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Burundi

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Burundi is ruled by an authoritarian military regime led by self-proclaimed interim President Pierre Buyoya, who was brought to power in a bloodless coup by the largely ethnic Tutsi armed forces in 1996 and who abrogated the Constitution. Buyoya holds power in conjunction with a political power structure dominated by members of the Tutsi ethnic group. 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. Political parties operate under significant restraints. Since 1993 the civil war has caused thousands of civilian deaths and mass internal displacement. In June 1998, the Government and opposition parties began peace negotiations in Arusha, Tanzania. On August 28, the Buyoya regime and other groups present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30. The agreement proposes extensive reforms of the security forces, the judiciary, and the country's political institutions. Several of the parties signed with reservations parts of the agreement, including the key issues of leadership of the transitional government, integration of the army, and the electoral system. Negotiations were ongoing at year's end. The two major armed rebel groups declined to join the peace process. The judiciary is controlled by the ethnic Tutsi minority and is not impartial.

The security forces are controlled by the Tutsi minority and consist of the army and the gendarmerie under the Ministry of Defense, the judicial police under the Ministry of Justice, and the intelligence service under the presidency. Members of the security forces continued to commit numerous serious human rights abuses.

The country is poor and densely populated, with 92 percent of the population dependent on subsistence agriculture. Many internally displaced citizens have been unable to grow food and depend largely on international humanitarian assistance. Per capita income fell from \$200 in the early 1980's to \$121 in 1999, according to the Ministry of Development and Reconstruction. The civil war has caused severe economic disruption, especially to the small modern sector of the economy, which is based mainly on the export of coffee, tea, and cotton. The Government has announced plans to privatize publicly owned enterprises, but made little progress during the year.

The Government's human rights record was poor. Citizens do not have the right to change their government. Security forces continued to commit numerous extrajudicial killings. 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 cooperating with the insurgents. Despite Buyoya's stated commitment to end abuses by the military, numerous abuses were committed and perpetrators were not punished. Impunity for those who commit serious human rights violations, and the continuing lack of accountability for those who committed past abuses, remained key factors in the country's continuing instability. There were credible reports of disappearances, and the security forces continued to torture and otherwise abuse persons. Soldiers raped women. Despite some improvements, prison conditions remained life threatening. Arbitrary arrest and detention, and lengthy pretrial detention were problems, and there were reports of incommunicado detention. The court system suffers from a lengthy case backlog; however, the Government took steps to diminish the backlog. The dysfunctional justice system was unable to resolve pressing issues of detention and impunity because of its lack of independence, inefficiency, a lack of resources, systemic corruption, administrative disruption due to the war, and the partiality of Tutsi officials. Authorities infringed on citizens' privacy rights. The Government controlled the media and restricted freedom of speech and of the press. It restricted freedom of assembly and did not permit political demonstrations by government opponents. The Government restricted freedom of association and freedom of movement. Since 1993 the civil war has caused thousands of civilian deaths and mass internal population displacement. During the first half of the year, the army continued its forced regroupment policy, requiring an estimated 330,000 persons (mostly Hutus) to live in forced regroupment camps to prevent rebel attacks on the nearby capital, Bujumbura; however, by August the Government had closed all regroupment camps. The armed forces sometimes limited access to certain areas by human rights observers, citing dangerous security conditions. Violence and discrimination against women continued. The Government was unable to protect the rights of children, and child prostitution is a problem. Discrimination against the disabled also is a problem. The indigenous Twa (Pygmy) people remain marginalized economically, socially, and politically. Incidents of ethnically motivated property destruction and killing occurred throughout the country. State discrimination against Hutus was widespread. Soldiers required persons who were regrouped forcibly, including children, who were mostly Hutus, to perform forced labor. Child labor was a problem.

Hutu rebels also continued to commit numerous serious abuses against civilians, including killings, rapes, theft, and forced labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Security forces committed numerous extrajudicial killings. On February 15, a police officer allegedly tortured to death a domestic servant who insulted the officer's wife (see Section 1.c.). The officer was arrested later that day, but released on March 15. The U.N. protested his release.

On April 1, a soldier killed a local Bujumbura government official and four members of the official's family, allegedly in retaliation for four soldiers killed by rebels. The soldier was arrested for the murders and he remained in detention pending trial at year's end.

In early May, members of the security forces tortured and decapitated a man who had thrown stones at them while they looted houses in the forced regroupment camp Kavumu, in Bujumbura Rural province (see Sections 1.c., 1.f., and 2.d.). The Government began an investigation into this incident, but did not complete it by year's end.

On June 24-25, soldiers killed 69 persons in Taba commune, Gitega province, on the suspicion that the residents were cooperating with rebels.

On July 22-23, soldiers killed 53 persons in Butaganzwa commune, Ruyigi province. Observers believe that the killings were in response to intense pressure from the Government to combat rebels and their supporters in the province.

On August 19, in Nyambuye zone, Bujumbura Rural province, soldiers killed 35 civilians who had sought refuge in Bujumbura on August 17 after 2 days of confrontations between the army and rebels. Apparently the civilians were trying to go home when they encountered the rebels on August 19. Soldiers shot the civilians as they fled, ostensibly having mistaken them for rebels.

On October 3, soldiers shot and killed Antonio Bargiggia, a Catholic brother from Italy, who ran a hospital in Mutoyi (see Section 2.c.). On October 19, two soldiers, including Napoleon Manirakiza, who was convicted of killing Bargiggia, were executed for murder without having had legal representation during their trial or a chance to appeal their convictions (see Section 1.e.). The other soldier, Rene Rukemanganisi, was convicted of killing Caritas Nahimana, the director of the Gitega medical school, and her two sons. These were the first executions since July 1999.

