitional Government. Meanwhile Pierre Nukurunziza's faction of the CNDD-FDD initially pulled out of a further round of peace talks due to commence on 19 September 2002 though subsequently agreed to a two day postponement to allow for mourning of the victims. [7j][8a][18i] On 4 October 2002 it was reported that two army officers had been arrested in connection with the massacre. [7k]

4.39 The peace negotiations held in Tanzania during latter part of September 2002 did not result in any significant progress. Nukurunziza's faction of the CNDD-FDD and Mugabarabona's FNL faction both participated with the latter signalling its desire for a temporary ceasefire before holding direct discussions with the army. Meanwhile the main CNDD-FDD called upon the Government to sign a declaration recognising its association with the army and accept responsibility for the war, this was categorically rejected by the government delegation. However Nukurunziza's faction affirmed that they would not sit at the negotiation table until this requirement was met and subsequently withdrew from the talks. [8a]

4.40 On 7 October 2002 the presidents of Burundi, DRC, South Africa, Tanzania and Uganda gathered for a regional summit to discuss the peace process. With a lack of progress there was increasing pressure for sanctions to be imposed upon the rebels although there was also scepticism as to how these could be applied. [16bc] However, at the summit, also attended by Nelson Mandela and representatives of the UN and African Union (AU), both of the smaller factions of the two rebel groups formalised their agreements with the transitional government. The factions signed formal ceasefire agreements; this made way for what they called a "new era" in the peace process. Meanwhile the main CNDD-FDD and FNL factions were given 30 days to comply or face the consequences. Summit delegates agreed to meet after 30 days to review the situation and indicated that if no ceasefire agreement had been reached they would "take appropriate measures against the recalcitrant parties". The leaders present decided that Ndayikengurukiye's CNDD-FDD and Mugabarabona's FNL factions, as well as any other armed groups that sign the ceasefire agreement within 30 days, should be integrated into the transitional institutions and organs of the state, including the army and other security forces. They called on all signatories of the Arusha peace agreement to facilitate this integration. [16bd]

4.41 In a joint communiqué issued on 14 October 2002 Burundi agreed to withdraw its remaining two battalions of troops from the neighbouring DRC while the Kinshasa authorities pledged that its territory will not serve as a base for Burundi Hutu rebel groups. The deputy spokesman of the UN Mission in the DRC confirmed on 9 October 2002 that Burundi had withdrawn some 7,000 soldiers from the DRC, and had only two battalions left to pull out. It was further stated that both countries were committed to normalising relations after more than four years of a war in which Burundi had taken part. [16be]

4.42 For more detailed information regarding history prior to 2000 please refer to the Europa Yearbook,

source [1a].

5. STATE STRUCTURES

Part I

Part II

5. STATE STRUCTURES

THE CONSTITUTION

5.1 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 military coup on 25 July 1996. On 6 June 1998 a Transitional Constitution was promulgated, this combined elements of both the 1992 constitution and the 1996 decree-law that Buyoya adopted following the coup in July of that year. [1a][1b] 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. [2b] A transitional Constitution was adopted on 29 October 2001. [1a]

5.2 The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity (see paragraph 6.72), religion, or opinion. The act also prohibits torture and other cruel, inhuman, or degrading treatment or punishment (see paragraph 6.6). [2b]

5.3 The Transitional Constitutional Act also 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; this has not been convened since 1996. [2b]

Citizenship and Nationality

5.4 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] The actual "Code de la nationalité burundaise" took effect on 18 July 2000 although the rules relating to acquisition had not changed from the previous law introduced in 1971. According to the Code, being a refugee under the Geneva Convention is not a criterion of eligibility for Burundian citizenship. Acquisition of citizenship is a voluntary and individual initiative and subject to the condition that the applicant is not less than 21 years of age, has no criminal record, has resided in the country for not less than 10 years and is attached to the Burundian nation and its values. However, the Immigration Refugee Board in Ottawa, Canada, received information that during his term as president, Michel Micombero provided Burundian citizenship to some intellectuals and businessmen from Rwanda without the usual conditions being met. [1rb1] In September 1999 the Danish fact-finding delegation were informed by one western diplomat that it was particularly difficult for foreigners to obtain Burundian citizenship. [11b]

POLITICAL SYSTEM

5.5 Prior to November 2001 an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya was in place in Burundi. Buyoya came to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and he 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. [2b] Prior to this Buyoya had held power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. [2a]

5.6 In July 2001 President Buyoya signed an agreement to begin the three-year transitional period on 1 November 2001. On this date Buyoya was sworn in as president and Domitien Ndayizeye, secretary general of FRODEBU was sworn in as vice president. Under the agreement they will both serve for 18 months after which the G-7, an alliance of predominately Hutu parties will select a president and the G-10, an alliance of predominately Tutsi parties will select a vice president. Political parties operate under

significant restraints. [2b] FRODEBU and UPRONA are the most dominant parties in the new power sharing administration. Ministerial portfolios were also allocated to a further 13 parties signed up to the Arusha agreement. In total Hutu parties were allocated 14 of the 26 ministerial posts. [1a]

5.7 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. The new members comprise of 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 were 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. [2b]

5.8 The transitional Constitution adopted on 29 October 2002 made provision for an upper chamber, the Senate. In January 2002 the Constitutional Court approved the nomination of 51 deputies, of whom 48 represented the country's provinces, to a transitional ethnically balanced Senate. [1a]

5.9 Citizens do not have the right to change their government. However, the peace agreement signed in August 2000 instructs the country's next transitional government to hold local, national and presidential elections within a 3-year period and to oversee elections for the Senate; this agreement had not been implemented by the end of 2001. The Transitional Political Platform also endorses in general terms the restoration of democracy as well as the correction of the ethnic imbalance within the army and the judicial system. [2b] In an interview in April 2002 Ndayizeye, who under the Arusha peace agreement is due to become President on 1 May 2003 stated that the Government wanted to implement the planned reforms and prepare for elections. Regarding these he said that local elections are due in May 2003 and presidential elections in November 1994. [16w]

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

JUDICIARY

5.11 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, and there is a labour court. Citizens generally did not have regular access to civilian and military court proceedings. Defendant's in theory are presumed innocent and have the right to appeal, although in practice some lawyers said the possibility of appeal was limited for defendant's accused of the most serious crimes. In practice few defendants have legal representation. The disruption of the political process and the general insecurity within Burundi has severely impeded the judicial process. The civil court system functions, but the lack of a well-trained and adequately funded judiciary constrains expeditious proceedings. Many citizens have lost confidence in the system's ability to provide even basic protection. The majority of persons arrested on criminal charges since October 1993 remain in pre-trial custody. [2b]

5.12 The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is dominated by ethnic Tutsi and is not considered independent. Reform of the judicial system is a priority of the peace accord, which has not yet been implemented. According to the US State Department Report covering 2001 an international human rights organisation estimates that ethnic Hutu 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. [2b] In April/May 1999 a western diplomatic source commented to a Danish fact-finding delegation that the imbalance between Hutu and Tutsi at university led to very few Hutu lawyers being trained. [11a]

5.13 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. [2b] In April 2002 International Alert reported that research by its policy advisor that suggested that Burundians consider the existing justice system to be one sided though probably more along geographical than ethnic lines. In an interview explaining his findings Jackson explained that most lawyers are Tutsi from the south. He commented that people's view is that Burundi needs a broader band of people representing the whole nation. He commented that this does not mean existing lawyers are doing a bad job; they are just seen as on one side and therefore justice is perceived as being on one side. [13a]

5.14 During 2001 the Chief Prosecutor, who is a Hutu, led a government campaign to recruit Hutu attorneys living abroad to return to Burundi and work as magistrates. Seven attorneys returned during 2001. [2b]

5.15 The Transitional Political Platform calls for the creation of an international tribunal to try crimes of genocide; however, as of the end of 2001 no such tribunal had been created. [2b] AI maintains that there is a need to reform and strengthen the Burundian judiciary to ensure greater independence, impartiality and

competence. In a media statement in September 2002 the organisation added that initiatives such as an International Commission of Inquiry or the inauguration of a Truth and Reconciliation Commission, both of which are provided for in the Peace Agreement, should not detract from the strengthening of the judiciary. [5f]

LEGAL RIGHTS/DETENTION

5.16 A new criminal code was introduced in January 2000 that prohibited arbitrary arrest and detention. [5a] 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. 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. [2b] Burundi's new penal code, enacted since the installation of a transitional national government on 1 November 2001, forbids holding anyone in prison without charge. [16ad]

5.17 Under Burundian law it is illegal to detain a minor under 13 years of age whilst under 18s should bear diminished responsibility for crimes committed; however with no special courts to enforce this, the reality is often different. [5f] The criminal code 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, particularly the section that requires detainees to be charged and appear in court within seven days of their arrest. However, the UN reported some improvements in this area during 2001. [2b]

5.18 Despite the introduction of the new criminal code security forces continue to arbitrarily arrest and detain people, often in poor conditions. [2b][5a] Limits on the length of pre-trial detention are not respected. [2b] In its report covering 2001 the Burundian human rights NGO, Ligue Iteka (Iteka), claimed that people have been detained for up to six months, when laws have set a limit of one or two weeks. [16u]

5.19 Burundian law allows for a full appeal of conviction and sentence from judgements rendered by lower courts; however those who are accused of crimes which are punishable by life imprisonment or death are tried at first and last resort by the criminal chambers of the Court of Appeal. Additionally, the Supreme Court tries people who qualify for a privileged status by reason of their position (magistrates, communal administrators or high functionaries), at first and last resort. Defendants tried by the criminal chambers of the Court of Appeal can only apply for review through the "cassation procedure" at the "cassation chamber" of the Supreme Court, which allows only for a limited review on questions of law and substantial violations of form. There is, therefore, no ability for those tried by the criminal chambers of the Court of Appeal to have the factual basis on which they were convicted and sentenced reviewed. [5f]

5.20 The Transitional Constitutional Act provides for the right to privacy, but the authorities reportedly do not respect the law requiring search warrants. The security forces are widely believed to monitor telephone calls regularly. [2b]

5.21 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. During 2001 both the UN and human rights organisations reported that incommunicado detention exists, although law prohibits it. Bail was permitted in some cases during 2001. [2b]

5.22 Trials in Burundi are often lengthy and may last years as a consequence of multiple postponements. In practice, even when a detainee might get to be heard in court the time lapse between the initial accusation and the court hearing may make it difficult to trace witnesses, and there is no guarantee that the hearing will take place. The problem of the attendance of witnesses, both for the prosecution and defence, is acknowledged by the government, judiciary and human rights groups. It remains a serious obstacle to the proper functioning of the courts. Even once a case has been heard, there may a lapse of over 12 months before the verdict is announced. [5f] In September 2002 AI identified prolonged periods of pre-trial detention as a particular problem, including in cases involving child detainees. [5f][5g] In 2001 the ICRC had estimated that 70% of the prison population were in pre-trial detention. [2b]

5.23 Burundi has ratified numerous international and regional human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (African Charter) which guarantee the right to life and prohibit unlawful killings, torture and ill-treatment. [5e] However, there are frequent reports of both torture and extrajudicial killings in Burundi. [2b][5e]

Death Penalty

5.24 AI reported that during 2001 civilian courts sentenced at least 40 people to death. Most were sentenced on charges relating to the 1993 crisis. At the end of 2001 more than 440 people sentenced to

death remained in Burundian prisons. [5a] Under the Burundian legal system those sentenced to death by civilian courts do not have the right to a full appeal. Not all those under sentence of death have benefited from legal counsel and according to AI many people who have received the death sentence did so following unfair trials. [5f] No executions of civilians were reported to have taken place during 2001. There were also no reports that the military passed any death sentences during 2001. [5a]

INTERNAL SECURITY

5.25 The security forces are controlled by the Tutsi minority and consist of the armed forces incorporating the army (Armée Nationale Burundaise) and the gendarmerie under the Ministry of Defence, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. [2b][11a] The major rebel factions of the CNDD-FDD and FNL active in Burundi have both stated that they recognise the army as holding the real power in the country. [10] In addition to the core security forces the authorities have organised armed paramilitary groups called Gardiens de la Paix and have also introduced various initiatives that have seen civilians being armed and trained in activities relating to their local security. [2b][6b]

Armed Forces

5.26 In August 2001 the total strength of the armed forces numbered 45,500. This included an army estimated to number 40,000 and an estimated 5,500 gendarmes. [1a] Members of the security forces continue to commit numerous serious human rights abuses including extrajudicial killings. [2b][11a] The government has frequently failed to bring to justice members of the security forces suspected of serious human rights violations. Military courts have shown themselves unwilling and incapable of investigating members of the armed forces accused of human rights violations. [5f]

5.27 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 however no trials began during the year. [2b]

5.28 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 (Hutu and Tutsi) would provide 48 percent of the army. This then allowed for people from the Twa group to be a part of the national army. [4b]

5.29 In April 2002 International Alert policy advisor Tony Jackson suggested that Burundians were in general agreement that the army needs to be changed if long-term peace is to be achieved. He explained that a combination of its ethnic and geographical makeup leads people to believe that it is not independent. [13a] In April/May 1999 a western diplomat in Bujumbura told a Danish fact-finding delegation of unconfirmed reports that in the course of recruitment the army favoured Tutsi university students over Hutu, even where the latter were equally well qualified. The source suggested that this made reform of the Tutsi dominated army very difficult to carry out. [11a]

5.30 An ICG report published in August 2002 commented that the two coup attempts of 2001 demonstrated the military's weakening faith in President Buyoya's leadership and raised serious questions about his ability to control his camp. Buyoya has had to reassure leading figures in the military of his intention to defeat the rebels however; he remains under pressure from Tutsi extremists who seek to mobilise the army against his leadership. [10] During 2002 more than 7,000 members of the Burundian armed forces who had been stationed in the DRC and involved in the conflict in that country were withdrawn; two battalions remaining in October 2002 were also due to leave. [16be]

Gardiens de la Paix

5.31 With the advance of the CNDD-FDD into southern Burundi in 1997, military authorities began to organise armed paramilitary groups in three communes of Bururi province. They subsequently expanded this programme to a number of communes in Kayogoro, Makamba and Rutana provinces. Also initially known as *abajeunes* these groups were renamed Gardiens de la Paix (Guardians of the Peace) and began to play a major role in fighting the rebels. When rebel activity diminished in some areas of Burundi in 1999 some guardians were permitted to end their service. However, when the FNL attacked in force near Bujumbura in September 2000 hundreds of Gardiens de la Paix were brought from the south of the country to reinforce regular troops. [6b][39]

5.32 In response to a more serious attack on the capital in February 2001 the Burundian authorities began to expand the Gardiens de la Paix programme in March and April 2001. They organised training

programmes virtually throughout the whole country. Experienced guardians from the south were used to mobilise young people and the existing programme in Bujumbura-Rural was expanded. The government published no figures for the number of guardians in Burundi but according to information gathered by Human Rights Watch in its report "To protect the people" dated December 2001 as many as 30,000 could have received military training. This report further suggests that there are up to 5,000 guardians in Bururi province, 1,000 in Makamba and hundreds in each of the other provinces where groups were organised during mid-2001. [6b] During 2001 the US Department of State reported that the Gardiens de la Paix were active in Bujumbura-Rural, Ruyigi, Rutana, and Bururi provinces. [2b]

5.33 The Gardiens de la Paix are generally unpaid and in most cases continue to live at home with their families. The guardians are not issued with a uniform or identifying insignia though some receive cast off military clothing or parts of uniform taken from slain rebels. [6b]

Self defence programmes

5.34 Unable to suppress the activity of the largely Hutu rebel movements FNL and CNDD-FDD, the government launched a "civilian self-defence programme" in early 1997 although the Ministry of Interior described these as a voluntary and spontaneous initiative of the local people to defend themselves. However, many communities compelled local residents to engage in nightly patrols, ordinarily with soldiers but sometimes alone. In some areas of the country it was reported that all Hutu adult males were required to participate but Tutsi were often excused. Reports based upon witness testimonies also stated that the authorities would punish those who refused to participate. These punishments could include beatings, fines, short-term imprisonment or even an accusation of supporting the rebels, a charge that could result in a long prison sentence or even summary execution. It was also stated that those who participated regularly but missed one night of patrols or fell asleep on duty could be beaten or fined. [6b]

5.35 Threatened by rebel advances in Cibitoke province military authorities decided to take the "self-defence" programme a step further by organising armed groups under Hutu military control. Participants in these groups were a combination of former rebels and local residents who had performed well in the patrols; most were aged between 15 and 30 and were known as "the young men" (*les jeunes* or in the Kirundi version of French, *abajeunes*). They reportedly received about a month of training from Burundian army officers and patrolled the Kibira forest working closely with soldiers; they were permitted to use firearms when on duty. When rebel activity decreased in the area "the young men" were credited with having contributed substantially to this success. The military authorities subsequently established similar groups in neighbouring Kayanza province. [6b]

5.36 Following an increase in violence in many Bujumbura neighbourhoods in early 2000 there have, since mid 2000, also been initiatives for self-defence programmes in urban areas. The first of these was in the northern zone of Kinama, an area inhabited by relatively poor Hutu workers, where 100 young men were recruited by local officials and trained by the soldiers or national police. The residents of Kinama were asked to contribute the equivalent of US\$ 0.60 per month to pay participants a salary although this represented a considerable financial burden to the poor. There were conflicting reports as to whether this initiative had any real impact on crime; there was however no improvement in the apprehension of assailants. [6b]

"Self defence in solidarity"

