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Burundi

REPUBLIC OF BURUNDI

Head of State	Pierre Nkurunziza
Death penalty	retentionist
Population	8.1 million
Life expectancy	48.5 years
Under-5 mortality (m/f)	185/162 per 1,000
Adult literacy	59.3 per cent

Political tensions impeded the implementation of human rights protection measures by the government. Peace negotiations between the government and the last remaining armed opposition group stalled. The administration of justice remained poor, and people in detention suffered deplorable conditions. Levels of arbitrary arrests and detentions were high, and torture and ill-treatment were commonplace. Sexual violence against women and girls, notably rape, persisted. The government made slow progress in establishing mechanisms for the investigation and prosecution of serious crimes committed during the 12-year conflict that ended in 2005.

Background

Opposition parties boycotted the National Assembly in 2007 in protest against their under-representation within the government. As a result the National Assembly failed to enact several important pieces of legislation, including a proposed new Criminal Code that would have criminalized acts of torture and other cruel, inhuman or degrading treatment, including violence against women and children, and would have abolished the death penalty.

A ministerial reshuffle on 13 July exacerbated tension between the government and opposition parties. The impasse was only broken on 14 November following another ministerial reorganization which increased the representation of opposition parties in government.

The terms of the September 2006 Comprehensive Ceasefire Agreement between the government and the last remaining armed opposition group, the National Liberation Forces (Forces Nationales de Libération, FNL), were not fully implemented. On 19 February 2007, the Joint Verification Monitoring Mechanism – a platform for both sides to discuss the implementation of the peace process – began its work. The FNL delegation pulled out of the peace monitoring team in July, blaming threats to their security. Negotiations were still at a stalemate at the end of the year. Violent clashes between two factions of the FNL were reported near the capital, Bujumbura, during September and October.

The international community expressed concern that political instability threatened the ongoing peace process and the functioning of national institutions.

International financial institutions also urged the government to address corruption.

Arbitrary arrest and detention

Legal limits on the length of time individuals could be detained without charge were regularly breached by the authorities. Arbitrary arrests and detentions by the intelligence services, police and army were reported throughout 2007 – 112 cases of arbitrary detention were recorded in January alone. Many of those arbitrarily arrested were FNL suspects. In addition, the security forces were involved in extrajudicial executions of civilians.

- On 29 June, in the commune of Buhinyuza (province of Muyinga), a married man and father of two children was reportedly executed by members of the Burundian army. He was sitting and drinking beer with his neighbours close to his house, when several soldiers arrived. The soldiers, who were patrolling the area, demanded that the man and his neighbours lie on the ground. The man panicked and tried to flee. One of the soldiers killed him immediately. No investigation into the killing was reported.

Torture and other ill-treatment

Torture and other ill-treatment were widespread throughout the country. Cases of torture and ill-treatment by the Burundian National Police, the National Defence Force and the Intelligence Services were regularly reported by local human rights organizations, including ACAT Burundi (Action des Chrétiens pour l'Abolition de la Torture).

- On 28 February the police chief of Bururi town and another police officer reportedly tortured a man to make him confess to an offence he had not committed. They stripped him naked, beat him and threatened to kill him.
- An 18-year-old man accused of stealing a bicycle was reportedly tortured on 26 July in police custody in the town of Gitega. His arms were tied behind his back and police officers allegedly beat him with batons and then burned him. Human rights monitors reported scars on his arms and neck.
- A man from Nyanza-Lac, Makamba, was arrested on 18 January. He was severely beaten in custody by four policemen, including the police chief. He was fined and released from detention the same day. No investigation was carried out and the perpetrators were not brought to justice. He suffered from pain in his ears, his right eye and his feet following the attack.
- In February, the UN Committee against Torture recommended that the government should address the climate of impunity, strengthen the capacity
- of the judiciary and ensure its independence, and establish effective mechanisms to monitor all places of detention.

Human rights abuses by an armed group

In Bujumbura Rural, Cibitoke and Bubanza, FNL fighters subjected civilians to repeated acts of violence. They stole, extorted money, kidnapped people for ransom and raped women and girls. Human rights monitors alleged that FNL fighters also recruited child soldiers.

- On 3 August, FNL fighters were reported to have entered the home of a man they accused of witchcraft in Kabezi Commune, Bujumbura Rural. They reportedly beat him to death with batons.
- In January, FNL fighters took five members of one family hostage, including three children, in Kanyosha, Bujumbura Rural. They demanded as ransom the return of a grenade which the head of household had found and taken to the local police station.

Violence against women

Sexual violence, including rape, remained prevalent throughout Burundi. Military and police personnel were responsible for a number of rapes. The majority of reported rape victims were girls under the age of 18. Perpetrators regularly escaped prosecution and punishment by the state. The rate of successful prosecutions for sexual crimes remained extremely low. Most victims remained silent – often out of fear of social stigmatization. Victims and their families resorted to traditional and informal dispute resolution systems, often negotiating and agreeing to payment from the perpetrator or the family of the perpetrator, as recompense.