Fighting between security forces and rebels resulted in a number of deaths. On February 14, there were reports that three rebel attacks on a regroupment camp in Kavumu commune, near Bujumbura, resulted in the deaths of at least six civilians (see Section 2.d.). It is unclear whether they were killed during fighting between security forces and rebels or as a result of security forces firing into the camp. On September 15, at least 11 persons reportedly were killed in Bujumbura's northern neighborhoods of Kamenge, Ngagara, and Gikizi, during fighting between security forces and rebels. It is unknown who initiated the fighting, although some reports place the blame on rebels. On November 16, there were reports that several civilians were killed during fighting between security forces and rebels after security forces forced approximately 100 men to remove foliage from near the battleground (see Sections 1.c. and 6.c.).

Unlike in the previous year, there were no reports that soldiers shot and killed some persons who tried to leave regroupment sites to which Hutus were relocated forcibly starting in September 1999 (see Sections 1.f. and 2.d.).

Deaths in prisons continued due to disease and malnutrition (see Section 1.c.); however, the number of such deaths decreased during the year.

Comprehensive and accurate information about landmines was hard to obtain; however, the armed forces apparently used landmines to prevent rebels from accessing government territory. There were reports that the security forces mined the border with Tanzania in order to prevent rebels from crossing the border. An international organization received reports of 9 antipersonnel landmine incidents in the first 7 months of the year, a decrease from the 47 incidents reported during the previous 12 months. The decline in reported incidents may be due in part to self-imposed limitations on the movement of U.N. personnel during the year. Other sources reported that in mid-April a landmine that exploded on a footpath on the northeastern edge of the capital killed two women and three children.

There were no developments in the October 1999 case of the soldier who killed six persons at the Ruyaga regroupment site. The Government did not conclude its investigation into reports that government soldiers killed 50 persons in August 1999, in Kanyosha on the outskirts of Bujumbura, or its investigation into reports that in December 1999 soldiers shot and killed an unarmed FRODEBU Hutu parliamentarian. By year's end, the Government had not released the findings of an investigation into a January 1999 case in which soldiers killed more than 55 civilians in Mubone, Kabenzi commune, Bujumbura Rural province, nor was any action taken against those responsible. There was no investigation nor action taken in a May 1999 case in which soldiers killed 11 Hutu civilians, including women and children, most of whom lived in the household of a man suspected

of participating in the 1993 killing of Tutsis. There was no investigation nor action taken in a July 1999 case in which soldiers killed 30 civilians in Kanyosha commune, Bujumbura Rural province.

In September the U.N. formally protested the release of a lieutenant accused in the November 1998 killing of up to 200 persons in Mutambu commune, Bujumbura Rural province.

In May 1999, the media reported a judgment in the trial of the 1993 assassination of President Melchior Ndadaye. The Supreme Court sentenced 5 members of the army to death and 23 others to prison. Another 38 persons were acquitted, 10 cases were sent back to the court for further review, and 5 cases were dropped because the suspects had died. No high-ranking army officers were convicted, although charges originally were brought against many past and present senior army members. The new Attorney General, who is a Hutu, announced in June 1999 that the case would be reopened; new trials are scheduled for January 2001.

There was no investigation nor action taken 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.

Media and NGO reports indicate that about 200,000 persons, mostly civilians, have been killed in ethnic violence between October 1993 and the end of the year; however, the source of this figure is unclear. No credible countrywide casualty figures were available. The Government and security forces frequently have prevented journalists and human rights observers from going to areas where casualties occurred, making it difficult to gather information about the perpetrators and the victims. Much of the extrajudicial killing and property destruction during the year was concentrated in the province around the capital and in the southern and eastern provinces of Bururi, Makamba, Rutana, and Ruyigi.

There were urban bombings during the year. For example, on August 23, at least two persons were killed and several others were injured when a hand grenade exploded in the Buyenzi market, a suburb of Bujumbura. No suspect had been identified by year's end; however, in August the twin brother of a labor organizer was arrested for involvement in the attack (see Sections 1.d. and 6.a.).

In October there were reports that unidentified attackers killed an Italian nun in Gitega (see Section 2.c.). No suspect had been identified by year's end.

Rebels killed persons near regroupment camps, sometimes during battles with government troops. Hutu rebels also killed Hutu and Tutsi civilians; Hutu rebels sometimes deliberately targeted and killed Tutsis. There are no definitive statistics available on how many persons were killed by Hutu rebels; the Government stated that rebels were responsible for the majority of civilian casualties. Rebels reportedly often kill persons for suspected collaboration with the regime and for their refusal to pay "taxes" to rebels. There were numerous reports throughout the year that Hutu rebels ambushed minibuses carrying persons on national highways, and robbed and killed the occupants. U.N. security forces reported 146 ambushes in the first 7 months of the year; however, this figure probably does not represent all incidents.

On March 5, rebels killed six persons in an ambush in the southern province of Makamba, on National Highway 3 between Mabanda and Nyanza Lac communes. On March 25, rebels killed seven Tutsi women and children in Bukeye commune, Muramvya province. Over the weekend of April 22 to 23, rebels reportedly killed 3 persons in Bubanza province, 7 persons on National Route 1 in Bujumbura Rural province, and 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 2.d.).