5.37 During 2001 the Government has also created units, to serve in Bujumbura and its suburbs. [2b] Under a programme called "self defence in solidarity" (*auto-défense solidaire*) training commenced in April and on 16 June 1,000 graduated. Press reports at the time suggested that "self-defence" would henceforth be a permanent part of national defence and would be extended to the rest of the country. Whereas the rural based Gardiens de la Paix are mostly comprised of Hutu their urban civil patrol counterparts may be either Hutu or Tutsi depending upon the neighbourhood that they serve. [6b] The civilian authorities do not maintain effective control of the security forces. [2b]

Weapons training for civilians

5.38 During 2000 military officials revived a programme of weapons training for Tutsi civilians, which had been offered sporadically since 1997. Hutu, who have learnt of such sessions have, according to testimonies given to Human Rights Watch, been turned away. Once trained, some individuals join soldiers in patrolling their neighbourhoods or patrolled on their own initiative, sometimes under the leadership of a former or retired soldier who himself lived in the neighbourhood. [6b]

5.39 During 2001 the Government are reported to have provided weapons to both Hutu and Tutsi civilians in Bujumbura to be used in self-defence. In some cases, the weapons were provided to individual civilians, in others they were placed in central locations in communities to be accessed in an emergency. There were no reports that the dissemination of weapons in Bujumbura resulted in abuses. [2b]

South African Protection Support Detachment

5.40 South African forces have been deployed in Burundi since October 2001 when a 651 member peace-enforcing contingent officially titled the South African Peace Support Detachment (SAPSD) arrived in the country; by August 2002 the number of troops in the force was reported to be 701. [12a] [16aw] The purpose of this force is to enforce national security and support the transitional authorities; a major task of the force is the protection of Hutu politicians who have returned from exile. SAPSD has no peacekeeping mandate and neither the right nor obligation to intervene in the civil war. [1a][12a] In March 2002 the South African press reported that 26 Hutu politicians had asked for protection; members of SAPSD provided this. [12a]

5.41 The international community provided funding for this force although in the absence of a cease-fire agreement between Government and rebel forces the mission was not conducted under the auspices of the UN. [1a][6a] It had originally been proposed that the force would be multinational and that South African troops would be joined by others from Senegal, Nigeria and Ghana with the long term intention that they be replaced by a Burundian force to be composed half of Hutu and half of Tutsi. [6a][12a] However, the detachments from other nations all declined to go to Burundi until a cease-fire is in place. According to its commanders, SAPSD will leave Burundi if the Arusha agreement collapses or they are targeted by any of the warring factions. [12a] In May 2002 the South Africans reported that the SAPSD mandate would be extended for a further six months. [12d] It was reported in August 2002 that two members of SAPSD were amongst the casualties in a rebel attack on the northern outskirts of Bujumbura. [16aw]

PRISONS AND PRISON CONDITIONS

5.42 Conditions in state-run prisons remained life threatening but have improved substantially since 2000 as a result of collaborative efforts of the government, the International Committee of the Red Cross (ICRC), UNHCR and the local human rights organisations Association burundaise pour la Défense des Droits des Prisonniers (ABDP) and Iteka. [2b][5f][5g][16v] This has resulted in improvements in sanitation, hygiene, medical care, food and water which, in turn has resulted in a dramatic reduction in the death rate amongst prisoners. [2b][5g] According to Iteka's 2001 annual report, 144 deaths in total in all of Burundi's prisons were reported in 1999, 85 in 2000 and 79 in 2001. [5g]

5.43 Severe overcrowding continues to be a problem in Burundian prisons. [2b][5g] According to the Government in 2001 there were 9,013 inmates were housed in 11 state run prisons the facilities for which were built to accommodate a maximum of 3,650 prisoners. [2b][5g] During 2001 the Government raised the daily dried food allowance; however, prisoners still relied on family members to provide an adequate diet. According to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. [2b]

5.44 In April/May 1999 the President of the Association Nationale pour la Communication et l'Education aux Droits l'Homme (ACEDH) - the National Association for Human Rights Education and Communication - suggested to the Danish fact-finding delegation that the prison population amounted to around 15,000. This figure was some 5,500 more than a figure given by a representative of the UN Human Rights Observer Mission though the UN source acknowledged the figure he gave did not include an unknown number of detainees held in the country's various detention centres, unofficial prisons and military prisons. [2b][11a]

5.45 Women are detained separately from men; however, juveniles were incarcerated with adults throughout the prison system. Political prisoners often were not held separately from convicted prisoners. Pre-trial detainees generally were held in detention camps; however, some also were incarcerated with convicted prisoners. [2b] In its report covering 2001 Iteka commented that prison conditions remained "very bad" due to overcrowding, deplorable hygienic conditions, poor dietary practices, and a general lack of medicine and health care. [16u]

5.46 The November 1999 Danish fact-finding report referred to comments by the President of ACEDH to the effect that it was extremely difficult to escape from Mpimba prison. [11a]

5.47 In 2001 statistics published by UNICEF documented 199 children in Burundi's prisons. This was almost double the figure recorded by AI in 2000. Of the 199 children in detention 49 had been born in prison whilst the remaining 150 had been incarcerated. The majority (93%) were boys, most (85%) were also aged 15 - 17 (See paragraph 6.92). UNICEF report that the children are frequently detained with the adults leaving them at increased risk of physical or sexual abuse. An employee of UNICEF does however report that the authorities have become more open to the idea of considering clemency for minors and that where possible, such as at Mpimba prison, they have been separated from adults. [16v]

MILITARY SERVICE

5.48 According to AI military service for Tutsi youth, including students was introduced in August 1996. Prior to this there was no official conscription in Burundi; in 1989 the government had written that this was voluntary and open to any young person who applied in writing. In 1997 it was reported that all Bujumbura University students in their first or second year of studies were called up for one year's service in the armed forces. However, at this time the students were reported to comprise of Tutsi. [27] The recruitment of child soldiers continues to be an issue in Burundi during 2001 (see paragraph 6.96). [2b][5f]

5.49 The Danish fact finding mission report published in November 1999 refers to the introduction of civic service in 1996 for all citizens who had completed secondary education irrespective of gender. The duration of civic service is one year and includes three months' military training, after which the remaining period can be spent, for instance, with the gendarmerie, at schools or hospitals or guarding public buildings. [11a]

5.50 A Colonel of the Armée Nationale Burundaise informed the Danish fact-finding delegation in April/May 1999 that those performing civic service were not sent to war zones. However, he added if the bases where recruits were performing their civic duty came under attack they may find themselves involved in conflict. However, these comments were countered by three sources, including a UN Human Rights Observer, who confirmed civic service recruits had in fact been deployed in war zones; there were also reports that some had been killed in war zones in the course of their service. [11a]

Conscientious Objectors and Deserters

5.51 According to the military penal code of 1980, as referred to by War Resisters International in 1998, there is no reference made to imprisonment as a penalty. Instead, the code does refer to '*servitude penale*' which might be imprisonment as well as forced labour in a camp. Desertion in country attracts a penalty of 2 months to 3 years and/or a fine of 4,000 Burundian francs in peacetime up to 10 years in wartime or during a state of emergency. For desertion abroad the penalty ranges from 6 months to 3 years and/or a 5,000 francs fine in peacetime to 5 to 10 years in wartime, in aggravated cases the penalty could rise to between 10 and 20 years. Desertion to the enemy attracts a maximum penalty of 20 years or, in aggravated circumstances, the death penalty. Deserting officers would normally receive the maximum penalty. Anyone imprisoned during wartime would lose their civil rights for between 5 and 20 years. The code does not refer to the right to leave the armed forces as a conscientious objector; the War Resisters publication concludes that any soldier with a conscientious objection would be treated as either a deserter or an insubordinate. Penalties for failing to obey orders range between 6 months and 5 years and/or a 5,000 francs fine in peacetime and a 5 - 10 year sentence during wartime. Refusal to obey orders in front of the enemy may result in a punishment as high as the death penalty. [27]

5.52 The most recent information concerning the evasion of civic service are the Danish fact-finding reports published in November 1999 and January 2000. [11a][11b] As reflected in the November 1999 report the penalty concerning evasion of civic service was in the process of being debated by the National Assembly. There were proposals for an administrative penalty comprising of a two-year ban on admission to university or an alternative of a one-year prison sentence. [11a] The January 2000 report referred to provision for persons due to perform their civic service to apply to the Ministry of Defence for a postponement though it is added a good reason was required to secure such permission. Examples given of circumstances in which civic service might be postponed include applicants with sick relatives abroad, those with parents abroad and those with scholarships to foreign universities. [11b]

MEDICAL SERVICES

5.53 Iteka commented in its report covering 2001 that access to public health care remained a problem during 2001, this was due to a lack of physicians and the means to pay them. Malaria and malnutrition are among the most commonly untreated ailments. The civil war has also damaged public infrastructure including health centres. [16u] However, in June 2002 UNICEF reported that despite continuing fighting in parts of the country, a campaign to vaccinate 3.3 million children up to the age of 14 against measles and to provide polio vaccine and vitamin A supplements to a number of children aged under 6 years were progressing as planned. UNICEF had appealed to Hutu rebels and the government forces to observe "days of tranquillity" to allow for the vaccination of millions of Burundians. [16af]

5.54 During July and August 2002 the authorities faced difficulties in fighting an outbreak of cholera in the northern province of Cibitoke that claimed 215 lives in the space of 7 weeks. A major problem in fighting the outbreak was a lack of water, supplies of which had been cut after the worst hit communes had failed to pay their arrears. [16as] In October 2002 Burundi's Ministry of Health appealed for more meningitis vaccines because of an increase in cases of the disease reported in Gitega Province in central Burundi and Karuzi in the northeast. The WHO reported that 650,000 vaccines paid for by international donors had already arrived in the country. It was reported that the outbreak, which had claimed 56 lives amongst the 688 cases recorded since July 2002, was the worst epidemic in Burundi for 10 years. [16ba]

HIV/AIDS

5.55 In May 2001 Burundi reached an agreement with four pharmaceutical companies to obtain anti-retroviral drugs at a cost of 90 per cent less than in the United States. The companies agreed to provide the long term supplies of the life-prolonging drugs. The agreements were signed as part of a partnership with five UN agencies (World Bank, UNFPA, WHO, UNICEF and UNAIDS). Under the agreements the country would be able to supply a wide range of AIDS drugs at a cost of 700 US dollars per patient per year. Before this price reduction under the new agreement a person living with HIV/AIDS had to pay 12 million Burundi francs (12,000 dollars) each year for the triple-therapy. The agreement reduces the cost to 1.3 million Burundian francs for special drugs and 700,000 Burundian francs for generic anti-retroviral drugs. The Burundian government has pledged to grant tax exemption on all medicines including anti-retroviral drugs. Official figures quoted in the report covering this initiative indicate that at least 360,000 people are living with HIV in Burundi, broken down by gender this represents 11 percent of the female population and 20 percent of the male. [4i]

5.56 In July 2002 the World Bank signed a US \$36-million agreement to support a project geared to support implementation of the country's 2000-2006 action plan to prevent further HIV infections and lessen the impact on those already infected or affected by the disease. The project will come in five components. The first of these at a cost of \$9.3 million is to support a major expansion of the anti-HIV/AIDS activities being implemented by government agencies at the central, intermediary and peripheral levels. The second component, worth \$13.4 million, will aim at stepping up civil society's response to the pandemic. It will do so by "scaling up" existing AIDS control activities managed by grass-roots organisations and communities. This component will also encourage the initiatives of private business to develop and implement prevention, care and support strategies for their employees and families. Money will be channelled directly through grants to associations, religious organisations, private enterprises, NGOs and community-based bodies to cover AIDS control activities. [16an]

People with disabilities

5.57 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. Discrimination against persons with disabilities is a problem. [2b]

5.58 The results of an UNICEF study into the number, category and conditions of handicapped children in Burundi were released in early 2002. It is intended that data obtained will allow UNICEF and partners to better target programmes for the prevention of child handicaps and the treatment and social integration of handicapped people. -

The study revealed that there are 10,577 physically and mentally handicapped children in Burundi, and classified these children into the categories of speech impediment, physical trauma related to the war, mental illness, physical handicap, blindness and deafness. [16t]

EDUCATION SYSTEM

5.59 According to the Europa yearbook education is provided free of charge; however, the US Department of State report published in March 2002 states that the government provides education at a nominal cost through to grade six. Europa also states that education is compulsory whilst the US Department of State says it is not. [2b] 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. [1b] According to International Alert, an international NGO, inequitable distribution of educational resources favours those children in southern and central areas of the country. [2b][13a]

5.60 Access to education is particularly difficult in conflict areas, not only because of the general insecurity but also because armed political groups have repeatedly attacked, looted and destroyed schools in the areas in which they operate or through which they pass. [5g] More than one quarter of the primary schools in Burundi have been destroyed in the war, and many teachers have been the targets of intimidation and killing by rebel groups. [2b][5g] Rebels abducted numerous children and teachers during 2001 and destroyed schools. Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. [2b] In some areas a lack of learning materials has also been reported. [16ax] In early 2002 schools in many areas in Rutana province had been closed due to insecurity. [5g] Between 13 May 2002 and 5 July 2002 there was a nationwide teachers strike; when this ended part of the agreement was that teachers involved would not have any financial or administrative sanctions imposed on them. [16aj]

5.61 Approximately one-third of primary school-aged children attended school in 1999; less than 9 percent

of children aged 13 to 19 years attended school. School attendance rates were lower for girls than for boys. Girls comprised only 44 percent of primary school students and 30 percent of secondary school students. Female illiteracy is a problem. Women have fewer opportunities for education than men do. Only 22 percent of women are literate compared to 46 percent of men. According to the Women's Commission for Refugee Women and Children, school attendance rates for girls are well below school attendance rates for boys and only 25 percent of university students were women. [2b] Liege Iteka also commented in their report covering 2001 that the right to education is largely unrealised, particularly for girls. [16u] However, in September 2002 a report indicated that whereas in the past girls in education were not as successful as boys this was no longer the case and their examination results were on a par with boys. [16az]

5.62 The population of both staff and students at the University of Burundi remains primarily ethnic Tutsi (see paragraph 6.79). Tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. Following the April 2001 and July 2001 coup attempts, some Hutu students left the university when armed Tutsi students appeared on campus. The Government conducted an investigation, but no weapons were found. [2b] 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. [4c]

5.63 In April 2001 it was reported that the academic year, which normally starts in January, had not yet begun at the University of Burundi, due to the ongoing war in the country. There were an inadequate number of teachers as most are thought to have left the country to seek better conditions elsewhere. In addition, students had staged several protests over the living conditions in deteriorating dormitories. None of the graduates from senior high schools have been enrolled at the university over the last three years due to compulsory military service. [4e]

5.64 On 18 September 2001 at least 300 students staged a sit-in at the University of Burundi in protest at the lack of English language teachers. [24c]

6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

Part I

Part II

6. HUMAN RIGHTS

6.A HUMAN RIGHTS ISSUES

OVERVIEW

6.1 In a media briefing issued on 22 September 2002 AI's opening observation was that "Despite the Peace Accord and the inauguration of the first phase of the transitional government, civilians continue to pay a heavy price in the conflict". [5f]

In its annual report covering 2001 the Burundian human rights NGO Iteka commented that the country "remained profoundly affected by massive violations of human rights". In particular the report commented on the poor situation regarding "the right to life, due principally to the continued civil war." The Iteka report also lamented that the installation of a Transitional National Government in November 2001 had not improved the situation. "A large percentage of the population remains sceptical of an improvement in the security situation in the absence of a cease-fire agreement, which remains the major challenge of the Burundi peace process," said Iteka. [16u]

6.2 The UN Special Rapporteur on human rights in Burundi, Mrs Bocoum, concluded a visit to the country on 15 July 2001. Mrs Bocoum stated that the issues of security and poverty were of great concern. Mrs Bocoum also noticed that there had been no improvements in terms of respect of human rights since her previous visit in January 2001. [9f]

6.3 In August 2001 AI issued an appeal to the Government, opposition leaders including those of armed groups active in the country, Burundian civil society and the international community, all of which it identified as having key roles as the country moved towards the transitional period. [5c][16i] In this AI commented that in the main the Peace Agreement provided a legal framework that could provide better respect for

human rights. However, it observed that its negotiation and signature had generated "a spiral of political tension and an upsurge in political violence." [5c] In a previous report entitled "Between Hope and Fear" that was published in March 2001 AI document many incidents of human rights abuses that have occurred since the Arusha peace agreement was signed in August 2000. [5b]

6.4 The transitional Government, which took power on 1 November 2001, inherited a civil war in which both governmental and rebel forces were killing, raping, and otherwise injuring civilians and destroying their property. However, civilian casualties during 2001 were less than during the previous seven years of warfare. In part this was due to the fact that there were fewer large-scale massacres during 2001. [6a]

6.5 Despite President Buyoya's stated commitment to end abuses by the military, numerous abuses continue to be committed for which the perpetrators are not punished. These include acts of torture and extrajudicial killings. [2b][3d][5a][5g] 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. [2b]

Torture

6.6 The Transitional Constitution Act prohibits torture and other cruel, inhuman or degrading treatment or punishment; however, the US Department of State reports that members of the security forces continued to torture and otherwise abuse persons during 2001. [2b] Itaka also stated in their report covering 2001 that torture remained widespread, despite laws against it. [16u] AI claim that the failure of the courts to investigate torture allegations and their willingness to accept confessions obtained under torture encourages abuse. [5f] In addition they report that age is no protection and documented cases where children have been tortured and ill treated. A number of these cases are referred to in the AI report "Poverty, isolation and ill-treatment: Juvenile justice in Burundi" published in September 2002. [5g]

