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Burundi

Efforts to resolve conflict between the government and the last active rebel group, the Party for the Liberation of the Hutu People-National Liberation Forces (Palipehutu-FNL), made halting progress. Preliminary talks in early 2008 on renewed negotiations soon deadlocked. In April, FNL forces attacked the capital, Bujumbura. Tanzania, longtime host of the Palipehutu-FNL leadership, expelled them in May. Combined with combat losses, this brought the group back to the table, signing a new ceasefire on May 25. However, as of November, Palipehutu-FNL refused to enter the political process unless it could retain its name, although the constitution prohibits ethnically based political parties.

Rebels, security forces, and armed civilians linked to the ruling party carried out extrajudicial executions of opponents. Meanwhile, President Pierre Nkurunziza's National Council for the Defense of Democracy—Forces for the Defense of Democracy (CNDD-FDD) intimidated rival parties and civil society.

Progress in Peace Negotiations and Demobilization

Progress toward resuming peace talks deadlocked in April over Palipehutu-FNL demands for “provisional immunity” from prosecution, leading to combat that displaced thousands of civilians. Once talks resumed in May, FNL combatants refused to enter assembly sites, recruited new members, and continued pillaging civilians. Police killed an FNL member in August, raising fear of renewed violence. Talks continued under strong international pressure.

In addition to the matter of Palipehutu-FNL's name, the fate of a group claiming to be former FNL combatants was a sticking point. The Palipehutu-FNL charged the group was created by the government as an alternative negotiating partner, and the World Bank refused to fund its demobilization.

Some 230 children from this group were demobilized in May, but UN observers reported difficulties in reintegration. Human rights groups estimate that hundreds of children remain in the ranks of Palipehutu-FNL.

Political Violence

In early 2008 killings on both sides of the political divide raised concerns about violence as politicians began preparing for the 2010 elections. At least five persons linked to the FNL and three persons linked to the Front for Burundian Democracy (Frodebu), a political party, were murdered. Witnesses accused police, National Intelligence Service (SNR) agents, local officials, and members of the CNDD-FDD youth league. In March grenades were thrown at the homes of five politicians opposed to the CNDD-FDD, recalling similar attacks in mid-2007.

Five CNDD-FDD officials and a police informant linked to the CNDD-FDD were killed in early 2008, and attempts were made on the lives of two intelligence agents and two other CNDD-FDD officials. In at least three cases, witnesses attributed attacks to Palipehutu-FNL, while two other victims had been repeatedly threatened by FNL members.

Police arrested three suspects for the grenade attacks, but a magistrate released them due to lack of evidence. As of November, there had been no trials for any of these attacks.

Following the resumption of combat in April, police, soldiers, and intelligence agents arrested hundreds of suspected Palipehutu-FNL members, detaining many for weeks without charge, beating some. Police and intelligence agents frequently used former FDD combatants to harass, assault, and illegally arrest Palipehutu-FNL members and others.

Repression of Political Opposition

In April former CNDD-FDD president Hussein Radjabu was sentenced to 13 years in prison after being convicted with five others of threatening state security. Radjabu was arrested in April 2007 after he lost his post in political in-fighting. He had been

detained for months in conditions that violated Burundian law. The convictions are under appeal.

Twenty-one CNDD-FDD deputies including 19 loyal to Radjabu left the party in 2007. Another was expelled in early 2008, leading to deadlock in the National Assembly. In June the CNDD-FDD president of the assembly asked the Constitutional Court to declare the seats empty. He did not seek a ruling on the situation of deputies who had left the opposition Frodebu party. In a much-criticized, hastily issued decision, the court held that the seats of the CNDD-FDD defectors were occupied unconstitutionally, allowing the party to fill them with loyalists. The decision did not enable Frodebu also to replace defectors. Three defecting CNDD-FDD deputies were subsequently arrested; as of November two remained in pre-trial detention on charges of threatening state security.

In late 2007, at least 71 members of opposition parties and movements, mostly from the Union for Peace and Democracy (UPD-Zigamibanga) and the Movement for Security and Democracy (MSD), were arrested. MSD chairperson Alexis Sinduhije was arrested in November on charges of “insulting the president”, based on documents seized in an illegal search at his headquarters.