On December 24 and 25, there were reports that hundreds of suspected rebels attacked the town of Bukemba, Rutana province, killed 15 civilians, and injured 6 persons.

On December 28, rebels shot and killed 20 persons and injured 20 others on a road north of Bujumbura when they ambushed a civilian bus traveling from Kigali, Rwanda, to Bujumbura. By year's end, no one had claimed responsibility for the attack, nor had any perpetrator been identified.

There were unconfirmed reports that rebels took landmines planted by government forces and later used them against the army.

Government authorities blamed rebels for the October 1999 killings of two U.N. foreign staff members and seven others in Rutana province, and stated that the rebels had fled to Tanzania after the attack. No arrests were made in the case. Rebels accused the armed forces of committing the killings.

b. Disappearance

Human rights groups reported that abductions and disappearances occurred during the year, but no credible overall figures were available. There were no developments in the disappearance of three men in September 1999. Rebels were responsible for many of the disappearances, although credible reports suggest that such abductions were infrequent; rebels kidnapped and raped women (see Section 1.c.).

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Transitional Constitution Act prohibits these abuses; however, members of the security forces continued to torture and otherwise abuse persons. On February 15, a police officer allegedly tortured to death a domestic

servant who insulted the officer's wife (see Section 1.a.). The officer was arrested later that day, but released on March 15. The U.N. protested his release. On February 26, police officers reportedly beat several persons while forcibly dispersing a demonstration against the peace talks; a number of persons were arrested (see Sections 1.d. and 2.d.). In early May, members of the security forces tortured and decapitated a man who threw stones at them because they were looting houses in the forced regroupment camp Kavumu, in Bujumbura Rural province (see Sections 1.f. and 2.d.). On November 16, there were reports that several civilians were injured during fighting between security forces and rebels after security forces forced approximately 100 men to remove foliage near the battleground (see Sections 1.a. and 6.c.). According to press reports, in December six university students were injured when security forces used tear gas to forcibly disperse a group of students demonstrating against exam schedules (see Sections 2.a. and 2.b.). Government soldiers raped women in regroupment camps (see Sections 1.f. and 2.d.). There were no known prosecutions of members of the security forces for these abuses.

Government troops used excessive force in areas where there were civilians and often fired on Hutu civilians, stating that it was difficult to distinguish them from rebels.

Landmine explosions resulted in some casualties (see Section 1.a.). For example, the domestic human rights organization, Iteka, reported that four persons from a forced regroupment camp in Bujumbura Rural province surrounding the capital were injured in a landmine explosion while working in their fields during the year (see Section 2.d.). It is unknown if the landmine was laid by government forces or by rebels.

There also were reports that soldiers used children for forced labor (see Sections 5, 6.c., and 6.d.).

At the end of the year, signs emerged of renewed government support for policing of the capital and countryside by armed civilians, which raised fears of the return of the militias created in 1995 to destabilize the then Hutu-led government. There have been unconfirmed reports that the Government armed civilians in Ruyigi, Rutana, and Bururi provinces.

Rebels killed, beat, and stole from civilians, and kidnaped and raped women (see Sections 1.a., 1.b., and 5). Rebels used civilians, including children, for forced labor (see Sections 5, 6.c., and 6.d.). On December 24 and 25, hundreds of rebels attacked the town of Bukemba, Rutana province, injured 6 persons and killed approximately 15 others (see Section 1.a.). On December 28, rebels injured 20 persons, and killed 20 persons, when they ambushed a civilian bus traveling from Kigali, Rwanda, to Bujumbura (see Section 1.a.).

Prison conditions remained life threatening. Conditions in state-run prisons improved, largely due to efforts by the International Committee of the Red Cross (ICRC) to improve sanitation, hygiene, medical care, food, and water. However, severe overcrowding continued, prisoners still relied on family members to provide an adequate diet, and according to government officials, prisoners suffered from digestive illnesses, dysentery, and malaria. Harsh prison conditions contributed to the deaths of prisoners from disease and malnutrition. Approximately 10,000 inmates were housed in facilities built to accommodate a maximum of 3,650 persons, according to Iteka. With the return of the ICRC, the death rate in the prisons containing 80 percent of all inmates dropped from 2.3 deaths per 10,000 per day to 0.4 deaths per 10,000.

International and local human rights monitors were permitted to visit prisons and speak with inmates (see Section 4).

d. Arbitrary Arrest, Detention, or Exile

On January 1, a new criminal code that prohibits arbitrary arrest, detention, and exile took effect; however, the code was not respected and security forces arbitrarily arrested and detained persons. Limits on the length of pretrial detention were not respected. The law requires arrest warrants, and presiding magistrates are authorized to issue arrest warrants. Police and gendarmes can make arrests without a warrant, but are required to submit a written report to a magistrate within 48 hours. The law requires that suspects appear in court within 7 days. A magistrate can order the release of suspects 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. The police are required to follow the same procedures as magistrates; however, the police have detained suspects for extended periods without announcing charges, certifying the cases, or forwarding them to the Ministry of Justice as required. Bail was permitted in some cases. Human rights organizations reported that incommunicado detention exists, although law prohibits it.

There were numerous instances of arbitrary arrest. In March police arrested 20 teenage girls at a club for prostitution (see Sections 5 and 6.d.). In May security forces arrested seven residents of the Kavumu regroupment camp in Bujumbura Rural province while conducting a search of residences (see Sections 1.f. and 2.d.); one of the seven later was found decapitated (see Section 1.a.). In August police arrested the twin brother of a labor organizer who called for a general strike and accused the twin brother of involvement in a grenade attack on the Buyenzi market (see Sections 1.c. and 6.a.)