6.7 In October 2001 the Burundian Association for the Defence of the Rights of Prisoners (ABDP), a local NGO, conducted a survey on the use of torture. The survey covered Mpimba prison in Bujumbura and in the provincial prisons and detention centres in Rumonge, Gitega, Rutana, Muramvya, Ruyigi, Bubanza, Bururi, and Ngozi provinces. [2b] Torture methods include beatings with batons and pipes and tying victims with ropes including the tying of arms behind the back for prolonged periods; electrocution, burning, bayonets, and needles are also used. [2b][5a] The ABDP estimated that 45 percent of the prison population have been tortured. [2b] In its annual report covering 2001 AI referred to torture being routine following arrest, sometimes resulting in death. [5a]

6.8 AI report that the use of "incommunicado detention" by the Burundian security forces, including in the detention of children, is widespread. Without access to a lawyer or medical assistance, or to visits by family members, detainees are especially vulnerable to torture or ill treatment, or even disappearance and extrajudicial execution. Incommunicado detention has been used even by government commissions of inquiry, including during investigations into a December 2000 attack on a Belgian passenger aircraft, two attempted coups d'état in April and July 2001 and the November 2001 murder of a World Health Organisation representative in Burundi. In all four cases AI states that some suspects were tortured. [5g]

6.9 The most recent reports of torture in Burundi compare closely with information provided by the President of ACEDH to the Danish fact-finding delegation in April - May 1999. At that time he referred to physical torture involving electric shocks, beating of the arms and legs and burns caused by placing burning plastic bags on the skin and estimated that 50% of prison population were subjected to either physical or physiological torture. However, in the same report a UN representative stated that torture was normally practised before a detainee was put in prison. [11a]

6.10 AI reported in February 2002 that despite the change of government it continued to receive reports of torture at an alarming rate. The human rights organisation states that ill-treatment in the custody of the security forces continue to devastate the lives of hundreds of Burundian people. [5d]

Extrajudicial killings

6.11 According to AI tens of thousands of unarmed civilians have been extrajudicially executed by members of the armed forces in Burundi since 1993. [5g] During 2001 security forces continued to commit numerous extrajudicial killings with impunity. 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. [2b] Between 30 October and 4 November 2001 government forces in Bujumbura-Rural province reportedly massacred at least 93 civilians; AI believed that this was in reprisal to an incident in which combatants believed to belong to the FNL had fired upon an army truck. According to AI, soldiers had opened fire indiscriminately as people worked in the fields before bayoneting to death people who had taken refuge in their homes. [5a]

6.12 In June 2002 AI issued a report expressing concerns regarding an increase in extrajudicial executions within the country, this was based upon information gathered by the organisation during a mission in March

2002. In its report AI stated that in 2002 alone, over 100 unarmed civilians have been extrajudicially executed in a systematic pattern of reprisal killings by government troops during or following so-called counter-insurgency operations. AI stated that they were not aware of any of these killings being investigated, or even publicly condemned, by the highest state authorities. [5e] These killings all occurred between January and April 2002; the human rights organisation has also reported further such killings since April 2002. [5f] AI has also documented cases of mass and indiscriminate reprisals committed with impunity by the Burundian armed forces against the Hutu civilian population in previous reports. [5e]

6.13 On 9 September 2002 at least 173 civilians were killed in a massacre reportedly carried out by the Burundian armed forces in Kanyonga and Kagoma hills of Itaba Commune, Gitega Province. [3d][6a][7k] According to the reports of the incident the region had been the scene of fierce fighting between the army and the CNDD-FDD. Local people had however ignored calls by local administrators and law and order forces to leave the area. [6a][7k] ABP news agency in Bujumbura suggested in one report that some of those who remained behind offered support to the rebels. [a6] The Government announced an investigation in mid September 2002 saying there had been "errors of judgement". At this time the FRODEBU chairman of the parliament's human rights committee, Leonidas Ntibayazi, the first to give news of the massacre, said the armed men who carried out the massacre had ordered people out of their houses and "then told them to lie down and shot them in cold blood". [7j][7k] [38] The head of the Roman Catholic church in Burundi, Bishop Simon Ntamwana, claimed that, while pursuing rebel forces, the soldiers had massacred children, women and old people who had locked themselves in their houses with no justification for their actions. [7j] However, the army denied its soldiers had carried out systematic, cold-blooded killings stating only that "mistakes" had been made in the confusion of the battle. [3d]

6.14 In late September 2002 Ntibayazi was reported to have stated he was convinced the number of dead was higher than the figure reported. He also stated that he did not trust the inquiry commission named by the government and called for an international, neutral, and independent investigation to be carried out into what had occurred. [38] Some reports put the number killed at 183, however the Italian Missionary service news agency, Minsa, reported that on the basis of testimonies collected by its representatives in the days following the massacre at least 1,200 people had lost their lives. [7j][38] In early October 2002 the Burundian authorities arrested two army officers in connection with the massacre. [7k]

6.15 In February 1999 a military court of appeal found one officer and three soldiers guilty of killing at least 54 people in December 1996, the majority civilian women and children. Those convicted were sentenced to prison terms of between one and two years. In September 2001 a soldier was convicted of killing Gabriel Gisabwamana, a Hutu member of the National Assembly who had been shot dead in December 1999 for refusing to accompany soldiers to a military checkpoint. The soldier was sentenced to 18 months imprisonment and fined the equivalent of one US dollar. As he had already spent 18 months in custody he was immediately released. It is however rare for a soldier accused of involvement in human rights violations to be arrested and even more unusual that they are tried. In a press release in February 2002 AI comment that "the few trials which have taken place confirm the impunity of the security forces through the levity of the sentencing and demonstrate the contempt of the security forces for the lives of civilians." [5d]

6.16 During 2001 there were no investigation or action taken against the members of the security forces responsible for killings that had occurred in 1999. The incidents in question were the October killings of 6 civilians by a government soldier at the Ruyaga regroupment site; the July killings by government soldiers of 30 civilians in Kanyosha; and the May killings by government forces of 11 Hutu civilians. There were also no developments in a January 1999 case in which 178 civilians were killed either by rebels or because they were caught in a crossfire between rebels and the army. [2b]

Disappearances

6.17 Human rights groups reported that abductions and disappearances occurred during the year. There were credible reports that abductions increased during 2001; however, no credible overall figures were available. [2b] In their annual report covering 2001 AI reported that persons arrested on suspicion of links with the armed opposition, including children, were often held incommunicado by the military in unauthorised places of detention (see paragraph 6.8). [5a] In September 2002 AI noted in a median brief that "disappearances" from secure custody also continued to be reported. [5f]

Abuses by rebel groups

6.18 Since the signing of the Arusha peace agreement on 28 August 2000 conflict has continued between the government forces two main rebel groups not bound by the peace agreement, the CNDD-FDD and the FNL; this has left hundreds of civilians dead. [1a][5a][a1] Since the signing of the Arusha accord both the Hutu rebel groups have been active and have demonstrated a complete disregard for human rights. [2b] [5a][5e] [5f] However, of the two groups the FNL are reportedly the more active whilst the CNDD-FDD faction led by Nkurunziza is believed to be the largest numerically. [4i][10] Members of both groups deliberately and unlawfully killed and abducted scores of people whom they suspected of collaborating with the government administration or armed forces. [5a] As suggested by the ICG, the rebel groups' self discipline and relationship with the population depends upon whether they have access to external funding. Where such funding is unavailable they will seek to extract necessary resources from the population, wilfully

or forcefully. [10] The rebels also killed civilians who refused to pay them "taxes", both Hutu and Tutsi civilians although sometimes they deliberately targeted Tutsi. [2a][10]

6.19 Throughout 2001, rebels carried out ambushes and attacked numerous buses and minibuses, scores of civilians were killed, often caught in the crossfire; such attacks occurred throughout the country. [2b][5a] Armed opposition groups also conducted ambushes during 2001. AI also reported that during the same period rebel groups had robbed, raped and intimidated local civilian populations and forced people to carry looted possessions or ammunition. Hundreds of children were abducted in Burundi and forcibly recruited by the CNDD-FDD in November 2001; hundreds of others were recruited throughout the 2001 from refugee camps in Tanzania. [5a]

6.20 There are no definitive statistics available on how many civilians have been killed by Hutu rebels. The Government stated that rebels were responsible for the majority of civilian casualties. Rebels also ambushed and killed several members of the clergy during the 2001. In December 2001 FNL forces raided civilian homes in Bujumbura, killing four persons and confiscating medicines, computers, and a motorcycle. [2b]

6.21 On 24 and 25 February 2001, FNL rebels attacked Kinama, a northern suburb of Bujumbura. During the following 2 weeks of fighting, both government and rebel forces allowed civilians to escape; nonetheless, many civilians were trapped and killed. During the fighting, Hutu rebels shelled adjacent Tutsi neighbourhoods, killing and injuring several civilians. The rebels allowed civilians to return to their homes to remove belongings; however, there were credible reports that government soldiers summarily executed civilians who attempted to return, accusing them of being collaborators. A local NGO reported that more than 200 bodies were found after the fighting ended. The UN estimated that as many as 300 civilians may have been killed or injured. [2b][6a]

6.22 Rebels were responsible for many of the disappearances that occurred during 2001 and also the kidnap and rape of women. On 6 November 2001 rebels from the CNDD-FDD abducted 4 teachers and approximately 50 students in grades 4 to 6 from Kirambi primary school in Ruyigi province to serve as soldiers. On 9 November 2001 CNDD-FDD rebels abducted approximately 250 students from Musema high school in Kayanza province and set fire to the school, which was destroyed. The rebels forced the students to transport goods stolen from nearby homes and shops and beat those who faltered en route. Most of the students reportedly were later released; however, the rebels still held some students at the end of 2001. [2b][6a]

6.23 In June 2002 AI issued a report condemning leaders of armed political groups for failing to prevent or even condemn human rights abuses by their combatants and demonstrating indifference to the future of human rights in the country. Aside from accusing rebel groups of unlawful killings AI also criticised them for ongoing use of torture, ill treatment including rape, the recruitment and use of child soldiers and looting. [5e] In October 2002 a spokesman for the Burundian armed forces warned that the CNDD-FDD had had adopted a new tactic of killing local chiefs in their bid to overthrow the transitional government. [16bf]

HUMAN RIGHTS ORGANISATIONS

6.24 Domestic human rights groups received varying degrees of co-operation from government ministries during 2001. The local human rights group, Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. The UN Special Rapporteur for Human Rights visited twice during the year. The office of the UNHCR maintained a three-person observer team, down from nine observers in 1999. The observer reductions resulted from security restrictions following an October 1999 attack on a UN humanitarian mission. [2b]

FREEDOM OF SPEECH AND THE MEDIA

6.25 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, in force since 1987, requires that newspaper articles undergo review by a government censor 4 days before publication. The Government controls the media and harasses and detains journalists. Journalists practice self-censorship. [2b] In April 2001 it was reported that journalists were increasingly demanding that the press laws be revised. [4h]

6.26 The Government restricted freedom of speech during 2001; several people were arrested for allegedly making false statements. On 1 May 2001 the Government prevented the president of the Confederation of Burundi Unions (COSYBU) from giving the traditional Labour Day address (see paragraph 6.52). On June 13 2001 a local administrator and army commander interrogated an expatriate NGO employee and many members of local associations from Kamenge and Kinama. This occurred after they had sent reports to

diplomatic missions and human rights organisations about human rights violations perpetrated by security forces during the February and March 2001 conflict in Kinama and Kamenge. The administrator and commander told them that they did not have the right to discuss human rights abuses in the northern suburbs because the country was at war. [2b]

6.27 No laws or regulations limit academic freedom, and no action was taken against persons at the University of Burundi for what they published or said. [2b]

Media Institutions

6.28 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. The sole opposition newspaper, *La Lumière*, ceased publication in March 2001 (see paragraph 6.32). Political tracts circulated, and two private faxed news sheets, *Azania* and *Net Press*, were published almost daily and representing mainly Tutsi political viewpoints; however *Net Press* ceased publishing for a period of time from December 2001 (see paragraph 6.34). [2b] A new newspaper, *Al Fatwa International*, was launched in April 2001. It is a quarterly newspaper with Muslim tendencies. [17a]

6.29 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 following an agreement in March 2000 with the state run National Communication Council (NCC). [2b][16ap] Citizens were allowed to work as local reporters for foreign news organisations and filed reports regularly. [2b] 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. [18a]

6.30 In March 2001 a new radio station called African Public Radio (Radio Publique Africaine) was launched. It has both Hutu and Tutsi staff members working side by side. In the few months it has been broadcasting the station has secured the highest audience rating ahead of the state radio and private stations. [25a] In September 2001 it was said that there are seven radio stations in Burundi, six of which are privately owned. [4k] Due to widespread poverty and limited literacy, radio remained the most important medium of public information. [2b]

Journalists

6.31 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][3a][3b][9a]

6.32 On 10 March 2001 police barred three journalists from attending an opposition press conference at the international airport. The three, who reportedly held press credentials, were stopped by police nine miles from the airport where a presidential candidate for a coalition of ethnic Tutsi parties was returning to the country; one of the three was physically attacked during the incident. On 12 March 2001 a journalist working for the independent Bonesha FM radio station was detained for 48 hours then charged with violation of Burundian Press Law. His editor in chief was also detained; this incident followed the broadcasting earlier in the month of an interview with the spokesman of the rebel group, FNL, at the time the group occupied an area on the outskirts of the capital. Following protests from several local and international NGOs the two were released after paying fines of approximately US\$ 100; the charges were dropped. [3c][16f][30a] Also in March Burundi's only opposition newspaper, *La Lumière*, ceased publication after publishing a list of the names and provinces of origin of all military officers. The owner of the FRODEBU newspaper, Pancrace Cimpaye, received threats from unknown persons, and as a result decided to cease publishing and chose to go into exile. [2b]

6.33 On 19 October 2001 the director of the private Radio Publique Africaine (RPA) was reportedly detained for one day and beaten at the offices of the Special Investigations Bureau in the capital. The authorities had taken offence at an interview he had conducted with South African military peacekeepers whose arrival in the country the same day was supposed to have been kept quiet. [30a]

6.34 In December 2001 government authorities halted the operations of the faxed newsheet *Net Press* and detained its editor for 1 week pending investigation of allegations of insulting the President and spreading harmful information. Charges against the editor were dropped when his family paid a fine without his knowledge and against his wishes. [2b] The Minister of Communications on 14 January 2002 again ordered the suspension of *Net Press* on the grounds that the news agency had not been observing Burundi's media law. The suspension effectively denied right of the private news agency to publish or post news on its web site. A statement explaining the decision read "For some time now, we have noted that *Net Press* editors and management have not been respecting the media law of March 1997, which stipulates that the media

should avoid publishing information that is subversive, defamatory, abusive, false or even lies that are published with the sole aim of disturbing the prevailing situation in the country". However, the suspension was lifted on 23 February 2002. [16s]

6.35 In May 2002 the NCC banned local media from interviewing anti-government dissidents waging war in various parts of the country, the official *Agence burundaise de presse* (ABP) reported. According to the NCC's president, Jean-Pierre Manda, it was clear that the broadcaster had revealed defence secrets about preparations for an army operation in Bubanza Province. Manda added that he was "particularly concerned" by several errors made by reporters, and accused them of aggressive behaviour, lack of respect, vulgarity, vendettas and the invasion of people's privacy. The result, Manda said, was often the publication of false information that "often went uncorrected". The measure reportedly followed Defence Minister Cyrille Ndayirukiye's complaint to the NCC that the local *Radio Publique Africaine* had been compromising state security by broadcasting details of planned military operations against the rebels. [16y]

6.36 Responding to this development the local human rights organisation, Iteka accused Ndayirukiye and the state prosecutor of issuing threats at a meeting with journalists on 16 May 2002. Iteka termed the development a restriction of civil liberties and demanded that the government revise all the injunctions imposed at the 16 May 2002 meeting, that it allow the media to inform the public freely on the peace process, and that it permit all the protagonists in the conflict to express themselves freely. [16z]

6.37 On 1 August 2002 the Burundi Journalists' Association (BJA) appealed to the NCC to lift a ban that it had imposed on the Bujumbura periodical, *Panafrika*, the previous day for publishing what the NCC had described as extremist and subversive material. According to Net Press news agency the BJA termed the ban as deplorable, "given the fact that this monthly newspaper was practically the only remaining privately owned newspaper that had resumed publication". The NCC imposed the ban, because, it said, the newspaper had carried a lengthy interview with a politician who had advocated threats, violence and chaos. In addition, the NCC said, *Panafrika* had shown bias in favour of a particular ethnic group in order to exploit ethnic fears, set Burundians against one another, stir up hatred, and drive people and some state institutions into the throes of anarchy. [16ap]

FREEDOM OF RELIGION

6.38 The Transitional Constitutional Act provides for freedom of religion, and the Government respects this right in practice. In their practice of religion, citizens generally tolerate other religions. Disputes between religious groups are rare, apart from minor disagreements over competition for followers. Since September 2000 Catholic Bishops drew up a joint message calling for dialog and compromise to end conflict, and the message was read in Catholic churches throughout the country. [2c]

6.39 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. While there is no law that accords tax exemptions to religious groups, the Government often waives taxes on imported religious articles used by churches and also often waives taxes on the importation by churches of goods destined for social development purposes. These exemptions are negotiated with the Finance Ministry on a case-by-case basis, and there is no indication of religious bias in the awarding of such exemptions. [2c]

Religious Groups

6.40 According to figures contained in Europa publications 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' and about 1% of Muslims. The Bahá'í Faith is also active in Burundi. [1b] Whilst concurring with some of these figures, the US Department of State report on International Religious Freedom issued in October 2002 also contained some significant differences. Unofficial estimates based upon information from local religious officials suggest that an estimated 60% of the population in Burundi are Roman Catholics, the largest concentration of whom are located in the centre and south of the country. However, the report also refers to a Muslim leaders estimate of up to 10% of Muslims in Burundi, mostly living in urban areas. [2c]