Addressing Impunity

On October 23, a military tribunal convicted 15 soldiers for the killing of 31 civilians in Muyinga in 2006; a year after the Nkurunziza government took power. Although this was an important blow against impunity, no civilian officials implicated in the case, including local administrators and intelligence agents, were prosecuted. The primary Muyinga suspect, Colonel Vital Bangirinama, sentenced to death in absentia, had fled Burundi in January after learning he was to be arrested. A new criminal code before the National Assembly would eliminate the death penalty.

Impunity continued for crimes from the war years and other more recent human rights violations. Progress was slow in the trials of intelligence officers responsible for killing four civilians in Kinama in 2006 and of police officers accused of beating at least 20 civilians in Muramvya in 2007. Officers accused of abuses failed to

appear in court in September because the court failed to send them subpoenas, and unknown individuals attempted to bribe and intimidate witnesses not to testify.

Transitional Justice

A committee including representatives of government, the United Nations, and civil society was formed in November 2007 to guide popular consultations on the establishment of a truth and reconciliation commission and a special tribunal. Although the UN Peacebuilding Fund, established by the UN Peacebuilding Commission, contributed US\$1 million, the committee did not organize consultations, now scheduled for 2009. President Nkurunziza wrested control of the process from the first vice president, contravening an agreement with the UN, and was rebuked by the UN secretary-general. The government continued to urge amnesty for war crimes, crimes against humanity, and genocide, despite UN opposition.

Human Rights Defenders and Journalists

After three journalists held for allegedly threatening state security were freed in 2007, several months of relative press freedom followed. In August 2008, however, judicial authorities interrogated representatives from the Burundian human rights organization Ligue Iteka and a Burundian consultant for International Crisis Group about sources of information critical of the government they had allegedly passed to journalists. Gabriel Rufyiri, head of L'Observatoire de Lutte contre la Corruption et les Malversations Economiques (OLUCOME), detained for four months in 2006 for criticizing official corruption, was interrogated twice in 2008, once after criticizing the state budget.

In August, Jean Claude Kavumbagu, editor of the web-based Net Press, was imprisoned on defamation charges after publishing a report that the president had spent US\$100,000 on a trip to China. Union activist Juvenal Rududura was imprisoned for "false declarations" after he accused the minister of justice of corruption. In September the director of Radio Publique Africaine (RPA) was interrogated after the station criticized officials. Pressured by the National Communications Council to apologize, the station expressed regret for some "journalistic errors," but otherwise stood by its reporting.

Violence Against Women

In January the UN Committee on the Elimination of Discrimination against Women expressed concern over domestic and sexual violence in Burundi. The government took some measures to combat violence against women. A proposed new criminal code, currently before the National Assembly, explicitly defines the crimes of rape and sexual violence, and provides stiffer penalties.

Key International Actors

The UN Human Rights Council renewed the mandate for the independent expert on the situation of human rights in Burundi after the Burundian government, encouraged by local human rights groups and EU diplomats dropped its opposition. The government agreed to extend the mandate until a proposed national human rights commission begins operating.

Human rights officers of the United Nations Integrated Office in Burundi (BINUB), successor to the ONUB peacekeeping mission, monitored and denounced human rights abuses, although other sections of BINUB hesitated to criticize governmental actions.

The UN Peacebuilding Fund began disbursing US \$35 million pledged to Burundi, including US\$500,000 for the intelligence agency known for many abuses.

International donors supported police training and renovation of courts and prisons, projects important to assuring human rights. The EU defended press freedom, and the EU, UK, and US issued statements condemning the arrest of Sinduhije. But they were silent on the expulsion of the 22 deputies, and failed to send a proposed joint letter to the government expressing concerns about impunity.

A new political directorate including South Africa and the EU facilitated peace talks between the government and Palipehutu-FNL. An African Union force of South African troops provided security to Palipehutu-FNL leaders upon their return to Burundi, but planned to pull out after a December 31 deadline for a peace agreement. Burundi is due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in December 2008.