There were numerous instances of the arbitrary arrest of persons demonstrating against the peace process (see Section 2.b.). On February 7, authorities in Bujumbura arrested and detained for 1 week at least eight persons who were demonstrating against the Arusha peace talks (see Section 2.b.). On February 26, police arrested and detained for 1 week 11 participants during another demonstration against the peace talks (see Section 2.b.). On March 25 security forces dispersed, arrested, and detained briefly several persons demonstrating against the peace process (see Section 2.b.). On April 19, authorities reportedly arrested and fined 15 persons also protesting the peace process. On August 18, authorities arrested and detained several protesters during a rally against the peace process, including the president of a labor union (see Sections 2.b.

and 6.a.). On August 20, police arrested Diomede Rutamucero, president of a self-described mainly Tutsi self-defense group PA-Amasekanya, for holding a non-violent demonstration against aspects of the peace process on August 19 (see Section 2.b.). Rutamucero was detained for longer than a week before he appeared before a judge and was fined.

The disruption of the political process and the generally poor security conditions severely impeded the judicial process.

The ICRC estimates that the prison population is approximately 8,700 persons and that 70 percent of those are pretrial detainees. According to the local human rights organization, Itaka, an estimated 3,255 pretrial detainees constituted 54 percent of the total prison population at year's end, down from 78 percent the previous year. The decline was due to government efforts to release prisoners while pending trial, to the release of prisoners charged with minor crimes, or those released because there was not enough evidence to support an indictment. By year's end, the Government had released approximately 1,000 prisoners without files.

The Government does not use forced exile as a means of political control; however, many persons remained in voluntary exile in Belgium, Kenya, Tanzania, the Democratic Republic of the Congo (DRC), and elsewhere. Some senior authorities maintain members of their families outside the country. A number of officials of the Government of deposed president Sylvestre Ntibantunganya, who fled the country in 1996, have not yet returned.

e. Denial of Fair Public Trial

The Transitional Constitutional Act provides for an independent judiciary; however, in practice the judiciary is not independent of the executive and is dominated by ethnic Tutsis. Reform of the judicial system is a priority of the peace accord, which has not yet been implemented. An international human rights organization estimated that ethnic Hutus account for only 10 percent of the country's lawyers and 5 percent of High Court judges; in lower courts, 10 percent of the judges are Hutu, although Hutus constitute an estimated 85 percent of the population. This discrepancy is due in part to unequal access to education, and in part to the conflict in which a number of Hutu judges and lawyers were killed or fled the country. 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.

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 labor court.

Citizens generally did not have regular access to civilian and military court proceedings. Defendants in theory are presumed innocent and have the right to appeal; however, in practice some lawyers say that the structure of the court system inappropriately limits the possibility of appeals for defendants accused of the most serious crimes. While defendants have a right to counsel and to defend themselves, in practice few have legal representation. 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 pretrial custody.

On January 1, a new criminal code took effect that provides for suspects' rights to a lawyer before official charges are filed and during pretrial investigations; however, not all aspects of the new code were respected, particularly the section that requires that detainees be charged and appear in court within 7 days of their arrest. Authorities sometimes are unable to carry out their investigations or transport suspects and witnesses to the appropriate court due to resource constraints and poor security conditions.

On October 19, two soldiers, including one convicted of killing Antonio Bargiggia, were executed for murder without having had legal representation during their trial or the chance to appeal their convictions (see Section 1.a.). These were the first executions since July 1999. According to the law, the prisoners had a right to appeal to the military's court of appeal, then to the Supreme Court, and then to the President for clemency; however, this process did not occur.

The Government holds political prisoners. An international organization 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 nonpolitical crimes sometimes are politically motivated. The peace agreement, which has not been implemented, 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.

According to the ICRC, an agreement is in place between the ICRC and the Ministries of Justice and Defense regarding access to prisoners and detained persons, including persons detained for "reasons relating to the conflict." The Ministries cooperate with the ICRC; however, the ICRC did not have a formal agreement with the Ministry of the Interior at year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Transitional Constitutional Act provides for the right to privacy; however, the authorities do not respect the law requiring search warrants. Security forces widely are believed to monitor telephones regularly.

In 1999 the Government forcibly relocated approximately 330,000 mainly Hutu inhabitants of Bujumbura Rural province in regroupment camps where security forces could more readily monitor and control their movements (see Section 2.d.). The sites were opened in September 1999, and had inadequate sanitation and insufficient access to water, food, shelter, and medicine. The Government's stated rationale for these forced relocations was to protect the regrouped population from rebel attacks. In May security forces conducted a search of residences at the Kavumu regroupment camp in Bujumbura Rural. Residents protested that soldiers stole their belongings and some of the residents threw rocks at the soldiers. Seven residents were arrested (see Section 1.d.); one of the seven later was found decapitated (see Section 1.a.). A National Assembly committee on human rights launched an investigation in May; however, no findings were made public by year's end. All of the regroupment sites were closed by August. Many of the residents of the regroupment camps returned home to find their fields ravaged, their homes looted or destroyed, and their livestock gone. Observers believe that members of both the military and the rebels were responsible for the damage.

International humanitarian aid agencies could not reach some of the Government's forced regroupment camps in remote sections of Bujumbura Rural province due to lack of infrastructure or because they were prevented from doing so by security forces (see Sections 2.d. and 4). These camps, composed of mainly Hutu residents, reportedly had insufficient water, food, sanitation, medicine, and shelter.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Transitional Constitutional Act does not impose restrictions on the media; however, the Government restricts freedom of speech and of the press. A press law requires that newspaper articles undergo review by a government censor 4 days before publication, and the Government controls the media and harasses and detains journalists.