6.41 The US Department of State report also states that the rest of the population either belong to other churches, follow indigenous religions or have no affiliation. In recent years, there has been a proliferation of small indigenous groups not affiliated with any major religion, some of which have won adherents by promising miracle cures for HIV/AIDS and other ailments. Foreign missionary groups of many faiths are active in the country, including Bahais, Baptists, Jehovah's Witnesses, Pentecostals, the Society of Friends, and Seventh-Day Adventists. [2c]

6.42 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] On 22 April 2002, members of the Bujumbura Muslim community wrote a letter of complaint to the Interior Minister regarding alleged fraud in recent mosque elections; the Government have opened an investigation into this. [2c]

6.43 In April 2001 the Government arrested the leader of an indigenous religious group and closed down his church after the leader's claims to divinity led to repeated clashes with a rival leader's adherents; the leader was subsequently tried, acquitted and released; his church was reopened. The Government claimed to have been motivated by concern for public order rather than religious bias. [2c] There are strong suggestions that millenarist religious movements and some local Adventist churches are involved in the funding of the FNL rebel group. [10]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.44 The Government restricts freedom of assembly; although the Transitional Constitutional Act permits political demonstrations, the Government does not permit them in practice. During 2001 the Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process. [2b]

6.45 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. [7c] On 19 August 2000 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. [5b] [9c]

POLITICAL ACTIVISTS

6.46 Political parties operate under significant constraints and during 2001 the government arrested members of political parties. The Transitional Constitutional Act permits political parties to operate; however, the Government places restrictions on groups critical of its policies. [2b] Developments regarding the implementation of the Arusha peace agreement and the establishment of the Transitional Government during the latter part of 2001 resulted in a number of political figures who had been living in exile returning to Burundi and taking up various positions within the Transitional Government. [8e][18i] However, following the inauguration of the new Government some leaders also remained outside Burundi citing fears for their security. [15b][36a][36b]

6.47 The Government holds political prisoners. According to the US Department of State an international organisation estimated that up to 2,000 of all convicted inmates were being held for political crimes; however, no reliable figures are available. Charges against defendants convicted for non-political crimes are sometimes politically motivated. The 2000 peace agreement, which has not been implemented fully, calls for the creation, within 30 days of the installation of the transitional government, of a commission to investigate and make recommendations on the existence and release of any political prisoners. In December 2001 a commission of international legal experts arrived in Burundi to examine the judicial system and to identify political prisoners. [2b]

6.48 Demonstrations against the peace process were organised by PARENA and other Tutsi dominated parties during 2001. [5a][16m] The authorities prevented some such demonstrations from taking place; scores of PARENA members were detained for short periods. [5a] PARENA intended to stage one such protest march on 1 September 2001 but security forces surrounded party offices and the homes of the main party cadres early that morning and prevented the march from taking place. [16m][18d] On 15 September 2001 police were reported to have stopped a protest march planned by the pro-Tutsi PARENA Party. Police arrested around twenty people. [18f]

EMPLOYMENT RIGHTS

6.49 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 require persons to perform regular night watches. [2b]

6.50 The Labour Code states that children under 16 cannot be employed by "an enterprise" even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. [2b][5g] In practice children under the age of 16 in rural areas

undertake heavy manual labour in the daytime during the school year. The World Bank reported that approximately 48% of children between the ages of 10 and 14 years worked in 1999. Children are prohibited legally from working at night, although many do so in the informal sector. Most of the population lives by subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector. The law prohibits forced and bonded labour by children; however, during 2001 there were reports that it does occur. [2b]

Trade unions and the right to strike

6.51 The Labour Code provides workers with a restricted right to strike. The restrictions on the right to strike and to lock out include: All other peaceful means of resolution must be exhausted prior to the strike action; negotiations must continue during the action, mediated by a mutually agreed upon party or by the Government; and 6 days' notice must be given. The Ministry of Labour determines if strike criteria have been met. The law prohibits retribution against workers participating in a legal strike. Unlike in the previous year, there were no arrests of union leaders or members during 2001. The Tutsi dominate the unions and also the formal sector of the economy. [2b]

6.52 COSYBU president Pierre-Claver Hajavandi and his brother Raphael Horumpende, who were arrested in 2000 and accused respectively of organising a general strike and involvement in a grenade attack, were released during 2001. However, on 1 May 2001 the Government prevented Hajavandi from giving the traditional Labour Day address, and the Government held elections for a new president of COSYBU. Hajavandi was re-elected; however, the Government declared the elections illegal and prevented him from representing COSYBU at the International Labour Organisation (ILO) annual conference. The Transitional Government, which was inaugurated in November 2001, recognised Hajavandi as COSYBU president. ILO has cited the Government for several violations of ILO Convention 87 on freedom of association. The Committee of Experts has expressed specific concern about the denial of trade union rights for public servants and juveniles, the election of trade union leaders, and the rights of unions to organise, administer activities, and defend the interests of their members; unions are able to affiliate with international organisations. [2b]

Equal Employment Rights

6.53 By law women must receive the same pay as men for the same work, but in practice they do not. Women are far less likely to hold mid-level or high-level positions. In rural areas, women traditionally perform arduous farm work and marry and have children at an early age. [2a]

Child Labour

6.54 The Labour Code states that children cannot be employed by "an enterprise", even as apprentices, although it also states that they may undertake occasional work that does not damage their health or interfere with their schooling. In practice children under the age of 16 in rural areas undertake heavy manual labour in the daytime during the school year. The World Bank reported in 1999 that approximately 48 percent of children between the ages of 10 and 14 years worked. Children are prohibited legally from working at night, although many do so in the informal sector. Most of the population lives by subsistence agriculture, and children are obliged by custom and economic necessity to participate in subsistence agriculture, family-based enterprises, and the informal sector. [2b]

PEOPLE TRAFFICKING

6.55 The law does not prohibit trafficking in persons. There were no reports of trafficking in persons, to, from, within, or, through the country during 2001. [2b]

FREEDOM OF MOVEMENT

6.56 The Transitional Constitutional Act provides for the freedom of movement although the Government restricted this right in practice. In 2000 the Government discontinued its forced regroupment policy that had required approximately 330,000 Hutu from Bujumbura-Rural province to live in government-controlled camps; there were no reports of forced regroupment during 2001. [2b] However, in 2002 an AI report suggested a possible re-emergence of the practice in some southern areas of the country (see paragraph 6.82).

Identity Cards

6.57 The authorities issue identity cards, these are issued in the district where the applicant lives. [11b]

Immigration and Embarkation

6.58 During 2001 the majority of citizens could travel legally in and out of the country. [2b] Passports are issued by the *Police de l'Air, des Frontières et des Etrangers* (PAFE). The office in Bujumbura is the only place in Burundi where a passport application can be submitted; applications must be submitted in person. The Danish fact-finding mission report published in January 2000 contains information provided by the Director-General of PAFE. According to this an applicant for a passport must state a reason for their journey in order to obtain a passport and provide documentary proof that they intend to travel. Passports may not be issued to criminals with a case pending against them; young people who have not performed their civic service may only obtain passports with the permission of the Ministry of Defence. [11b] A previous Danish report issued in November 1999 had contained conflicting information on this point. [11a] It was acknowledged by the official that passports could be obtained by illegal means. [11b]

6.59 There is no exit permit required to leave Burundi. A free-lance journalist for Reuters based in Bujumbura advised the Danish fact-finding delegation in September 1999 that, in his view, it would not be possible to depart from the International Airport against the wishes of the authorities and that staff working at the airport are not open to bribery. Regarding voluntary returnees the same source observed cases where persons had been arrested after a stay abroad. This, he said, occurred where the authorities suspected support or co-operation with the rebels in Burundi. [11b]

6.60 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. Leave to remain could be extended at the immigration offices within the respective countries. The visa requirement would no longer be considered necessary if the security situation were to improve in the region. [35a]

6.61 Unlike in 1999 the US Department of State was not aware of any incidents where the authorities restricted foreign travel for political reasons during 2000 or 2001. [2a][2b] The Government has not used forced exile as a means of political control. However, in its report covering events during 2001 the US Department of State noted that 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. [2b] Following the July 2001 agreement to start the Transitional Government there have been reports of a number of opposition politicians returning to Burundi (see paragraph 6.46). [2b][8e][18i]

Security situation

6.62 Since 1993 the country has suffered from a civil war that has caused thousands of civilian deaths and mass internal displacement. Media and NGO reports indicate that more than 200,000 persons, mostly civilians, have been killed in ethnic violence since October 1993; however, the source of this figure is unclear. One international NGO estimated the number to be between 100,000 and 120,000. [2b] Another source puts the number of dead in excess of 250,000. [19c]

6.63 Travel within the country is possible but can be hazardous in areas of rebel activity, particularly in parts of Bujumbura-Rural, Bururi, Rutana, Ruyigi, and Makamba provinces. [2b][16aa] Iteka commented in its annual report covering 2001 that freedom of movement remains "seriously compromised" as a result of the insecurity within the country. The report notes that humanitarian assistance has suffered, as certain areas of the country have been inaccessible. [16u] During 2001 insecurity in rural areas was cited by the Government as a reason for denying access to some areas of the country to human rights observers as well as journalists and international relief workers. [2b] The FNL reportedly tax Bujumbura businessmen who need to use roads in areas they control in order to transport goods into the countryside. [10]

6.64 There were a number of urban bombings during 2001. In August 2001 several persons were killed and injured in a grenade attack in the market of Kinama; a grenade also was thrown in a restaurant in Bujumbura. No suspects were identified by year's end. The Chief Prosecutor stated that the Government would create special ad hoc committees composed of police officers and magistrates to investigate each incident; however, no action had been taken to establish such committees by the end of 2001. No suspects were identified by year's end for several hand grenade attacks carried out during 2000. [2b]

6.65 AI reported in June 2002 that an increase in armed conflict in Rural Bujumbura in 2002 has seen a corresponding increase in the killing of unarmed civilians both by the armed forces and the FNL. In the same report AI also documented a number of killings in Bubanza province where the CNDD-FDD and the armed forces have been responsible. [5e] On 4 and 5 June 2002 suburbs of Bujumbura were shelled; according to some reports there were simultaneous attacks from boats on Lake Tanganyika and the hills north of the capital; it was suggested that this could have been a joint operation involving both the CNDD-

FDD and the FNL. [12d] Exchanges of fire between the army and FNL rebels at this time had reportedly led residents of Bujumbura's northern suburbs to temporarily flee their homes. [16ac]

6.66 Violence increased during July 2002 as rebels reportedly spread from the south east of the country in an advance on Bujumbura. On 17 July 2002 an army spokesman claimed 200 rebels had been killed along with 12 government troops. Meanwhile, several people were reportedly killed in the capital as a result of shelling, believed to have been carried out by the FNL. It was also reported that two columns of fighters from the CNDD-FDD had entered Burundi from Tanzania, burning houses and looting as they went. [12h]

6.67 In Late July 2002 an army spokesman said that the security situation was continuing to improve nationwide, although Hutu rebels are still active in the provinces of Gitega, Muramvya and Bujumbura Rurale. Net Press quoted him as saying that between 100 and 150 rebels had attacked Gitega, Burundi's second-largest city, on 22 and 23 July 2002, killing two people. However, the military's optimistic outlook contrasted with that of the UN, the OCHA office of which referred to a deteriorating security situation in the eastern and southern provinces. NGOs were warned that the UN security cell would not be in a position to extract NGOs or any personnel who became trapped in areas with no escape routes. OCHA strongly advised that NGOs take preventive measure, such as having sand or earth bags and some tools to dig holes or trenches." [16am] At the end of July 2002 Reuters reported that the rebels shelled high-density districts of Bujumbura. Ongoing rebel activity was also reported in Bujumbura Rurale Province as well as the provinces of Gitega, Karusi and Kayanza though in the latter three areas rebel forces were said to be much weaker and operating in small groups so as to avoid contact with the army. [16ao]

6.68 On 25 August 2002 an FNL attack on the northern outskirts of Bujumbura was reported to have resulted in the death of eight civilians, two members of the armed forces and 30 rebels. Five of the civilians were killed when a grenade exploded in their home, and the other three died after being hit by stray bullets. [16aw] In October 2002 it was reported that the army had launched an offensive against the Nkurunziza's faction of the CNDD-FDD in the Kibira forest, north east of Bujumbura and that two rebel command posts had been destroyed. [16bf]

6.69 As observed in an IRIN report in July 2002 both the FNL and CNDD-FDD have their reasons for not ending the war. The FNL and the faction of the CNDD-FDD led by Nkurunziza allege that Buyoya's government is avoiding direct talks with them, and is instead involved in "pseudo-negotiations" with non-belligerent groups. But Cyrille Ndayirukiye, Burundi's Defence Minister, says the FNL rebels do not want a negotiated ceasefire, because they believe this would be tantamount to conceding defeat. The divisions within the rebel groups constitute another obstacle to ceasefire negotiations. [16ak] During the negotiations in Arusha President Buyoya did not authorise a major offensive against the rebels but, immediately after the July 2001 summit that named him the leader of the transitional Government, the military began to prepare for a serious war against the rebels. [10]

Bujumbura curfew

6.70 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. [7a] It started at 2200 and continued until 0500 in the morning. [4a] On 23 December 1999 the curfew was eased, to start at midnight. [7a] Two weeks of heavy fighting between the Burundi army and the FNL, took place in February 2001. [16g] On 4 March 2001 the curfew was again re-adjusted in the capital so as to commence at 2000 and run through to 0600; this was as a precaution against further rebel attacks. [9e][16e] Further fighting between the FNL and the army and police, was reported throughout September 2001. [18h][24b] At the end of 2001 the US Department of State reported that the curfew times for Bujumbura was between 11.00pm and 5.00 am. [2b] Despite numerous attacks on the fringes of Bujumbura, the Hutu rebels have never managed to reach the city centre. [16ac]

Recognition and treatment of refugees from other states

6.71 The Government of Burundi has granted first asylum in recent years. There were no reports of the forced return of persons to a country where they feared persecution during 2001. [2b] In mid October 2002 Burundi was reported to be continuing to receive refugees fleeing fighting in the DRC. Reports suggested more than 7,000 people had crossed into Burundi; only armed people attempting to cross the border were being denied entry. [16bf]

6B. HUMAN RIGHTS - SPECIFIC GROUPS

ETHNIC GROUPS

6.72 The population of Burundi is composed of three ethnic groups, the Hutu (85%), the Tutsi (14%) and the Twa (1%). [1a][39] During 2001 the Government failed to implement effectively the provisions of the

Transitional Constitutional Act covering equal status and protection for all citizens. [2b] There is a history of ethnic tensions between the majority Hutu and minority, but traditionally dominant Tutsi; there have resulted in many incidents of violence. [1b] Incidents of ethnically motivated property destruction and killing occurred throughout the country in 2001. [2b]

Hutu/Tutsi relations

6.73 Burundi's majority ethnic Hutu and minority ethnic Tutsi populations have violently competed for power for 30 years. A relatively small number of Tutsi elite, primarily from the south west province of Bururi, have dominated the country's politics and military since national independence in 1962. Military crackdowns led to the slaughter of hundreds of thousands of Burundians during the 1970s and 1980s. The targeted victims were overwhelmingly Hutu. [1a] In 1993 democratic elections led to a first Hutu president. His assassination the same year resulted in incidents of violence and killings of both ethnic groups. The civil war that has continued since then has seen further ethnic killings on both sides. In 1996 power shifted back to the Tutsi elite following a coup. [1a][1b]

6.74 During 2001 the Tutsi-dominated government and army reportedly discriminate against Hutu, 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. Northern and eastern Tutsi also have a more difficult time acceding to positions of power. The Vice President and 15 of the 26 cabinet ministers are members of the G-7 Hutu-based political parties. However, the President and the Tutsi-dominated army retained their dominance in decision making and do not share power equally with Hutu members of the government. [2b]

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

6.76 Incidents of ethnically motivated property destruction and killing continue to be reported throughout the country. [2b][5f][5g] There is a view, as reflected in the ICG's August 2002 report, that the rebel groups receive support from Hutu peasants; however the report also observes that accusations of extortion and banditry against the rebels' are inconsistent with attempts to garner popular support from this section of Burundian society. [10] One positive development during 2001 was the emergence of a new radio station, the RPA, which was particularly influential in advocating ethnic reconciliation and employed both Hutu and Tutsi staff. RPA struck a national chord quickly becoming Burundi's most listened to radio station. [30]

Mixed marriages

6.77 The Danish fact-finding report published in January 2000 contains information suggesting that ethnically mixed marriages could cause problems for those involved at times of particular tension. The President of Iteka referred to the period 1994-95 when his organisation helped many people in mixed marriages to flee the country. He explained that at this time individuals in mixed marriages could be seen as belonging to either ethnic group irrespective of their identity. It was suggested that in crisis situations parties in ethnically mixed marriages could be seen as siding with the other ethnic group. The Iteka president also commented that tolerance for a mixed marriage is less in Hutu dominated areas of the countryside. [11b]

6.78 In addition the January 2000 report referred to potential problems with families not accepting a mixed marriage. One reason given for this was a fear of reprisals by extremist elements of either ethnic group. Children of mixed marriages assume the ethnic group of their father but may also face problems with Hutu or Tutsi extremists. Threats by such groups for both the children and their parents include harassment and in some cases beatings or even killings. The report did however note that during the previous mission in April - May 1999 no sources, including those from human rights organisations, had identified persons in ethnically mixed marriages as being at particular risk. [11a][11b]