- On 19 January, an elderly woman was raped by an unidentified man dressed in military uniform. The rapist ordered her husband to help him by carrying food supplies. The husband refused and his wife did it instead. The unidentified soldier raped her by the side of the road. The victim received medical treatment the following day but did not report the crime to the authorities.
- On 17 November, a 12-year-old girl was raped by her neighbour. The perpetrator was married and a father of three. The perpetrator was arrested and charged but released two days later. Local human rights defenders appealed to the police chief who ordered his re-arrest, but the man was still at large at the end of 2007.

Justice system

Burundi's law enforcement and justice system remained weak and in need of urgent reform. The judicial system lacked human, financial and material resources. Law enforcement and judicial staff were poorly trained. Corruption remained a problem. Low levels of confidence in the justice system led to numerous incidents of mob justice, including killings and lynching.

- On 21 February, six policemen arrived in Nkenga Busoro, Kanyosha. They carried guns but only two wore uniform. After a recent spate of armed robberies, the local population thought the men were robbers and attacked them. Four of the policemen escaped, but two were captured and beaten to death.
- On 24 November, a policeman was killed by the local population of Nyamurenza, Ngozi. He had reportedly robbed a local trader and assaulted the trader's cousin. He also shot and injured a local man who intervened in the attack.
- The government reportedly influenced judicial decisions.
- The perpetrators of the Muyinga massacre, in which at least 16 people with suspected links to the FNL were alleged to have been extrajudicially executed by military personnel in July and August 2006, remained

at large. A judicial commission reported to the prosecutor in the case. Both military and civilian personnel were suspected of involvement in the killings, including high-ranking officials. However, the prosecutor stated that no civilians would be prosecuted and passed the file to the military prosecutor's office.

Detention conditions

Prisons were overcrowded and conditions insanitary. Detainees were not provided with adequate access to medical care and attention, especially those suffering from HIV/AIDs. Prison registers were poorly maintained.

By the end of November, the prison population numbered more than 8,000 people, most of whom were not adequately fed. Between 65 and 70 per cent had not been tried, according to human rights organizations and the prison authorities. More than 400 children aged between 13 and 18 were held, often together with adults.

- Mpimba Prison in Bujumbura was one of the most overcrowded prisons in Burundi. In November, it held 2,289 detainees, although its capacity was only 800. Of these, 145 were minors who were held in the same cells as adults. Only 19 per cent of these minors had been tried and convicted. Medical care from a trained professional was not available in the prison.
- Detainees were also held in overcrowded police detention facilities. A total of 76 people were reportedly held in a cell measuring 13m2 in police detention facilities in Kayanza. In June, 58 detainees were being held in a cell at Kirundo police station whose capacity was 40. Children also shared cells with adults: one minor was incarcerated with 71 men.
- During a visit to the Public Prosecutor's office in Kirundo in June, a local human rights organization reported that the toilets in the cells had overflowed. Human waste covered the floor of the cells and the corridor outside, preventing human rights monitors from entering.

Transitional justice

Genocide, war crimes and crimes against humanity committed during the conflict remained unpunished. The proposed establishment of a Truth and Reconciliation Commission and a Special Tribunal to investigate and prosecute such crimes had not been implemented. Initially, both sides could not agree on the issues of amnesty, the links between the Truth and Reconciliation Commission and the Special Tribunal, and the independence of the prosecuting body.

The President confirmed in May that no amnesty would be granted for war crimes, genocide, crimes against humanity and other serious human rights violations. Both sides agreed to undertake national consultations on the establishment of the two mechanisms, and on the establishment of a steering committee, comprised of members of the Burundian government, the UN and civil society. The government signed an official agreement on 2 November marking the start of a six-month consultation period. The consultations were praised as an essential first step in establishing transitional justice in Burundi.

Returning refugees

A total of 38,087 Burundian refugees were repatriated between January and November. Between April 2002 and November 2007, UNHCR repatriated more than 374,700 Burundians from neighbouring Tanzania. Approximately 9,000 Burundian families were expelled from Tanzania.

Freedom of expression

Journalists were repeatedly threatened with arrest for carrying out legitimate professional activities.

- Serge Nibizi, an editor for Radio Publique Africaine, and Domitile Kiramvu, a journalist for the same radio station, who had been arrested in November 2006 and charged with threatening state security, were acquitted on 4 January 2007. The Public Prosecutor lodged an appeal against the acquittal, and the two journalists were summoned three times in 2007. On each occasion, a new date for court attendance was set.
- Incidents of harassment and intimidation of journalists, including physical attacks, were also recorded.
- Gérard Nzohabona was reportedly attacked by eight policemen in October after intervening in the seemingly wrongful arrest of two girls. The officers reportedly called him a "journalist dog" as they beat him.

Amnesty International visit/reports



Amnesty International delegates visited Burundi in October.



Burundi: No protection from rape in war and peace (AFR 16/002/2007)



[Burundi: No protection from rape in war and peace \(AFR 16/004/2007\)](#)



[Burundi: Further information on prisoner of conscience / Fear of torture or ill-treatment / harassment / intimidation: Gabriel Rufyiri \(AFR 16/001/2007\)](#)