The regime controlled much of the news, since it owns the only regularly published newspaper and the major radio and television stations. The government-owned *Le Renouveau* was published 3 times a week. Other newspapers, including at least one opposition newspaper, appeared irregularly. Political tracts circulated, and two private faxed newsheets were published almost daily. These represented mainly Tutsi political viewpoints. The National Communications Council prevented the publication of one edition of the FRODEBU opposition political party's newspaper, *La Lumiere*, in July (see Section 3). Journalists practice self-censorship.

The Government and its security forces harass journalists, questioning or detaining them or having their property searched and seized. In September the editor and a journalist of a private faxed newsheet were detained for 1 week and interrogated about their sources in a criminal investigation against the twin brother of a labor leader (see Sections 1.d. and 6.b.).

The government-owned radio broadcasts in the Kirundi language, 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 transmissions of the British Broadcasting Corporation (BBC), the Voice of America, and Radio France Internationale. On March 21, the National Communications Council and the BBC signed an agreement allowing the BBC to begin broadcasting from within the country; the BBC began broadcasting later in the spring.

No laws or regulations limit academic freedom, and no persons at the University of Burundi were persecuted for what they published or said. However, the population at the state university remains primarily ethnic Tutsi. Tensions have flared occasionally between Hutu and Tutsi students on campus, where politically and ethnically motivated killings occurred in 1995 and 1996. According to press reports, in December security forces forcibly dispersed university students demonstrating against exam schedules, which resulted in several injuries (see Sections 1.c. and 2.b.). In December 1999, the staff of the University of Burundi held a series of strikes, which ended in the spring (see Section 6.a.).

b. Freedom of Peaceful Assembly and Association

The Government restricts freedom of assembly. It banned several meetings by mainly Tutsi groups critical of government policy and the peace process (see Section 3). On June 24, police prevented a meeting organized by the Tutsi group, PA-Amasekanya, by locking the doors of the assembly hall.

The Transitional Constitutional Act permits political demonstrations, but in practice the Government has allowed none. During the year, police arrested protesters taking part in a series of non-violent protests against the peace process. On February 7, authorities in Bujumbura arrested at least eight persons who were demonstrating against the Arusha peace talks (see Section 1.d.). On February 26, police forcibly dispersed 1,000 unauthorized persons demonstrating against the peace talks; 11 persons were arrested (see Section 1.d.). There were reports that police beat some of the protesters (see Section 1.c.). On February 27, police and gendarmes prohibited members of organized clubs from going on weekly runs or runs with members of clubs in which political ideas are discussed. On March 25 and April 19, security forces dispersed and arrested several persons demonstrating against the peace process (see Section 1.d.). On August 18 and 19, protesters demonstrated against the peace process. On August 18, protesters attempted to implement a "ville morte" or dead city strike by shutting down road traffic on one of the national routes; university students then threw rocks and tree limbs onto the street near the university campus; however, security forces intervened and reopened the road. On August 19, police dispersed approximately 100 persons marching in Bujumbura to protest the peace talks and on August 20, arrested Diomedé Rutamucero, president of PA-Amasekanya, which organized

the march (see Section 1.d.). Authorities arrested and detained several protesters during the August 18 rally (see Section 1.d.), including Pierre-Claver Hajayandi, President of the Confederation of Burundi Unions (COSYBU), which organized the rally (see Section 6.a.). According to press reports, in December security forces used tear gas to forcibly disperse university students demonstrating against exam schedules, which resulted in injuries (see Sections 1.c. and 2.a.).

The Government restricts freedom of association and has arrested members of organizations and political parties. The Transitional Constitutional Act permits political parties to operate; however, the regime places restrictions on groups critical of its policies.

c. Freedom of Religion

The Transitional Constitutional Act provides for freedom of religion, and the Government generally respects this right in practice.

The Government requires religious groups to register with the Ministry of Internal Affairs, which keeps track of their leadership and activities. The Government requires that religious groups have a headquarters in the country. Once registered, religious organizations enjoy tax-free status, and clergy theoretically do not have to pay duty on purchased goods. However, one religious group reported that it was required to pay duty on all imported goods, except books and other publications.

On October 3, soldiers shot and killed Antonio Bargiggia, a Catholic brother from Italy, who ran a hospital in Mutoyi (see Section 1.a.). In October there were reports that unidentified attackers killed an Italian nun in Gitega (see Section 1.a.).

d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation

The Transitional Constitutional Act provides for these rights; however, the Government restricts these rights in practice. There was a government-imposed curfew in parts of the country; in Bujumbura the curfew begins at 11 p.m. and ends at 5 a.m. During the first half of the year, the Government continued its forced regroupment policy that required approximately 330,000 Hutus from Bujumbura Rural province to live in government-controlled camps (see Sections 1.a. and 1.f.). Residents of parts of Bujumbura Rural more heavily populated by Tutsis were not subject to relocation. The relocated population at times lacked access to food, safe drinking water, shelter, basic sanitation, and health care. Some regroupment camps were difficult to access (see Sections 1.f. and 4). Authorities stated that they were relocating the population to protect it from rebels, but the displacements also were used to separate rebels from the relocated population and to impede civilian assistance to rebels. Inhabitants of these sites raised some of their own food with the permission of the armed forces; however, residents were not given full access to their fields. Unlike in the previous year, there were no reports that persons who tried to leave the sites were shot by soldiers.