Access to education

6.79 The Danish fact-finding mission report published in November 1999 contained contrasting information regarding discrepancies in Hutu and Tutsi access to education. A western diplomatic source met by the delegation in April/May 1999 considered, at that time, that it was generally difficult for Hutu to get an education. The same source observed that, at that time there were only 400 Hutu amongst 6,000 university students. However, an anonymous FRODEBU member of the National Assembly did not consider there to be any general discrimination against Hutu students at the country's university. [11a] In 2001 the US Department of State reported that the population of both staff and students at Bujumbura University

continued to be predominately Tutsi. [2b]

6.80 Research conducted over five years by Tony Jackson, a policy advisor with International Alert, suggested that the geographical factor is even more important than ethnic identity. In April 2002 he reported finding that two thirds of the education effort went into the southern third of the country. He points out that education in Burundi is not a hermetically sealed system where if you are a Hutu you cannot come in. He explained that everyone from a particular area can go to the same school so, a southern Hutu would receive a better education in the same way as a southern Tutsi would. He noted that some of the main opposition leaders, including one rebel leader, are all from the same southern area as Buyoya and the former presidents from the south. [13a]

The Twa

6.81 The Twa (Pygmies), also sometimes referred to as the Batwa, 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. [1b][2b] Most Twa live in isolation, without formal education, and without access to government services, including health care. [2b]

6.82 The percentage of minorities in government or politics does not correspond to their percentage of the population; however, there are no laws that restrict the participation of minorities in the political process. Approximately 1 percent of the population is Twa (Pygmies), but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly, and three are members of the Senate. [2b] In May 2002 the appointed Twa member of the national assembly, Senator Jean-Bosco Rutagengwa, was amongst eleven people killed when rebels ambushed two minivans close to Bujumbura; he was not thought to have been a specific target. [16aa]

6.83 In early August 2002 a three-day seminar aimed at informing members of Burundi's minority Twa community on their human rights, democracy and the country's peace was held in the province of Gitega. The seminar briefed the participants on the country's political problems and how they could, as citizens, play a greater part in Burundi's affairs and the search for peace. The seminar brought together 60 Twa from the provinces of Gitega, Karusi and Mwaro, and representatives of Gitega organisations involved in efforts aimed at "fully integrating" the Twa into Burundian society. Discussions centred on issues pertaining to human rights, "the real life" faced by the Burundian Twa, and the meaning of democracy. A Twa student claimed on Radio Bonsha "Most of our rights have been violated, including the right to land, the right to education, the right to health." [16aq]

WOMEN

6.84 No legal restrictions hinder the participation of women in elections or politics, although women are underrepresented in government and politics. Of the 26 cabinet seats, women fill four. [2b][16az] However, in September 2002 Burundian women leaders have said they were satisfied with the progress they are making and are looking forward to obtaining more leadership positions in the country's institutions. This was a reference to the Arusha agreement that allocated 30% of cabinet posts to women. Though yet to be implemented, provision for this improvement in representation was been achieved after women had mounted an aggressive diplomatic campaign to convince Burundian politicians that not only should there be a balance between political groupings, but also that the gender angle be taken into account. However, women leaders signalled that they saw this as a first step and aim to achieve better representation. [16az] Several local groups' work in support of women's rights; these include Burundi and Women United for Development and the Coalition of Women's Organisations and NGOs (CAFOB). [2b][16az]

6.85 Domestic violence against women is pervasive; however, inadequate data make it impossible to quantify. Wives who suffer with physical abuse have the right to charge their husbands but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women. The law does not specifically prohibit domestic violence; however, persons accused of domestic violence can be tried under assault provisions of the law. No known court cases have dealt with the abuse of women. The Government rarely investigates such cases, and prosecutions are rarer still. According to Iteka, many Burundian women are beaten by their husbands, forced out of their homes, denied basic food necessities, and denied freedom of movement. [2b] In April/May 1999 the Minister for Human Rights informed a Danish fact-finding delegation that he did not consider violence against women within the family to be a particular problem in Burundi though he acknowledged the family was traditionally male dominated. [11a]

6.86 Members of the security forces and armed rebel groups are repeatedly accused of sexual violence against women and young girls. [2b][5g] According to the US Department of State there were credible reports that soldiers raped women almost nightly in the months following the fighting between security forces and rebels in February and March 2001. In April 2001 in Kinama, three soldiers and a civilian raped an 80-year-old woman. In July 2001 also in Kinama, two soldiers raped a 12-year-old girl during a robbery. On 9 July 2001 a group of civilians killed a soldier who had threatened to rape a woman; no action reportedly was taken against the civilians responsible by the end of 2001. [2b]

6.87 Prostitution is a problem. According to the Women's Commission for Refugee Women and Children, the ongoing conflict has forced many women into prostitution to feed their children. Increased prostitution has contributed to the growing incidence of HIV/AIDS. [2b]

6.88 Women face legal and societal discrimination. In particular discriminatory inheritance laws and credit practices continued during 2001. [2b] In April/May 1999 the Minister for Human Rights acknowledged to a Danish fact-finding delegation that women's right to inherit property, including land, was limited by traditional laws. [11a] In its annual report covering 2001 Itaka also referred to violations of women's rights in respect of land ownership and protection following divorce. [16u]

CHILDREN

6.89 The definition of a child under Burundian law varies. Under Civil law, a child reaches the age of majority at 21; a child under the age of 16 may not be employed; however the age of marriage is 21 for men and 18 for women. The age of electoral majority is 18. The age of criminal majority is lower and the Penal Code states that in this respect it is reached at 13. Although in recognition of the diminished responsibility of a child, provision is made for reduced penalties for convicted defendants' aged between 13 and 18 at the time of the offence. Under Burundian law, no child under the age of 13 may be detained. Despite increasing sensitivity towards respecting this principle, children younger than 13 are still being detained, particularly by the police and gendarmerie. [5g]

6.90 According to statistics from UNICEF published in April 2002 regarding the 150 children incarcerated in Burundi's prison's, crimes that they were accused of included theft or extortion (62%), murder or manslaughter (almost 11%) and rape (10%). Just under 5% were charged with participation in armed groups and a similar number with plotting a massacre. The majority (85%) were between 15 and 17 when first arrested whilst a further 11% were aged 13 - 14. A total of 97% of the children in detention were from Burundi with the remainder from the DRC. [16v] AI reported in September 2002 that some children in detention were arrested in violation of arrest and detention procedures. Some were reportedly tortured after their arrest; some have been detained for up to three years without trial. Few children who have been tried have benefited from legal counsel. AI also observes that children are also vulnerable to sexual abuse and exploitation while in prison. [5f] In addition to the child detainees approximately 50 babies, and infants live with their mothers in prison. [5g]

6.91 The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children. [2b] The armed conflict and the related human rights and humanitarian crises in Burundi has particularly affected children. Their most basic civil, political, economic, social and cultural rights have been routinely and massively violated by government security forces, as well as by armed political groups. [5g] Many child victims in the civil war have lost family members and witnessed violence. [2b] Nearly ten years of war have left more than 25,000 additional orphans in Burundi and some 12,000 unaccompanied Burundian children living as refugees in Tanzania. [a1]

6.92 The ongoing conflict and increasing prevalence of HIV/AIDS has increased the number of orphans, which has resulted in an increase in the number of street children. [2b] An estimated 250,000 children have been orphaned because of the AIDS epidemic. [a1] Teenage prostitution is also a problem. In 2000 the Government began a campaign to reduce underage prostitution. [2b] In March 2000 police arrested teenage girls from a club and detained them for several days; 20 were fined for prostitution. [2a] Humanitarian organisations in Burundi estimate that approximately 50% of Burundi's children are severely malnourished. [5g]

CHILD CARE ARRANGEMENTS

6.93 In July 2002 it was reported that as part of a World Bank funded project to combat HIV/AIDS, orphans would be integrated into society through placement with extended family. The objective of this was reported to be to raise the standard of basic education, social integration, and nutrition for the most vulnerable groups of orphans to that enjoyed by other children in the community. Under the same project it was announced that orphans would receive subsidised education up until the age of 16. For the purposes of the project orphans are defined as children up to 16 years old who have lost one or both parents. This definition was used to avoid stigmatising orphans of HIV/AIDS. [16an]

Child Soldiers

6.94 The government and UNICEF signed an understanding in October 2001 to demobilise child soldiers. [16ab] Shortly after taking power the new Transitional Government signed the optional protocol to the Convention on the Rights of the Child, this establishes that 18 is the minimum age for forced recruitment, conscription, or participation in armed conflict. This confirmed an order of the outgoing government that children under 18 should not be recruited into the army. [6a] In spite of this, observer's report that children below the age of 18 remain in the military. [2b][5f]

6.95 All parties in the civil war have recruited thousands of child soldiers. [2b][5f] Some children act as fully-fledged combatants; others are used as lookouts and informants, or for menial duties. [5f] Some such children are more than 15 years old and are called *doria* or *doriya*, which translates as "ear agent" in Kirundi. [16ab] [37a] The children initially generally graduate from what amounts to household chores to full integration into the military environment. [37a] According to estimates from the international NGO, Coalition to Stop the Use of Child Soldiers, there are some 14,000 Burundi child soldiers. [16t] This is the highest estimate reported and AI suggest that reliable information regarding the full extent of the involvement of child soldiers in Burundi's armed conflict is difficult to obtain and no true figure is known. [5f]

6.96 A regional grant from the Belgian government enabled the United Nations Children's Fund (UNICEF) to launch a child-soldier demobilisation and reintegration project in Burundi early in 2002. The grant also enabled the agency to hire a consultant to assess the situation, develop a plan of action and initiate the demobilisation and reintegration of child soldiers. [16t] During 2002 the Burundi army, government and military leaders demonstrated a willingness to deal with the issue of child soldiers. The Ministry of Defence arranged discussion on 28 May 2002 between the child soldiers; army units in which they were serving, UNICEF project staff, and "focal points" from each ministry concerned with the issue. [16ab]

6.97 UNICEF subsequently reported that the child soldiers in the army considered themselves "well looked after", in comparison with many other children in the country and believe they have "better food, have access to medical care and feel they belong to families that care about them." It was explained that many children fled to military posts during the mass killings of 1993 and later periods of violence. Others went to the army in search of food or were simply attracted by the glamour of being a soldier. Many served as cooks, porters and spies. Recounting how they had come to join the army, many children said they had run away during attacks that killed their brothers, sisters, mothers and fathers. With no place to go, they had sought safety and food in the army. Soldiers who had participated in the discussions said the children presented a dilemma for them, because they felt compelled to help the children, yet could not look after them properly. The discussion revealed that neither the children nor soldiers knew how to seek help. UNICEF said the challenge was to find practical solutions to the "complex set of problems" facing these child soldiers, known locally as *doriya*. [16ab]

6.98 AI also reports that many children have also been recruited into the Gardiens de la Paix. [5f] There were credible reports that during 2001 the Gardiens de la Paix recruited children to provide a quasi-police presence in public places such as markets; some of these children reportedly were sent to the front lines. [2b]

6.99 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. [37a]

HOMOSEXUALS

6.100 According to the AI publication "Breaking the Silence", 1997, homosexuality is not punishable as such under Burundian law; however it is punishable as an "immoral act". [28]

6C. HUMAN RIGHTS - OTHER ISSUES

INTERNALLY DISPLACED PERSONS (IDP's)

6.101 Within Burundi there are in excess of 500,000 people displaced as a result of violence and armed conflict. [2a] The displaced fall mainly into the categories known in Burundi as *déplacés*, "displaced people" and *dispersés*, "dispersed people". [5a]

6.102 *Déplacés* are predominantly members of the Tutsi ethnic group who have fled since 1993 to camps protected by the military and never returned home. [2a][5g] According to the UN there were more than 353,000 IDP's living in 212 sites at the end of 2001; this represents approximately 5 percent of the total population. [2b] Approximately 200,000 children live in camps for the displaced. Conditions in camps for the displaced vary, but are generally described as harsh and in some cases appalling. In some cases IDP's do not have access to clean drinking water and sanitation facilities even after many years. [5g] Soldiers did not restrict the movement of residents of IDP camps during 2001. [2b] There have previously been reports

of abuses against IDP's by the soldiers that guard the camps; however, there were no reports of any abuses committed against IDP's during 2001. Camp inhabitants often were required to perform labour for the soldiers without compensation. [2b]

6.103 Dispersés are predominantly members of the Hutu ethnic group, who have fled their homes but sought shelter away from camps and the military whom they perceive to be a threat rather than a source of protection. [5g] Approximately 200,000 IDP's lived outside displacement sites during 2001, either staying with friends, families or on their own. [2b][1a] Some persons who remained outside the sites reportedly were killed both by Hutu rebels, allegedly for collaborating with authorities, and by the armed forces on suspicion of collaborating with the rebels. [2b] Approximately 100,000 persons fled their homes during the 2001. [2b][1a] Some IDP's lived beyond the reach of aid programmes. [2b] In some conflict areas, particularly in the south, AI reported in 2002 that some displaced Hutu populations have been prevented by local government authorities or army commanders from returning freely to their land in what appears to be a continuation of the notorious regroupment policy (see paragraph 6.81). [5g]

6.104 In April 2001 President Buyoya launched a national security task force to develop internal security mechanisms and announced a three-year plan to build houses and other basic infrastructure for 1.2 million Burundians affected by the war. However, the Burundian media remained sceptical about whether the Government would fulfil these promises. [30a]

6.105 During the teachers strike between May and July 2002 IDP's were permitted to shelter in schools in some parts of the country. When the strike ended it was reported that in at least one commune in Bujumbura Rural province the IDP's would be able to continue with this arrangement but would have to vacate the premises during the day. [16aj] At the end of August 2002 the Burundian state-owned news agency, ABP, reported that least 32,000 people in the central province of Gitega were in distress and in urgent need for humanitarian supplies. [16ax] AI reported in September 2002 that the humanitarian consequences of mass and prolonged population displacement are worsened by the systematic looting of crops and destruction of property, which is carried out by armed political groups and government forces. The international human rights organisation reported persistent allegations from the rural displaced claiming organised population displacement by government troops at times of harvest. When they are allowed to return to their homes, their crops are gone. [5g]

Regroupment camps

6.106 As rebel military strength increased during the late 1990s, government authorities responded by forcing up to 800,000 Hutu civilians into designated "regroupment camps" to deprive rebels of support in rural areas. [1a] Having closed most such forced relocation camps in 1998, the authorities responded to renewed rebel attacks on Bujumbura by re-establishing dozens of new regroupment camps in September 1999. [2a][1a] The government reportedly forced more than 320,000 mainly Hutu civilians to leave their homes in Bujumbura-Rural province and occupy the new sites. [1a][2a] Conditions in the regroupment camps were reported to be appalling and the relocated population at times lacked access to food, safe drinking water, shelter, basic sanitation and health care. [1a][2a] The Government received criticism from the UN, USA and EU in relation to their regroupment policies and the camps subsequently began to be closed. [1a][9b]

6.107 On 1 August 2000 it was announced in the press that the closure of the regroupment camps in Bujumbura-Rural had concluded. Thirty-six camps in total were closed. However, approximately 12,000 people decided not to return to their homes because of the prevailing insecurity. [9b] There were no fresh reports of forced regroupment during 2001 although an AI report suggested a possible re-emergence of the practice in some southern areas in 2002. [2b][5g]

HUMANITARIAN SITUATION

6.108 Civil war and massive population upheaval have contributed to food shortages, and triggered outbreaks of infectious diseases. More than 15 percent of Burundi's population remained uprooted at the end of 2001. Those who remained at home "suffered from insufficient access to adequate food, basic social services and economic opportunities," UN aid officials reported. During 2001 the World Food Programme provided more than 700,000 Burundians with monthly "life-saving food aid". UNHCR reintegration projects to help construct or repair Burundi's war-damaged education, health care, and water systems lacked financial support during 2001. Projects to help returning refugees and their home communities resume farming or establish small business also suffered budget constraints. [1a]

6.109 In May 2002 the analysis and advocacy body of the ICG expressed the need for a truce to be negotiated so as to allow humanitarian aid to reach tens of thousands of displaced people within the country. [12c]

REFUGEES OUTSIDE BURUNDI

6.110 More than 375,000 Burundians were refugees as of the end of 2001 including more than 350,000 in

Tanzania, over half this number are children. [1a][5g] An estimated 26,000 refugees, most of them Hutu, are in the countries of Angola, Cameroon, the DRC, Kenya, Malawi, Rwanda, Tanzania, and Zambia. [2a] [1a] In addition an estimated 470,000 Burundians live in western Tanzanian villages and settlements without official refugee status. [1a] The UN 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. [2a] During 2001 approximately 30,000 Burundian refugees returned to the country, primarily from Tanzania whilst in the same period over 12,000 fled in the opposite direction. [1a][5a] About 200,000 of Burundian refugees fled the country as early as 1972 and many others fled in October 1993 after the assassination of former president Ndadaye. [2b]

6.111 In August 2000 Burundi government, UNHCR and NGOs held tentative discussions regarding a planned infrastructure mechanism, in preparation for a possible return of refugees to the country subject to stability within 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 Tanzania; this was signed on 8 May 2001. [8b][26a]

6.112 In August 2001 Burundi, Tanzania and UNHCR delegates met to discuss the repatriation of Burundi refugees based in Tanzania. [16i] The Minister for Refugee Repatriation said he expected Burundi to soon receive around 250,000 refugees who left the country in 1972 and around 300,000 others who left 1993. [8d] However, refugees who had left camps in Tanzania to return to eastern Burundi in August 2001 reported incidents of harassment and interference by the Tanzanian police. [8c]

6.113 In March 2002 the UNHCR commenced an exercise that facilitated the voluntary repatriation of refugees based in the camps of western Tanzania. [19c] By August 2002 the number registered for this repatriation scheme was reported to be 80,000. [16at] The Governments of the Burundi and Tanzania had initially stated that it was their objective to repatriate all voluntary returnees within six months. [19c] A group of 10 American NGOs subsequently expressed concern over the voluntary repatriation of Burundian refugees from Tanzania. In a statement issued in May 2002 for the attention of the office of the United Nations High Commissioner for Refugees (UNHCR) and the US government, the group (which includes refugee aid, resettlement and protection agencies) said: "Current conditions in Burundi do not appear conducive for refugee return." [16x]

6.114 In June 2002 Burundi and Tanzania announced their intention to send a joint delegation to Geneva to request that the UNHCR facilitate the return of all Burundian refugees in Tanzania. However, the UNHCR position is to facilitate repatriations only to safe areas, while extending "limited assistance" to refugees insisting on going elsewhere in Burundi. Under its programme of facilitated repatriation, UNHCR registers refugees, provides them with going-home packages, money and drugs, and organises their transport. The operations have been directed at Burundians returning to the north of the country, as opposed to the east and south, where fighting between Hutu rebels and government troops continues. [16ah]

6.115 In August 2002 it was reported that a UNHCR run workshop for both Government officials and NGOs had improved the participants understanding of the organisations repatriation regime and in particular its inability in the existing climate of poor security to facilitate repatriations to the south of the country. Humanitarian workers say that if ceasefire talks are successful there could be a spontaneous rush of returnees. A senior UNHCR official confirmed that in such circumstances his organisation would assist in their reintegration adding that the necessary funding is available. [16at] During September 2002 UNHCR reported in excess of 3,000 refugee arrivals in Tanzania; the organisation said this represented a ten-fold increase and reflected an escalation in the conflict. The organisation also reported that in the first nine months of 2002 at least 45,000 Burundian refugees had returned to the country, 25,000 of them with UNHCR assistance. [16bb]

CONFLICT IN THE DRC

6.116 The war in Burundi has been intertwined with conflicts in neighbouring DRC and Rwanda. For several years Burundian rebels, particularly those of the CNDD-FDD, have launched attacks from bases within DRC. The DRC government reportedly supported the rebels in return for assistance in their fight against a rebel movement backed by Rwanda. However, during 2001 thousands of rebel combatants came home, hastened by signs that the DRC government were moving towards ending their own war along with hundreds of Rwandans who had previously been based in the DRC and fighting against the Rwandan government. According to a Human Rights Watch report covering 2001 the reason for the Rwandans coming into Burundi could be to assist their Burundian comrades or possibly to prepare for an assault against Rwanda. Nevertheless, the Rwandan Patriotic Army (the official army of the Rwandan government) had, in late 2001, began fighting both the Burundian and Rwandan rebel groups within Burundi. [6a] In October 2002 Burundi agreed to withdraw its remaining two battalions of troops from the neighbouring DRC while the Kinshasa authorities pledged that its territory would no longer serve as a base for Burundian Hutu rebel groups. [16be]

RELATIONS WITH TANZANIA

6.117 Also during 2001 Burundian rebels in Tanzania frequently crossed the border to raid communities inside Burundi. This resulted in increased tensions between Burundi and Tanzania though military authorities in both countries attempted to calm the situation during the latter half of the year. [6a] However, further incursions of CNDD-FDD rebels during 2002 resulted in Burundi repeating accusations that Tanzania is sheltering rebel fighters among the hundreds of thousands of refugee camps close to the border. Tanzania has angrily denied these accusations. [12h]

TREATMENT OF NON-GOVERNMENTAL ORGANISATIONS (NGOs)

6.118 Domestic human rights groups received varying degrees of co-operation from government ministries during 2001. Insecurity in rural areas was cited by the Government as a reason for denying access to some areas of the country to human rights observers. [2b] However, some organisations confirm that the current situation in the country precludes them from operating in certain areas; for example in August 2002 UNHCR confirmed it was unable to operate in the south of the country. [16at] 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. [2b]

6.119 International and local human rights monitors were permitted to visit most prisons and speak with inmates during 2001; however, they were denied access in some cases. During 2001 the ICRC reached a formal agreement with the Ministry of Interior regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict". Similar agreements between the ICRC and the Ministries of Justice and Defence already were previously in place. The Ministries co-operate with the ICRC. [2b]

6.120 The pro-Tutsi anti-genocide movement and self defence association, PA-Amasekanya were involved in demonstrations organised against the peace process during 2001 in conjunction Tutsi dominated political parties (see paragraph 6.48). [5a] The president of the organisation, Diomede Rutamucero, has been detained fifteen times during his tenure. [5a][16ad] On 12 September 2001 he was arrested for organising an illegal demonstration. He was released on 19 September 2001. His detention had met with disapproval from genocide survivors across Bujumbura. [18e]

In April 2002 Rutamucero was arrested in connection with a complaint, lodged by a Government minister, that members of his organisation had been singing offensive songs. [16ad] On this occasion he was detained for a period of 40 days without charge; a regional analyst suggested this represented an attempt by the authorities to get genocide organisations to "shut up". [16ae]

ANNEX A - CHRONOLOGY OF EVENTS

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 progrès national (UPRONA) formed by Ganza Prince Louis Rwagasore.

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

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, Hutu, claiming provocation, slaughtered hundreds of Tutsi 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 Hutu appointed to 12 of the 23 government 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**, 15 of the 25 portfolios appointments were Hutu. 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 FRODEBU with the support of the Rassemblement du peuple Burundien (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 Tutsi 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 AI report stated that national security forces had collaborated with extremist Tutsi factions in the murder of thousands of Hutu 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 éhéc*, 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 was suspended, as was all political activity. A nation-wide 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**, AI 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 AI 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 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 FNL. On 4 **March** a curfew (2000 to 0600) was imposed in Bujumbura. Also in **March** a new radio station called African Public Radio was launched. In **April** a new newspaper called *Al Fatwa*, was launched. Also in **April** it was reported that the school year due to begin in January had still not begun due to the ongoing war in the country. On 18 **April** there were reports of a failed coup attempt by junior army officers. In **May** Burundi reached an agreement with pharmaceutical companies to help reduce the cost of anti-retroviral drugs to HIV/AIDS sufferers in the country. In **July** the National Resistance Movement party was created. On 23 **July** mutineers tried to release those held in prison following the April coup attempt. Also in **July** it was announced that President Buyoya would remain as president for the first 18 months of the country's transition. At the end of **August** over 320 soldiers were discharged from the army following both the April and July incidents. The Parliamentary Monarchist Party was created in **August**. Also in **August** a new constitution for the three-year transitional period was concluded. In **October** South Africa agreed to provide troops for a protection force demanded by opposition politicians before they would join the transitional government. Meanwhile the rebel CNDD-FDD faction was reported split. Meanwhile, the IMC moved from its former base in Arusha in advance of the instillation of the Transitional Government on 1 **November**, the inauguration of which proceeded as per the agreed timetable with Buyoya sworn in as president and Ndayizeye as vice-president. During the latter part of 2001 several political figures who were living in exile returning to Burundi.

2002 - In **February** the CNDD-FDD agreed a framework for negotiations designed to lead to a cease-fire. In **March** reports also suggested that FNL were ready to enter into dialogue. **April** saw delegations from the two CNDD-FDD factions and the FNL travel to South Africa for various separate talks. During **May** and **June** both CNDD-FDD factions continued to attend talks with little substantive protest; the FNL however remained reluctant to participate. At the end of the month former president, Jean-Baptiste Bagaza returned from 4 years exile. In **July** Mathias Hitimana of the PRP became the first minister to be dismissed from the Transitional Government; meanwhile there were reports of discontent among the smaller parties of the G7 and G10 political groupings. In early **August** it was first reported that the FNL faction had split - the lesser faction led by Alain Mugabarabona signalled it was prepared to participate in peace negotiations which took place later in the month. In **September** a massacre which was reportedly carried out by the army claimed the life of at least 173 people in Gitega province. At a regional summit in **October** the lesser factions of both the FNL and the CNDD-FDD signed formal cease-fire agreements; the main factions were given 30

days to do likewise. Burundi announced it would withdraw its remaining forces from neighbouring DRC.

ANNEX B - POLITICAL AND ORGANISATIONS AND REBEL GROUPS

POLITICAL PARTIES WITHIN BURUNDI

Political parties are required to demonstrate firm commitment to national unity and impartiality with regard to ethnic or regional origin, gender and religion, in order to receive legal recognition. The principal political associations participating in the peace negotiations comprised a grouping of 10 Tutsi parties, G10 (formally known as G8) and seven Hutu organisations (G7). [1b] Where known the details of the group each party was affiliated to during the talks is included in the information below. [5b]

Alliance burundaise-africaine pour le salut (ABASA)

Formed in 1993

Leader: Serge Mukamarakiza (Bujumbura faction) T rence Nsanze (external faction)

English translation: Burundo-African Alliance for Salvation

ABASA were a member of the G10 grouping of parties.

The party reportedly involved in the violent *villes mortes* - violent general strikes and paralysis of city life - that characterised life in Bujumbura between 1994 and 1996. [1b][5b]

Alliance nationale pour les droits et le d veloppement  conomique (ANADDE)

Formed in 1992

Leader: Patrice Nsababaganwa

English translation: National alliance for Law and Economic Development

ANADDE was a member of the G10 grouping of parties and is one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month.

The party was linked to the *villes mortes*. [1b][5b][8a]

AV-Intware

Formed in 1993

Leader: Andr  Nkundikije

English translation: Alliance of the Brave (or the Valiant)

French Translation: Parti vert-intwari

AV-Intware was a member of the G10 grouping of parties.

The party has a small following, according to AI they were not formed until 1996. [1b][5b] [12f]

Conseil national pour la defense de la democratie (CNDD)

Formed in 1994

Leader: L onard Nyangoma

English translation: National Council for the Defence of Democracy

The CNDD were a member of the G7 group of parties during the peace talks.

The CNDD was formed in Bukavu, DRC, following the assassination in 1993 of President Ndadaye and the subsequent flight into exile of many FRODEBU and FRODEBU-allied politicians. The main stated aims at this time were to fight for the restoration of democracy and to end the Convention of Government power-sharing arrangement signed in September 1994. [1b][5b][29]

The Hutu-dominated CNDD retains many FRODEBU principles but advocated since its formation the use of its armed wing, the *Forces pour la Défense de la Démocratie* (FDD), Forces for the Defence of Democracy. The CNDD-FDD initially carried out joint operations with PALIPEHUTU and FROLINA (see below) but such co-operation came to an end in 1995 over disagreements of strategy and the inclusion of Tutsi in the ranks of the CNDD. [5b]

The political wing of the CNDD comprises largely of Hutu intellectuals from the Southern Bururi area though many of the group's fighters were from other parts of the country. [29] In early 1998, the CNDD and FDD publicly split, with the commander-in-chief of the FDD, Jean-Bosco Ndayikengurukiye, breaking away to form a new faction, the CNDD-FDD, after claiming that Nyangoma was remote from the armed struggle. Several members of the political executive were also temporarily expelled. The CNDD retained its armed wing the FDD, although the split substantially diminished its size. The FDD are thought to operate mainly in southern Burundi. AI report that FDD have been responsible for serious human rights abuses including the deliberate and arbitrary killings of unarmed civilians. There is an intense rivalry between the CNDD and the breakaway group and Nyangoma has threatened on several occasions to pull out of negotiations if the CNDD-FDD were permitted to attend. Following the inauguration of the new Transitional Government on 1 November 2001 Nyangoma remained in exile. [5b][36a]

Forum démocratique (FODE)

Formed in November 1999

Leader: Deogratias Baburifato [1b]

Front pour la démocratie au Burundi (FRODEBU)

Officially recognised in 1992, split in June 1999

Chairman: Jean Minani; Secretary-General: Domitien Ndayizeye (both external wing)

Leader of the internal wing is Augustin Nzojibwami - See also text below regarding split.

English translation - Front for Democracy in Burundi

FRODEBU were a member of the G7 grouping of organisations and, as the majority party in the National Assembly controlling a 65 of the 121 seats were also represented in the Government delegation. Though formed in the mid-1980s FRODEBU were not officially recognised until mid-1992. The parties manifesto includes a commitment to abolish the death penalty. Many of its founder members including former presidents Melchior Ndadaye and Sylvestre Ntibantunganya were also founder members of the Burundian human rights organisation, Iteka. FRODEBU officially rejects recourse to violence. [1b][5b]

However, as recorded in a report by AI dating from March 2001 the party has been frequently accused of links with armed opposition groups including PALIPEHUTU and subsequently the CNDD and its armed wing. Hundreds of supporters and officials of FRODEBU have been arrested and detained on the basis of such accusations. FRODEBU also used PALIPEHUTU networks to mobilise support for the 1993 FRODEBU election campaign. [5b]

AI further reported in March 2001 that thousands of FRODEBU supporters were in detention, mainly on suspicion of participation in the massacres of Tutsi civilians in October 1993 or on suspicion of links with the armed opposition. Several senior FRODEBU representatives including some in government have been the subject of legal proceedings or accusations of participating in or inciting violence. Since 1993 the security forces or militias have reportedly killed 24 FRODEBU members of parliament. Others have fled into exile, many then joining ranks with the CNDD. [5b]

Divisions within the party have become obvious since Buyoya returned to power in 1996. The extent of the crisis was revealed in March 1999 when the then Secretary-General, Augustin Nzojibwami expelled senior members of the party from the executive committee for alleged ethnicism and ill discipline. In retaliation, Jean Minani expelled Nzojibwami although he refused to recognise this. In June 1999 two factions emerged: the external Minani wing and internal Nzojibwami wing, which appears to be closer to the

government. Senior party members including former president, Sylvestre Ntibantunganya, Léonce Ngendakumana and Domitien Ndayizeye rallied to the Minani cause. [1b][5b] In January 2002 Minani defeated Nzonjibwami by 115 votes to 53 to take the post of Speaker in Burundi's Transitional National Assembly. [16r]

Front pour la libération nationale (FROLINA)

Leader: Joseph Karumba

English translation: Front for National Liberation

FROLINA were a member of the G7 grouping of organisations. A small breakaway faction of PALIPEHUTU and also believed to date from the 1970's. Karumba left Burundi after the 1972 massacres of Hutu and is based in Dar-es-Salaam, Tanzania. The group's armed forces are known as the *Forces armées populaires* (FAP), Popular Armed Forces. The group is mainly based in Tanzania but is largely inactive militarily. Since signature of the peace agreement, however, AI does refer to reports of small FAP units attempting to establish bases in southern Burundi. [5b][29]

In November 2001 Karumba stated it was still too soon for him to return from exile. He blamed the delay in his return upon the fact that a special protection unit for exiled leaders was yet to be formed. In February 2002 it was reported that the Immigration department in Tanzania had ordered the immediate involuntary repatriation of Karumba along with an official of PALIPEHUTU. Both men wrote to the authorities in Tanzania requesting more time. [36a][36b]

Inkinzo y'Ijambo Ry'abarundi (MSP - Inkinzo)

Formed in 1993

President: Dr Alphonse Rugambarara

English translation: Guarantor (or Shield) of Freedom of Speech in Burundi

Inkinzo were member of the G10 group of parties.

A small Tutsi-dominated party MSP-INKINZO was critical of the Governments policy of regroupment on human rights and humanitarian grounds. MSP-INKINZO was also reported to have been heavily involved in the *villes mortes*. [1b][5b][17f]

Mouvement de la résistance pour la réhabilitation du citoyen

Formed in July 2001

Leader: Colonel Epitace Bayaganakandi

English translation: Resistance Movement for the Rehabilitation of the Citizen

Kirundi translation: Murundi rema wisubize icubahiro (MRC)

The party was created by a group of six pro-Tutsi political parties known as the G6. The parties all supported the candidacy of Bayaganakandi for presidency of the transitional period. Bayaganakandi was unanimously elected to lead the new party and formally signed in front of around 300 members and sympathisers of the movement. Bayaganakandi stated that the party was political in nature but peaceful. He also said the aim of the party is to gather together those who are demanding change in the country and effectively fight against extermination, genocide and the agreement signed in Arusha on 23 July 2001. [1a][16j][17f][24a]

Parliamentary Monarchist Party (PMP)

Formed in 2001

There are seven founder members who, in August 2001 applied for official permission to hold public meetings and establish the leadership organs of the new party. [18c]

Pajude-Intazimiza

Formed in 2002

President: Pascal Nkuzumwami; Deputy: Leopold Ndayisaba

English translation: Party for Justice and Development

A regionally and ethnically balanced party that does not describe itself as opposition but rather as a "complementary party to what is positive in what already exists". [12g]

Parti indépendant des travailleurs (PIT)

Formed in 1993

Leader: Etienne Nyahoza

English Translation: Independent Labour Party

PIT were a member of the G10 grouping of parties and is one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month. [1b][5b][8a]

Parti Liberal (PL)

Formed in 1992

Leader: Joseph Ntidendereza (internal wing) Gaëtan Nikobamye (external wing)

English translation: Liberal Party

PL was a member of the G7 grouping of organisations.

According to information dating from March 2001 the party is split. Nikobamye, a lawyer and businessman had fled the country because his business activities "apparently placed him in danger". [1b][5b] However, Nikobamye returned to the country in 2001 and now holds the position of Minister of Country Planning, Environment and Tourism in the Transitional National Assembly. [16q][18i]

Parti de liberation du peuple Hutu (PALIPEHUTU)

Formed in 1980 - based in Tanzania

Leader: Etienne Karatasi

English translation: Party for the Liberation of the Hutu People

PALIPEHUTU were a member of the G7 group of organisations.