On February 14, there were reports that three rebel attacks on a regroupment camp in Kavumu commune, near Bujumbura, resulted in the deaths of at least six civilians (see Section 1.a.).

In early May, members of the security forces tortured and decapitated a man who had thrown stones at them while they looted houses in the forced regroupment camp Kavumu, in Bujumbura Rural province (see Sections 1.a. and 1.f.).

According to the U.N., there were 324,100 internally displaced persons (IDP's) living in 212 sites at year's end, which represents about 5 percent of the total population. Many were Tutsis who fled to other parts of the country starting in 1993 because of ethnic violence and never returned home. Soldiers did not restrict the movement of residents of IDP camps. Soldiers guarding these camps provide a measure of protection to camp inhabitants; however, they sometimes committed human rights abuses against them (see Sections 1.c. and 6.c.). Camp inhabitants often were required to perform labor for the soldiers without compensation (see Section 6.c.).

Persons who remain outside the sites reportedly were killed by Hutu rebels for allegedly collaborating with authorities and by the armed forces on suspicion of collaborating with the rebels (see Section 1.a.). Over the weekend of April 22 to 23, rebels reportedly killed 16 persons in a camp for internally displaced Tutsis in Makamba province (see Section 1.a.).

Unlike in the previous year, there were no reports that the authorities restricted foreign travel for political reasons. The majority of citizens could travel legally in and out of the country. Travel within the country was possible but could be hazardous in areas of rebel activity, particularly in parts of Bujumbura Rural, Bururi, Rutana, Ruyigi, and Makamba provinces.

Real and claimed insecurity in rural areas was cited by the Government in denying access to some areas of the country to human rights observers (see Section 4).

The law does not provide for the granting of refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention on the Status of Refugees and its 1967 Protocol; however, there is a special ad hoc administrative body in the Government that coordinates refugees, and the Government cooperates with the U.N. High Commissioner for Refugees (UNHCR). The Government has granted first asylum in recent years. Approximately 23,600 citizens of the DRC live in Burundi, many of whom claim asylum. Of these, about 1,400 are ethnic Tutsi known as Banyamulenge. Rwandan refugees who fled the 1994 ethnic massacres in Rwanda

departed the country by 1997. Another 200,000 Rwandans who came in earlier waves of refugees, some as early as 1959, are not registered officially with the UNHCR and are integrated into Burundian society.

The UNHCR reported that as of the end of September, about 10,000 Burundian refugees had returned during the year from Rwanda, Tanzania, the DRC, and other countries. During the same period, an estimated 47,528 persons fled to Tanzania, according to the UNHCR. Approximately 563,700 refugees, most of them Hutu, remained in Tanzania. About 200,00 of these persons fled as early as 1972, and many fled following the assassination of former president Ndadaye in October 1993. Another 23,408 refugees, most of them Hutu, are in Angola, Cameroon, the DRC, the Republic of the Congo, Kenya, Malawi, Rwanda, and Zambia.

There were unconfirmed reports that the Government had hired mercenaries to invade refugee camps in Tanzania; however, the Government strongly denied these reports.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

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

In April 1998, multiparty peace talks began in Arusha, Tanzania, and the Government subsequently launched an internal peace process. On June 4, 1998, Buyoya's regime and the National Assembly entered into a partnership agreement. The National Assembly adopted the 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. On August 28, the Buyoya regime and other groups present at the peace talks signed a peace agreement, which was ratified by the National Assembly on November 30. The August 28 peace agreement instructs the country's next transitional government to hold local, national, and presidential elections within a 3-year period, and to oversee elections for a newly formed Senate; however, this agreement was not implemented by year's end. Representation of both Hutus and Tutsis in institutions, including the army, the National Assembly, and a proposed Senate, is a key component of the agreement.

The Transitional Political Platform endorses in general terms the restoration of democracy and correction of the ethnic imbalance within the army and the judicial system. It calls for the creation of an international tribunal to try crimes of genocide. Although the peace accord also provides for such a tribunal as well as a National Truth and Reconciliation Commission to investigate other crimes, the agreement had not been implemented and no tribunal had been created by year's end.

On June 12, 1998, a new Government was announced in which the First Vice President and 10 of the 22 cabinet ministers are members of FRODEBU. The Cabinet includes 12 Hutus, including the Minister of External Relations. Progovernment ethnic Tutsi members hold the key Ministries of Defense, Interior, Justice, and Finance.

Under the 1992 Constitution, deposed President Ntibantunganya would have remained in office until 1998. The last elections to fill the Assembly took place in June 1993. The Transitional Constitutional Act stipulates that the National Assembly shall consist of 121 parliamentarians: Those elected in 1993 who sat in the previous National Assembly, plus 40 new members—28 members of civil society appointed by the President and one representative each (selected by their respective parties) from all 12 officially recognized political parties not previously represented. Not all of those elected in 1993 are alive or in the country, and the vacant seats were filled by substitutes from the same political party as the original parliamentarian. Tutsi supporters of the Government filled 22 of the 40 new seats.

Political parties operate under significant constraints. The National Communications Council prevented the publication of one edition of the FRODEBU opposition political party's newspaper, La Lumiere, in July (see Section 2.a.). The Government banned several meetings by mainly Tutsi groups critical of government policy and the peace process. On June 24, police prevented a meeting organized by the Tutsi group, PA-Amasekanya, by locking the doors of the assembly hall (see Section 2.b.).

Police often disrupted political demonstrations and beat and arrested demonstrators (see Sections 1.c., 1.d., and 2.b.).

The National Assembly has nominal budgetary oversight, but the Council of Ministers legally can enact a budget if the National Assembly fails to do so. The Transitional Constitutional Act gives the President the authority to declare a state of emergency by decree after consulting with the National Assembly Speaker, the Constitutional Court, and the National Security Council, which has not been convened since 1996.

No legal restrictions hinder the participation of women; however, women are underrepresented in government and politics. Of the 22 cabinet seats, 1 is filled by a woman, who serves as the Minister of Women, Welfare, and Social Affairs. In 1993 women were elected to 9 of 81 seats in the National Assembly. The expansion of

the National Assembly and the filling of vacant seats have brought the total number of female parliamentarians to 17. Two of the nine members of the Supreme Court are women, as are three of the seven Constitutional Court members, including its president.

No legal restrictions hinder the participation of indigenous people; however, the ethnic Twa (Pygmies) are underrepresented in government and politics. About 1 percent of the population is Twa, but there are no Twa in the Cabinet. One Twa is an appointed member of the National Assembly (see Section 5). Under the peace accord, up to three Twa could be appointed to sit in the Senate.

Section 4 Governmental Attitude regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic human rights groups received varying degrees of cooperation from government ministries. The local human rights group, Iteka, continued to operate and publish a newsletter. Human Rights Watch maintained an office in the country. Amnesty International representatives visited the country several times during the year, and the U.N. Special Rapporteur for Human Rights visited once 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 U.N. humanitarian mission.

Real and claimed insecurity in rural areas was cited by the Government in denying access to journalists, international relief workers, and human rights observers to some areas of the country, including to regroupment camps (see Sections 1.f. and 2.d.). Army elements in the field frequently denied access to human rights observers where the army was accused of human rights violations. Human rights NGO's frequently were unable to investigate reports of killings due to these restrictions. In the spring, the U.N. resumed normal field operations in much of the country following the deaths of two workers in 1999 (see Section 1.a.); however, many areas of the country, particularly near Bujumbura, near the border with the DRC, and near the border with Tanzania, remain off limits for normal operations.

On May 21 and 22, rebels attacked the city of Makamba; no injuries were reported. There were reports that the target of the attack was Doctors Without Borders, an international NGO.

On November 25, on the road between Bujumbura and Gitega, a group of men, some allegedly dressed in military uniform, robbed at gunpoint a truck belonging to World Vision, an international NGO.

Section 5 Discrimination Based on Sex, Religion, Disability, Language, or Social Status

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions and discrimination persists. Hutus continued to perceive, correctly, that the Tutsi-dominated Government and army discriminate against them. The question of exclusion was a central question during the peace talks.

Women

Violence against women occurred, but its extent is undocumented. Wives have the right to charge their husbands with physical abuse, but they rarely do so. Police normally do not intervene in domestic disputes, and the media rarely report incidents of violence against women. No known court cases dealt with the abuse of women.

Women face legal and societal discrimination. Explicitly discriminatory inheritance laws and credit practices continued. 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 hard farm work, marry and have children at an early age, and have fewer opportunities for education than men.

Rebels kidnaped and raped women, although credible reports suggest that such incidents were infrequent (see Sections 1.b. and 1.c.).

Children

The law provides for children's health and welfare, but the Government cannot adequately satisfy the needs of children and, in particular, of the large population of orphans resulting from the violence since 1993 and HIV/AIDS. Many of the victims in the civil war are children, and many children have lost family members and witnessed violence.

More than a quarter of the primary schools have been destroyed in the war, and many teachers have been killed. Teacher training has been interrupted, and it is difficult to find qualified teachers to work in the provinces most affected by fighting. The Government provides elementary education at nominal cost through grade six; however, inequitable distribution of educational resources favors those children in southern and central areas of the country, according to International Alert, an international NGO. The Government estimates that approximately 45 percent of children are enrolled in primary school and approximately 44 percent of children are enrolled in secondary school.

Teenage prostitution is a problem (see Section 6.d.). During the year, the Government began a campaign to curb underage prostitution in Bujumbura. In March police arrested, detained for several days, and fined 20 teenage girls at a club for prostitution.

There were reports that soldiers used children for forced labor (see Section 6.c.).

People with Disabilities

The Government has not enacted legislation or otherwise mandated access to buildings or government services for persons with disabilities. Discrimination against the disabled is a problem. There are few job opportunities for the physically disabled in the country, where most jobs involve significant manual labor.

Indigenous People

The Twa (Pygmies), who are believed to be the country's earliest inhabitants, now make up about 1 percent of the population, and generally remain marginalized economically, socially, and politically. Most Twa live in isolation, without formal education, and without access to government services, including health care.

National/Racial/Ethnic Minorities

The principal national problems continued to be ethnic conflict between the majority Hutus and the minority Tutsis, and regional inequities between southern Bururi province and much of the rest of the country. Almost 4 decades of violence and systematic discrimination have exacerbated the genocide and exclusion fears of both Tutsis and Hutus. Tutsis claim to have been the targets of genocide carried out in 1993 by Hutus angered by the assassination of democratically elected Hutu president Ndadaye. The Tutsis, particularly southern Tutsis, historically have held power, and they dominate educated society and control the security forces. In 1996 Major Pierre Buyoya, a southern Tutsi, deposed President Ntibantunganya, a central Hutu, in a coup.