Formed clandestinely in 1980 - earlier according to some sources - by Rémy Gahutu to fight against Tutsi domination and seek to advance the interests of the Hutu ethnic group. PALIPEHUTU are the longest established Hutu rebel group in Burundi. The group originates from the central Muramvya area of Burundi regularly states its complete independence from the CNDD who have many members from the south of the country. [1b][5b][29]

As stated in an AI Report, Between Hope and Fear PALIPEHUTU incited the civilian Hutu population to violence in 1988 in the north of the country in Ntega and Marangara, and several hundred Tutsi were killed. Members of the Tutsi-dominated armed forces killed 20,000 Hutu civilians in retaliation. PALIPEHUTU are also believed to have been responsible for armed attacks on Bujumbura and Bubanza provinces in November 1991 and April 1992 in an effort to disrupt the forthcoming 1993 elections. PALIPEHUTU campaigned clandestinely against the 1993 elections, claiming that no political change was possible for as long as the army remained Tutsi-dominated. The party was not officially recognised in 1992 due to its mono-ethnic stance. [5b]

The CNDD split with its armed wing in 1998 and rivalry between PALIPEHUTU and the breakaway PALIPEHUTU-FNL is intense. PALIPEHUTU has no control over the PALIPEHUTU-FNL (more commonly referred to as FNL). PALIPEHUTU retains a small fighting force of its own; this is also called the *Forces*

nationales de libération (FNL) - in this report any reference to this group will be referred to as "the armed group of the PALIPEHUTU. Karatasi, the current PALIPEHUTU president, lives in exile in Denmark. [1b][5b]

Parti du peuple (PP)

Formed in 1992

Leader: Shadrak Niyonkuru (external) Séverin Ndikumugongo (internal)

English translation: People's party

PP was a member of the G7 grouping of organisations.

Allied to FRODEBU and also in favour the abolition of the death penalty. According to information dating from March 2001 the party is split, Niyonkuru who had fled the country following the 1996 coup leads one faction, Séverin Ndikumugongo who is based in Bujumbura leads the other. [1b][5b] Niyonkuru has now returned to Burundi and in January 2002 won the second deputy speaker's seat in the Transitional National Assembly. [8e]

Parti de réconciliation du peuple (PRP)

Formed in 1992

Leader: Mathias Hitimana

English translation: People's Reconciliation Party

PRP were a member of the G10 grouping of parties.

Formerly the *Parti royaliste parlementaire* (same acronym) translated as the Parliamentary Monarchist Party. The PRP leader had been living in exile in Belgium but is now Minister of Energy and Mines in the Transitional National Assembly. [1b][5b][16q]

Parti pour le redressement national (PARENA)

Formed in May 1994

Leader: Jean-Baptiste Bagaza

English translation: Party for National Recovery

PARENA were a member of the G10 grouping of parties.

Formed following the return of former president Jean-Baptiste Bagaza from exile. Since its creation it has reportedly been linked to armed movements or militias within Burundi which have incited violence against FRODEBU members and Hutu civilians in general. In January 2000, nearly four years after their arrest several senior members of PARENA were convicted of plotting to assassinate President Buyoya. They were released in August 2000. [1b][5b]

On 19 September 2001 it was reported that there were problems prevailing within the pro-Tutsi National Recovery Party (PARENA). Party chairman, Bagaza decided from Kampala, Uganda to dismiss secretary general Remy Nkengurutse. PARENA vice-chairman Cyrille Barancira chose to resign in sympathy with his sacked colleague. The rest of the party's leadership was reported to be relieved the two men had left the party. The party's official line is to keep away from all the transitional institutions emanating from Arusha and Pretoria. [18g] Since signing the Arusha Accord in August 2000 in PARENA boycotted the subsequent negotiations on implementation. However, in January 2002 it was reported that Bagaza was planning to return from exile to negotiate his party's participation in the transitional institutions. [15b]

Parti social démocrate (PSD)

Formed in 1993

Leader: Godefroid Hakizimana

English translation: Social Democratic Party

PSD were a member of the G10 grouping of parties.

Members of the PSD are suspected of involvement in the *villes mortes*. Despite sometimes taking different positions from UPRONA, the party is generally perceived to be an UPRONA satellite. [1b][5b][8a]

Rassemblement pour le démocratie et le développement économique et social (RADDES)

Formed in 1992

Chairman: Joseph Nzenzimana

English translation: Rally for Democracy and Economic and Social Development

RADDES were present at the start of the peace negotiations but refused to sign a document on participation. It subsequently made a series of highly critical declarations accusing the late Nyerere of bias in his management of the talks. When RADDES joined the negotiations in February 2000 it became a member of the G8 subsequently re-named the G10 grouping of parties after UPRONA joined later in the year. RADDES are one of three political parties that declined to sign the peace agreement on 28 August 2000 but did so the following month.

The party was openly involved in the *villes mortes* and associated violence during the 1994-1996 period. [1b][5b][8a]

Rassemblement du peuple Burundian (RPB)

Formed in 1992

Leader: Balthazar Bigirimana

English translation: Rally of the Burundian People

RPB were a member of the G7 grouping of organisations.

The current leader of this FRODEBU-allied party, Bigirimana, has spent a period of time living in exile in Paris though now holds the post of Minister of Public Works and Equipment in the Transitional National Assembly. He had fled Burundi in late 1996 shortly after the arrests of close party associates. He had been actively pushing for investigations into the death of Ernest Kabushemeye, former Minister for Mines and Energy, who was gunned down in Bujumbura in March 1995 and the "disappearance" of Etienne Mvuyekure after his arrest by members of the armed forces in November 1997. The party is led in Bujumbura by Philippe Nzobonariba. [1b][5b][16q]

Solidarité pour la défense des minorités (SORJEDEM)

English translation: Youth Solidarity for the Defence of Minorities

Déogratias Niyonzima was formally the leader of SOJEDEM that is no longer believed to exist. It is understood that the party served as a front for Tutsi militias in Bujumbura from 1994 onwards and was actively involved in the *villes mortes*. Niyonzima, who fled Burundi in 1997 after being briefly detained on suspicion of threatening state security and as of March 2001, was reported to be living in Kampala, Uganda. He was a member of the PRP delegation during the peace talks. [5b] Niyonzima returned to the country on 3 December 2001. [18i]

Union pour le progrès national (UPRONA)

Formed in 1957, legally recognised 1960

Chair: Charles Mukasi - however, in October 1999 moderate members of the central committee who opposed Mukasi's rejection of the Arusha talks elected Dr Luc Rukingama as a rival chair.

English translation: Union for National Progress

UPRONA became a member of the G10 grouping of parties after its pro government wing joined what had been previously known as G8.

Following the 1961 elections the numerous small parties that had been defeated merged with UPRONA, which became the sole legal party in 1966. Party activities were suspended following the coup of September 1987, but resumed again in 1989. The party currently occupies 16 seats in the National Assembly, aside from FRODEBU they were the only other party to win seats in the elections of June 1993. Nevertheless, their 1993 polls represented a heavy defeat and unwilling to cede power, UPRONA were closely associated with violence by *Sans échec* (without failure) and other Tutsi militia during the period between 1993 and 1996. The Mukasi faction of the party are vehemently opposed to the peace negotiations whilst Rukingama represents the pro-government wing of the party. According to Europa the formation of the party was in 1958. [1b][5b]

POLITICAL ALLIANCES

Two political alliances comprising of a combination of both Hutu and Tutsi parties were formed during the second half of 1999.

Alliance nationale pour le changement (ANAC)

Formed in December 1999

ANAC were formed in response to the creation of CNPR (see below) and primarily consist of the external wing of FRODEBU and PARENA. [1b]

Convergence nationale pour la paix et la réconciliation (CNPR)

Formed in October 1999

President: Augustin Nzujibwami [1a]

This alliance brings together UPRONA, the internal wing of FRODEBU and most of the minor Tutsi parties that made up G10 (previously known as G8). [1b] The CNPR was perceived as a mouthpiece of the government and largely took the same positions as the Government during the negotiations in Arusha. [5b]

MRC-Rurenzangemero

Formed: 2002

Chairman: Col Epitace Bayaganakandi; Vice-Chairman: Basile Gateretse

English translation: National Resistance Movement for the Rehabilitation of the Citizen.

The party was formed when a non-profit making organisation of the same name changed its legal status. The party is in fact a coalition of pro-Tutsi parties. In a speech at the inaugural constituent assembly held in June 2002 Bayaganakandi indicated that the organisation stood for the restoration of peace, fighting crime and addressing poverty. [12e]

EXTERNALLY BASED POLITICAL GROUPS

The following political organisation has been formed by Burundians living in exile: -

The Rally of Communities in Burundi for Democracy (RADECO)

Formed: April 2002

Members of the Burundi Tutsi community formed RADECO in Belgium. The group aims to work for the promotion of security, political autonomy and equality for Hutu and Tutsi communities. [12b]

ARMED REBEL GROUPS

The following are the two major armed opposition groups active in Burundi. Neither group had any active participation in the Arusha negotiations and neither were signatories to the peace agreement. [1a][5b]

Conseil national pour la defense de la democratie - Forces pour la defense de la democratie (CNDD-FDD)

Formed in 1998

Commander-in-Chief: Jean-Bosco Ndayikengurukiye

Co-ordinator general of faction that broke away in October 2001: Pierre Nkurunziza

English translation: National Council for the Defence of Democracy - Forces for the Defence of Democracy.

The group may be referred to as FDD but throughout this report they are referred to as CNDD-FDD.

This armed group is a breakaway-armed faction of the CNDD representing a force of some 30,000 that rebelled against the CNDD political leadership in 1998. In 2002 the ICG estimated this number had reduced to around 15,000 with an approximate ratio of fighters to auxiliaries of 1:4. The fact that the CNDD political leadership were from the southern Bururi area of the country whilst its fighters came from other areas of the country is believed to be a factor behind the split. However, the leader of the breakaway, Jean Bosco Ndayikengurukiye, is from Bururi. There is an intense rivalry between the two groups. [1b][5b][10][29]

For several years the CNDD-FDD had its main base eastern DRC, however during 2001 thousands of rebel combatants came home, hastened by signs that the DRC government were moving towards ending their own war. Even prior to 2001 the group had bases within Burundi, CNDD-FDD also incursions have been launched from Tanzania. The group has actively recruited out of Burundian refugee camps in Tanzania and includes many child soldiers in its ranks. Although primarily an armed opposition group the CNDD-FDD also have a limited number of political advisors within its ranks. CNDD-FDD is largely active in southern Burundi where it has committed wide spread human rights abuses. [2b][5a][6b]

In October 2001 there was a split within the CNDD-FDD; this resulted in the emergence of a new faction with Pierre Nkurunziza as its co-ordinator general. The new faction claims to be the genuine CNDD-FDD, has its own central committee known as the "National Circle of Patriots". [10] Nkurunziza's faction has since engaged in dialogue with the authorities and international mediators regarding a possible cease-fire agreement without success. Meanwhile, Ndayikengurukiye who continues to control a faction that according to ICG is smaller both numerically and in terms of activity, have proceeded with separate negotiations. [14a][16bd][10] Nkurunziza has objected to the continued recognition of Ndayikengurukiye's faction and as a result of this has called for the replacement of South African Deputy-President Jacob Zuma as mediator in the ceasefire talks. [16ak][10] Nkurunziza also claims that Ndayikengurukiye has no fighting forces in the country and cannot, therefore, participate in the search for peace. [16ak]

In July 2002 Nkurunziza called on the Tanzanian government to organise talks between the "real belligerents" (meaning the FNL and his CNDD-FDD faction) and the army, which, he stated, wields the real power. [16ak][10][4i] After talks with the Tanzanian government in mid-June 2002, Nkurunziza's faction agreed to engage in cease-fire negotiations with the political and military leaders of Burundi. [7i][16ak]

When these negotiations finally commenced in Tanzania in August 2002 both CNDD-FDD factions were represented. [7i] Ndayikengurukiye's faction made progress at the August 2002 talks and at a regional summit in October 2002 signed a ceasefire agreement. [16av][16bd] Meanwhile Nkurunziza's faction was given 30 days to follow suit; however, they called for a clear declaration of the objectives of the negotiations, a definition of the belligerents, and a commitment from both sides to implement any agreement signed. [16bd]

Forces nationales de libération (FNL)

President: Agathon Rwasa

Former president and leader of rival faction (see below): Alain Mugabarabona

Leader of third faction (see below): Cossan (also spelt Kossan) Kabura

An armed dissident wing of PALIPEHUTU and based in southern Rwanda the PALIEPHUTU-FNL is most

commonly referred to as the FNL (as is the case throughout this report). Until February 2001 Cossan Kabura led the FNL but together with other senior officials of the group he was removed from his functions and Rwsa, a senior FNL commander, was nominated as president and chief of staff. Kabura had been cut off from military operations for some time prior to his dismissal and was discredited by direct contacts with President Buyoya though he reportedly maintains control of a minor faction that issues occasional statements. The FNL maintain bases within Burundi as well as the DRC where they have strong links with the Mai Mai groups from whom they buy food and supplies. They have actively recruited from refugee camps in Tanzania. [1b][5b][7h][16ar][10][18k]

The FNL have been particularly active around Bujumbura. They have committed serious human rights abuses including the deliberate and arbitrary killings of unarmed civilians and prisoners of war, mutilation and torture. The FNL are consistently reported to have links with armed opposition groups in Rwanda including the ex-FAR and Interahamwe. [2b][5b] The FNL are also believed to be very close politically and militarily to Nkurunziza's faction of the CNDD-FDD. [16ak][10]

The Burundian media reported in June 2002 that the FNL leader, Agathon Rwsa, died of wounds sustained during an exchange of fire with allies of the FNL spokesman, Alain Mugabarabona, resulting from a disagreement over holding talks with the government. [16ak] Although this turned out not to have been the case BBC reported that there had been an attempt on Rwsa's life during which a number of FNL leaders had been killed. [7h] On 8 August 2002 it was reported that Rwsa had been sacked as president and replaced by Mugabarabona on a temporary basis. [7h][16ar] The FNL's 30-member Higher Revolutionary Council (HRC) said it had taken the step to stop the group from being transformed into "the property of one person, and into a secret religious sect by some political and military personnel". The HRC, which has an equal number of civilian and military members, also said it had rejected the idea of "taking the Burundian people hostage" by refusing to take part in peace negotiations. [16ar] There are suggestions that millenarist religious movements as well as some local Adventist churches fund the FNL, which claims to be fighting to realise a millenarist prophecy of liberation from Tutsi repression. [10]

Mugabarabona's faction quickly indicated that it might be prepared to participate in peace talks; when the next talks commenced in Tanzania in mid August 2002 it was reported that his FNL would join for the third week. [7h][7i][16ar] Whilst Mugabarabona did represent the FNL at the talks it became apparent that his backing within the FNL was limited and reports suggested that Rwsa did in fact continue to lead the main faction. One analyst commented that the arrival of Mugabarabona for the talks, and reports that the facilitation team recognises him as the "interim leader" of the FNL despite his "limited backing", was "very damaging" and likely to lead Agathon Rwsa to "turn his back on the negotiations, sever all contacts and increase hostilities". He expressed the view that this was the worst thing that could happen, because, without the main faction of the FNL, the war will not end. [16au][16av] In October 2002 at a regional summit the Mugabarabona faction signed a formal ceasefire at a regional summit. Rwsa's faction was given 30 days to follow suit. [16bd]

Front for Democracy and the Nation in Burundi - FRODEBU-Mparaniragihugu

Formed in June 2000

Leader: Christian Sendegeya

The former vice president of the CNDD-FDD deserted the movement to set up his own group. According to a press statement at the time supporters of the new group felt that they could not opt for peace and reconciliation, and at the same time support war. The statement gave this as the reason why they had withdrawn from the coalition of the armed movement. [16b]

ANNEX C - PROMINENT PEOPLE

Buyoya, Pierre: Current President of Burundi. First took power in a coup in September 1987, deposing President Jean Baptiste Bagaza, whom he accused of corruption. In response to international pressure led the country to its first democratic elections in 1993. Buyoya returned to power in July 1996 in a bloodless coup supported by the armed forces. Following extensive peace talks 1 November 2001 Buyoya was sworn in as President for the first 18 months of the new transitional Government's three-year term. [1b][5b]

Bagaza, Jean-Baptiste: From Bururi Province, served as president of Burundi from 1976 to 1987. After the 1987 coup he went into exile in Libya returning in 1994. Now leader of PARENA was, together with other party members, initially accused of involvement in the alleged plot and placed under house arrest. Charges against him were dropped in the run up to the start of the Arusha negotiations and he returned to exile. In August 2000 Bagaza put his name forward as a candidate for the transitional presidency without success. [1b][5b][16d][18g][15b] In June 2002 Bagaza, a hard line Tutsi returned from exile in Uganda; it was reported that he would receive protection from SAPSD. [16ai][12d]

Hitimana, Mathias: The leader of the PRP and a businessman who returned from exile in Brussels to take up a ministerial portfolio in the Transitional Government. [5b][12f] However, President Buyoya sacked him from his post in July 2002 and his portfolio was passed to a member of another Tutsi party. [12f] Hitimana is alleged to have been behind the financing and arming of the *Sans éhéc* militia in the mid 1990s. [5b]

Mukasi, Charles: From Ngozi Province in northern Burundi, served as Chair of the UPRONA until October 1999 when he was replaced by a pro-government figure. He has refused to accept his dismissal, claims to be party president and to be the victim of harassment by the president and security forces. Mukasi has also been accused of undermining the 1994 Convention of Government power-sharing arrangement and of orchestrating some of the spiralling violence that enabled Pierre Buyoya to return to power in 1996. [5b]

Minani, Jean: Leader of the external wing of FRODEBU, had been living in exile - as of March 2001 he was based in Dar-es-Salaam, Tanzania. He is accused of inciting violence in October 1993 after calling on Radio Rwanda for people to "resist" the coup. However, following the peace process [5b] However, Minani has now returned to Burundi and in January 2002 was elected Speaker of Burundi's Transitional National Assembly. [16r]

Ndadaye, Melchior: Burundi's first democratically elected President winning 64.8% of the votes in the poll on 1 June 1993. Stood as a candidate of FRODEBU but gained the support of the PP, PL and RBP. Killed during an attempted coup on 21 October 1993. Ndadaye was also a founder member of Iteka. [1b][5b]

Ndayikengurukiye, Jean-Bosco: Former CNDD-FDD Commander in Chief who led a breakaway from the CNDD in 1998. He is the brother of Nzozibwami, leader of the internal grouping of FRODEBU and a nephew of Léonard Nyangoma, president of the CNDD. Prior to joining the CNDD-FDD, Ndayikengurukiye was undergoing officer training with the Burundian armed forces. [1b][5b] Since October 2001 when the CNDD-FDD itself split Ndayikengurukiye has remained in charge of the smaller and reportedly less active of two factions. [10]

Ndayizeye, Domitien: Current Vice President of Burundi and Secretary General of the external wing of FRODEBU; has also had legal proceedings brought against him on charges of threatening state security or involvement in the 1993 massacres. In August 2000 Ndayizeye received the backing of the G7 group for the presidency during the three-year transitional period of Government. In the event a compromise was reached over the presidency and on 1 November 2001 Ndayizeye was sworn in as Vice-President for 18 months after which he will serve as President for the remainder of the period. [2b][5b][16d]

Ntaryamira, Cyprien: Formally the Agriculture Minister in the FRODEBU government Ntaryamira was elected to replace Ndadaye by the National Assembly in early 1994 taking up office on 5 February 1994. Killed together with the President of Rwanda on 6 April 1994 after the Rwandan presidents plane was hit in a rocket attack and crashed in Kigali, Rwanda. Ntaryamira was a founder member of Iteka. [1b]

Ntibantunganya Sylvestre: Succeeded Ntaryamira as interim President in accordance with the constitution. After fresh presidential elections were discounted Ntibantunganya was elected as President at a 'Convention of Government' on 30 September 1994. Buyoya deposed him on 25 July 1996 in a bloodless coup. [1b]

Nyangoma, Léonard: Served as Minister of Interior under president Ndadaye; currently holds the CNDD presidency. Nyangoma, along with other senior members of the CNDD, was charged *in absentia* with responsibility for a series of mine explosions in Bujumbura in 1997. [5b]

Nzozibwami, Augustin: leader of both the pro-government "internal" wing of FRODEBU and the National Assembly delegation during the talks Arusha. From Bururi Province, he is also a key figure in the CNPR. Nzozibwami was formerly an outspoken defender of human rights within FRODEBU and has been detained on several occasions, including in 1997, for his criticism of the regroupment policy. [5b]

Rugambarara, Dr Alphonse: A founder member of Iteka and leader of MSP-INKINZO. [5b]

ANNEX D - REFERENCES TO SOURCE MATERIAL

[1] Europa Yearbook Publications

(a) Europa World Year Book, Volume I - 2002

(b) Africa: South of the Sahara - 2002

[2] US Department of State - Country Report on Human Rights Practices in Burundi

(a) Issued 23 February 2001 - covering 2000

(b) Issued 4 March 2002 - covering 2001

International Religious Freedom

(c) Issued 7 October 2002

[3] Reuters News Service

(a) Burundi tells army journalists are enemies - 09/09/99

(b) RSF condemns Burundi's "Call to murder" journalists -10/09/99

(c) Burundi journalist arrested after rebel interview -15/03/01

(d) Burundi President says army had role in killings - 30/09/02

[4] Pan African News Agency (PANA)

(a) Bujumbura curfew extended by two hours - 01/09/99

(b) Mandela urges Burundians to support peace process - 13/06/00

(c) Buyoya says Arusha Accord has resolved key elements of Burundi - 20/09/00

(d) Six students injured in Bujumbura demonstration - 19/12/00

(e) Leading HUTU party rejects transition arrangement - 03/08/01

(f) Academic year is three months late at Burundi University - 05/04/01

(g) Buyoya set to implement Arusha Peace Agreement - 05/04/01

(h) Burundi journalists want press laws revised - 05/04/01

(i) Companies to supply cheaper anti-retrovirals to Burundi - 25/5/01

(j) Mandela attaches conditions to Burundi Transition Agreement - 12/07/01

(k) Human Rights body launches "Media For Peace" scheme -20/09/01

(l) Burundi rebel factions call for armistice - 13/08/02

[5] Amnesty International

(a) Annual Report 2002 - covering 2001 - *Burundi Section only.*

(b) Burundi: Between hope and fear *published 22 March 2001. - Press release and pages 60-68 of full report only.*

(c) Burundi: Preparing for peace - one year on *published August 2001 - Public appeal - in full.*

(d) Government must now act to stamp out torture and impunity *Press Release - 4 February 2002*

(e) Punishing the population - reprisal killings escalate *published June 2002 Report in full.*

(f) Burundi: Summary of human rights concerns - *Media briefing- 22 September 2002*

(g) Poverty, isolation and ill treatment, Juvenile justice in Burundi *published 24 September 2002 - Report in full.*

[6] Human Rights Watch

(a) World Report 2002 - covering 2001 - *Burundi Section only.*

(b) Burundi: To protect the people *published December 2001. - Report in full.*

[7] BBC World News

(a) Burundi curfew eased - 23/12/99

(b) Burundi peace deal delayed - 16/07/00

(c) Hundreds protest against the Burundian Government 18/08/00

(d) Burundi ceasefire blow - 20/09/00

(e) Inquiry into Burundi coup set up - 27/04/01

(f) Burundi coup arrest - 27/08/01

(h) Hopes rise for Burundi talks - 08/08/02

(i) Ceasefire call at Burundi talks - 12/08/02

(j) Burundi rebels boycott peace talks - 19/09/02

(k) Burundi army arrests over massacre - 04/10/02

[8] ABP News Agency, Bujumbura

(a) Last four Tutsi parties may sign peace accord - 31/08/00

(b) Agreement on repatriation of refugees to be signed in January 2001 - 05/12/00

(c) Some 800 refugee return home from Tanzania - Agency -17/08/01

(d) Plans under way for major repatriation of refugees - 30/08/01

(e) Transitional National Assembly office bearers elected - 11/01/02

(f) Burundi army reportedly denies media report that it took part in Itaba massacre - 20/09/02

[9] Radio Burundi, Bujumbura

(a) Defence Ministry says journalists are not "enemies" - 11/09/99

(b) All 199 regroupment camps in Bujumbura closed official says - 01/08/00

(c) Government bans disturbance of public order - 19/08/00

(d) Government suspends sect's activities over law and order violations - 16/12/00

(e) Government imposes curfew to beef up security - 05/03/01

(f) No improvement in human rights, UN Human Rights Envoy says - 14/07/01

[10] International Crisis Group, Nairobi/Brussels - The Burundi rebellion and ceasefire negotiations - 06/08/02. *Full report*

[11] Danish Immigration Service

(a) Report on the roving attaché mission to Bujumbura, Burundi 22 April to 4 May 1999 - published November 1999 - *full report*

(b) Report on the roving attaché mission to Bujumbura, Burundi and Kinshasa, Democratic Republic of the Congo 8-18 September 1999 - *up to page 18 only*

[12] Africa Research Bulletin - Note - month of issue for this publication is referred to; monthly issues cover events from the previous month (e.g. April covers March)

(a) Burundi SANDF in Bujumbura - April 2002

(b) Untitled - *from 'in brief' section* - May 2002

(c) Need for a truce - June 2002

(d) Tension stepped up - July 2002

(e) Pro - Tutsi alliance - A new party holds its constituent assembly - July 2002

(f) Minister sacked - Hitimana claims his dismissal violates the Arusha agreement - July 2002

(g) Untitled - *from 'in brief' section* - July 2002

(h) Summit postponed - July 2002

[13] Alert Net

(a) Burundi's education mirrors old Oxbridge elitism - 15/04/02

[14] Agence France-Presse (AFP)

(a) Burundian government, rebels meeting in S. Africa - 28/02/02

[15] Foundation Hironde, Lausanne, Switzerland

(a) Peace monitoring body chairman on move to Bujumbura - 21/08/01

(b) Exiled ex-president Bagaza to return to Burundi - 28/02/02

[16] Integrated Regional Information Network (IRIN), Nairobi

(a) Dual citizenship law passed - 26/05/00

(b) New rebel group formed - 27/06/01

(c) Burundi, UNHCR bracing for refugee return - 11/08/00

(d) Candidates named for transitional presidency - 16/08/00

(e) Government extends curfew in Bujumbura - 09/03/01

(f) Concern over attacks on local journalists - 14/03/01

(g) Curfew to remain "as precaution against attacks" - 16/03/01

(h) About 40 suspected coup plotters arrested - 27/04/01

(i) Authorities deny forcible repatriation plans - 18/06/01

- (j) New party launched - 30/07/01
- (k) Commission proposes two-year immunity for political criminals - 29/08/01
- (l) Rights body tips Burundi on measures to be implemented now - 30/08/01
- (m) Protest "nipped in the bud" - 05/09/01
- (n) Ndayizeye speaks on transitional government - 06/09/01
- (o) Concern about protection unit for returning Burundi exiles - 17/09/01
- (p) President optimistic about Peace Process - 20/09/01
- (q) Transitional government's cabinet - 01/11/01
- (r) Assembly elects Minani as speaker - 10/01/02
- (s) Ban lifted on Net Press news agency - 25/02/02
- (t) UNICEF launches child-soldier project - 28/02/02
- (u) Widespread human rights violations persist - 01/03/02
- (v) Focus on children in prison - 17/04/02
- (w) VP Ndayizeye "optimistic" about conflict resolution - 18/04/02
- (x) US NGOs concerned over voluntary repatriation - 15/05/02
- (y) Local media banned from interviewing dissidents - 17/05/02
- (z) Iteka concerned over freedom of speech - 23/05/02
- (aa) Eleven killed in ambush - 24/05/02
- (ab) Government, military now willing to discuss child soldiers - 03/06/02
- (ac) Thousands of panic-stricken Bujumbura residents home again - 05/06/02
- (ad) Lawyers demand release of anti-genocide leader - 07/06/02
- (ae) Anti-genocide leader released from jail - 14/06/02
- (af) Vaccination campaign progresses, despite fighting - 21/06/02
- (ag) Critical economic situation endangers fragile peace - UN - 24/06/02
- (ah) Joint delegation to seek repatriation of Burundian refugees - 26/06/02
- (ai) Former president returns from exile - 01/07/02
- (aj) Teachers end strike - 05/07/02
- (ak) Rebels divided over peace negotiations - 09/07/02
- (al) G-10 threatens to leave government - 16/07/02
- (am) Military says security situation improving - 24/07/02

- (an) World Bank signs \$36 million deal to fight HIV/AIDS - 25/07/02
- (ao) Hutu leaders condemn rebels - 31/07/02
- (ap) Journalists' association calls for unbanning of periodical - 02/08/02
- (aq) Seminar on democracy and minority rights ends - 07/08/02
- (ar) Hardline HUTU rebel group sacks leader, might negotiate - 09/08/02
- (as) Cholera spreads in Cibitoke Province - 21/08/02
- (at) UNHCR says government now understands repatriation regime - 22/08/02
- (au) Focus on Burundi ceasefire talks - 23/08/02
- (av) "Memorandum of understanding" signed with one Hutu faction - 26/08/02
- (aw) Minister says at least 40 killed in Sunday's rebel attack - 27/08/02
- (ax) 32,000 people destitute in central region - 30/08/02
- (ay) Devaluation results in commodity price increases - 05/08/02
- (az) Focus on women in government - 11/09/02
- (ba) Health Ministry appeals for more meningitis vaccine - 01/10/02
- (bb) Hundreds more flee as conflict escalates - 02/10/02
- (bc) Regional leaders gather for final summit on Burundi - 07/10/02
- (bd) Two factions sign ceasefire, others given 30 days to comply - 08/10/02
- (be) Bujumbura, Kinshasa to sign peace accord - 14/10/02
- (bf) Government continues to accept Congolese refugees - 16/10/02

[17] Azania News Agency, Bujumbura

- (a) Muslim newspaper begins publishing in Bujumbura - 17/04/01
- (b) News agency says university students sided with "mutineers" - 23/07/01
- (c) More army officers said involved in recent coup attempt - 31/07/01
- (d) President Buyoya pledges to leave office after prescribed 18 months - 01/08/01
- (e) Over 300 soldiers sacked following probe on foiled coup - 28/08/01
- (f) New pro-Tutsi association of political parties founded - 28/08/01

[18] Net Press News Agency, Bujumbura

- (a) Radio Umwizero set to change name, frequencies - 18/01/01
- (b) Rebel group sets condition for participation in new government - 01/08/01
- (c) Monarchist party reportedly to be formed - 03/08/01

- (d) Pro-Tutsi PARENA party to hold protest march on 1 September - 30/08/01
- (e) Leader of Tutsi movement fined, released -19/09/01
- (f) Police crackdown on pro-Tutsi demonstrators - 16/09/01
- (g) Former President Bagaza sacks Secretary-General of his party - 19/09/01
- (h) Bujumbura road remains closed as violent fighting continues - 23/09/01
- (i) Former deputy National Assembly Speaker returns from exile - 03/12/01
- (j) Smaller Hutu, Tutsi parties express displeasure with bigger parties - 05/07/02
- (k) Hutu parties reject "exclusive" cease-fire agreement - 09/09/02
- (l) Hutu parties threaten to quit Government following recent massacre - 23/09/02

[19] Xinhua News Agency, China

- (a) Burundian delegates debate peace deal in ethnic groups - 08/08/00
- (b) Hutu opposition refuses to support Burundi transitional government - 07/03/01
- (c) More Burundi refugees head home from Tanzania - 24/04/02
- (d) News analysis - Stubborn Burundians send mediators home empty-handed - 28/09/02

[20] Associated Press

- (a) Doubts grow over signing of cease-fire to end Burundi war - 19/09/00

[21] Pakistan Press International

- (a) Burundi government refuses to agree on peace deal - 29/07/00

[22] KBC Radio, Nairobi, Kenya

- (a) Three remaining Tutsis parties join Arusha peace accord - 20/09/00

[23] Radio Umwizero, Bujumbura

- (a) Burundi privately owned radio station adopts new name, frequencies - 31/01/01

[24] Radio Bonesha, Bujumbura

- (a) Former army officer elected leader of newly formed political movement - 25/08/01
- (b) Heavy fighting reported near the capital - 05/09/01
- (c) University students protest lack of English language teachers -18/09/01

[25] Radio France International, Paris

- (a) New independent radio station with Hutus, Tutsis working together - 21/08/01

[26] The East African (Nairobi)

- (a) UNHCR tells Mkapa to stick to voluntary repatriation treaty - 28/05/01

[27] War Resisters International - Refusing to Bear Arms - Published 1998

[28] The International Lesbian and Gay Association (ILGA) - World Legal survey
www.ilga.org/Information/legal_survey/africa/burundi.htm. Information obtained from the ILGA web site was last updated on 23/04/99

[29] Federation of American Scientists - Military Analysis Network - Burundi Civil War

www.fas.org/man/dod-101/ops/war/burundi.htm. Information obtained from this web site was last updated December 1999

[30] Committee to Protect Journalists (CPJ)

(a) Attacks on the Press report covering 2001

[31] Ethnologue: Languages of the World - Report for Burundi, from 14th Edition published 2002.
 Obtained from www.ethnologue.com/show_country.asp?name=Burundi

[32] CIA World Fact Book - Information obtained from the Internet on 21 October 2002
 via: - http://www.sas.upenn.edu/African_Studies/NEH/br-lang.html

[33] Immigration and Refugee Board, Ottawa, Canada - http://www.cisr.gc.ca/en/INDEX_E.htm.
 Information obtained from the IRB web site- REFNO section - 19 August 2002

(a) Naturalization of Rwandan refugees in Burundi, especially whether they are eligible for Burundian citizenship - June 2002

[34] US Committee for Refugees - Website at <http://www.refugees.org/world/countryrpt/africa/burundi.htm>
 accessed on 20 September 2002. "Worldwide refugee information" 2002 country report on Burundi covering 2001.

[35] Rwandan News Agency (RNA), Kigali

(a) Rwanda, Burundi agree free visa policy - 21/09/99

[36] The Guardian, Tanzania

(a) Some Burundi accord signatories fear to return home - 06/11/01

(b) Government orders two Burundi rebel leaders to leave - 22/02/02

[37] All Africa News Agency (AANA),

(a) Child soldiers involved in Burundi strife - 11/02/00

(b) Disagreements, violence threaten Burundi settlement - 08/08/00

[38] Misna news agency web site, Rome, Italy

(a) Parliamentarian calls for international inquiry into recent massacre - 28/09/02

[39] United Nations, Department of Public Information, Cartographic Section. - The map referred to can be found on the UN Cartographic Sections web-site at
www.un.org/Depts/Cartographic/english/index.htm. The map is in the General Maps section.