The Transitional Constitutional Act provides equal status and protection for all citizens, without distinction based on sex, origin, ethnicity, religion, or opinion; however, the Government failed to implement effectively the act's provisions. The Tutsi-dominated Government and army discriminate against Hutus. Northern and eastern Tutsis also have a more difficult time acceding to positions of power. State discrimination against Hutus, who constitute an estimated 85 percent of the population, affects every facet of society, but most strikingly higher education and certain branches of the Government such as the armed services and the judicial system. The President and the Tutsi-dominated army retain their dominance in decision-making and do not share power equally with Hutu members of the Government.

Section 6 Worker Rights

a. The Right of Association

The Labor Code protects the rights of workers to form unions; however, the army, gendarmerie, and foreigners working in the public sector are prohibited from union participation. Most union workers are urban civil servants.

According to the Confederation of Free Unions of Burundi (CSB), an umbrella trade union, 60 percent of the 80,000 formal private sector employees are unionized. All employees in the public sector, except those prohibited by law, are unionized.

Since gaining independence from the Government in 1992, the CSB has been dependent financially on a system of checkoffs, or voluntary contributions, as are local unions. In 1995 a rival trade union, the Confederation of Burundi Unions (COSYBU), was founded. Both COSYBU and the CSB represented labor in collective bargaining negotiations in cooperation with individual labor unions during the year.

Tutsis dominate the formal sector of the economy and the unions.

The Labor Code permits the formation of additional unions or confederations outside the CSB. When settling disputes in which more than one labor union is represented, the law stipulates that the Minister of Labor must choose the union representing the greatest number of workers to participate in the negotiations.

The Labor 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 law prohibits retribution against workers participating in a legal strike; however, this provision was not respected.

In December 1999, the staff of the University of Burundi held a series of strikes, which ended in the spring (see Section 2.a.). In January civil servants held several strikes to protest price and tax hikes; however, the strikes were not observed widely due to government intimidation. All striking employees returned to work on January 19. The Government initially had agreed to negotiate with COSYBU, but later refused. The vice president of

the union was arrested twice, but released.

On August 18, authorities arrested and detained several protesters during a rally against the peace process (see Sections 1.d. and 2.b.), including Pierre-Claver Hajayandi, President of the COSYBU, which organized the rally. In September police arrested a labor organizer who called for a general strike against government policies. The organizer's twin brother, whom they accused of involvement in a grenade attack on a popular market (see Section 1.c.), also was arrested (see Section 1.d.).

Unions are able to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

The Labor Code recognizes the right to collective bargaining, formerly acknowledged only by ordinance. Since most workers are civil servants, government entities are involved in almost every phase of labor negotiations.

Public sector wages are set in fixed scales in individual contracts and are not affected by collective bargaining. In the private sector, wage scales also exist, but individual contract negotiation is possible.

The Labor Code gives the Labor Court jurisdiction over all labor dispute cases, including those involving public employees. Negotiations are conducted largely under the supervision of the tripartite National Labor Council, the Government's highest consultative authority on labor issues. The Council represents government, labor, and management and is presided over and regulated by the Minister of Labor.

The Labor Code prohibits employers from firing or otherwise discriminating against a worker because of union affiliation or activity. This right is upheld in practice.

There are no functioning export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits the performance of forced or compulsory labor; however, soldiers guarding internally displaced persons sites and soldiers at military posts often require persons to cook, fetch water, chop wood, work in the fields of military leaders, and perform other chores without compensation (see Section 2.d.). The military also require persons to perform regular night watches.

The law prohibits forced or compulsory labor by children; however, there were reports that soldiers forced children to perform occasional tasks, such as carrying supplies.

On November 16, there were reports that security forces forced approximately 100 men from the northern neighborhoods of Bujumbura to remove foliage near Tenga, a densely wooded area where security forces were fighting with rebels. Several civilians were killed or injured during the fighting (see Sections 1.a. and 1.c.).

Rebel groups also require the rural population to perform uncompensated labor, including the transport of rebel supplies and weapons. Rebels also recruit and use children for labor.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code states that children under the age of 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. In practice children under the age of 16 in rural areas do heavy manual labor in the daytime during the school year.

The minimum age for military service is 18, but observers believe that there are some children below that age in the military.

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.

Teenage prostitution is a problem (see Section 5).

The law prohibits forced and bonded labor by children; however, there were reports that it occurred (see Section 6.c.).

e. Acceptable Conditions of Work

The formal minimum wage for unskilled workers is \$0.21 (160 francs) per day in the cities Bujumbura and Gitega and \$0.14 (105 francs) in the rest of the country, with a graduated scale for greater skill levels. This amount does not allow a worker and family to maintain a decent standard of living, and most families rely on second incomes and subsistence agriculture to supplement their earnings.

Unionized employees, particularly in urban areas, generally earn significantly more than the minimum wage. Public sector wages are set by agreement between the Government and either the CSB or COSYBU. The government wage scale has remained unchanged since 1992, but allowances, such as the one for housing, have risen.

The Labor Code stipulates an 8-hour workday and a 40-hour workweek, except in cases where workers are involved in activities related to national security. Supplements must be paid for overtime. Foreign workers are protected by law and are not subject to discrimination.

The Labor Code establishes health and safety standards that require an employer to provide a safe workplace and assigns enforcement responsibility to the Minister of Labor. However, the Ministry does not enforce the code effectively. Health and safety articles in the Labor Code do not address directly workers' rights to remove themselves from dangerous tasks.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, within, or through the country.

[End.]

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