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BURUNDI

Child soldiers - the challenge of demobilisation

March 2004

Summary

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Military leaders have fuelled Burundi's 10 year armed conflict by recruiting and abducting children, destroying their childhood and their future. Children, including children under the age of 15, have been cynically used as a cheap and expendable tool of war. Children have been abducted and torn from their families. Others have been driven to volunteer as a result of social exclusion, and family breakdown, or after witnessing atrocities.

Poverty and years of armed conflict have made it easier for a whole generation of children to be drawn into the armed conflict. For some, soldiering has become a form of survival or has represented a form of identity in a context of widespread trauma. Other children have been drawn, sometimes after years of indoctrination, to the political, ethnic or military agendas of their chosen group.

The Burundian armed forces as well as Burundian armed political groups have all recruited and used child soldiers in a variety of capacities - as porters, informants, "wives" and actual combatants. Burundian child soldiers have fought in both Burundi and DRC. Many child soldiers have been humiliated, ill-treated and brutally punished, as well as exposed through inexperience and poor training to needless danger. Even those used essentially for portering may have found themselves on the frontline during combat as they fulfilled their task of transporting the wounded and the dead.

No reliable figures exist on the number of children who have taken part in the conflict over the last 10 years. However, according to United Nations Child Fund (UNICEF) figures between 6,000 and 7,000 under-18s must now be disengaged, demobilised and reintegrated into society. UNICEF has so far secured agreement with the Government of Burundi and two minor armed political groups, the FNL (Mugabarabona) and CNDD-FDD (Ndayikengurukiye) for the demobilisation and reintegration of their child soldiers, estimated at 3,000 child soldiers.

Since January 2004, 300 child soldiers from government forces and the CNDD-FDD (Ndayikengurukiye) have already been demobilised, and are being integrated into their communities. Plans for the future demobilisation of thousands of other child soldiers are being prepared. Tens of thousands of adult combatants must also be demobilised and reintegrated - no mean feat in a situation of extreme poverty and on-going conflict both in Burundi and in neighbouring DRC, and in a region awash with small arms. How this process is managed will have a significant impact on the immediate and long term human rights situation in Burundi.

Tackling the practice and legacy of child soldiering is an important element in achieving a durable peace in which the human rights of all are respected. A comprehensive demobilisation programme for child soldiers which pays special attention to the needs of girls and to measures which may prevent further violence against women, is essential. The legacy of children having spent years within the armed forces, primarily learning only the art of violence, unless addressed properly, will have lasting repercussions on the country and its citizens. Regardless of how they were recruited, child soldiers are likely to have witnessed or participated in extreme violence, as well as to have been the object of abuse. The physical and psychological legacy of these experiences must be addressed.

However the focus should not be solely on child soldiers. Children who have not taken an active part in the war are also vulnerable to the social dislocation likely to be experienced by demobilised child soldiers. Many others have lost parents, witnessed extreme violence and frequently had their social and family environment torn apart. Many children are not even receiving the most basic education. If the needs of a traumatised war generation are not adequately addressed too, they too will pose a threat to prospects of long term peace.

It is essential that the Government of Burundi and the leaders of all current and former armed political groups fully commit themselves to the process of demobilising and reintegrating child soldiers. All have poor human rights records and little evident enthusiasm for demobilising child soldiers. While the successful demobilisation of child soldiers cannot happen without their support, it also requires substantial support from the international community and donors not only to encourage leaders to support the process but to provide sufficient financial and technical assistance to all actors involved in the process to ensure a comprehensive and coordinated approach. The international community should sustain interest and engagement in the process, and monitor progress of the program as well as in country developments, to avoid manipulation of the demobilisation project by military leaders or others. Any new recruitment and continued evidence of the use of child soldiers must be strongly and publicly condemned.

This report summarizes a 27-page document (11336 words), *Burundi: Child soldiers – the challenge of demobilisation* (AI Index: AFR 16/011/2004) issued by Amnesty International in March 2004. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email:

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Burundi

Child soldiers - the challenge of demobilisation

Jean-Noel R joined the Burundian armed forces aged 15 in 1998. He had already been helping soldiers for around one year at the military position next to the camp for the internally displaced where he lived. He was proud to help and says it made him feel important. Eventually, the commander of the position approached him and suggested that he could be properly integrated using a false identity card. He was happy to accept and was soon transferred to Mwaro barracks for training. Within two weeks he tried to desert for the first time but was caught and brought back.

"I was a child trying to do a man's exercises. They beat me when I couldn't do it. I couldn't even reach the bar".

In the five years that followed before he deserted with serious mental health problems, he served in several areas of Burundi as well as Katanga, Democratic Republic of Congo (DRC).

"Everything in the army is done through fear. I didn't want to do the things I did. All I did was through fear. Congo was the worst. I saw too many things...I am very tired"

He also saw friends commit suicide and soldiers kill captured prisoners.

Now at home, he faces fear and suspicion. His neighbours are suspicious of him, worried that he may have arms and may turn to violence and armed robbery. Aged 20, he would like to go to school for the first time. There is no structure in place to help him at present.

1. INTRODUCTION

Military leaders have fuelled Burundi's 10 year armed conflict by recruiting and abducting children, destroying their childhood and their future. Children, including children under the age of 15, have been cynically used as a cheap and expendable tool of war. Children have been abducted and torn from their families. Others have been driven to volunteer as a result of social exclusion, and family breakdown, or after witnessing atrocities.

Poverty and years of armed conflict have made it easier for a whole generation of children to be drawn into the armed conflict. For some, soldiering has become a form of survival or has represented a form of identity in a context of widespread trauma. Other children have been drawn, sometimes after years of indoctrination, to the political, ethnic or military agendas of their chosen group. In such situations it is more accurate to talk of indirect force rather than volunteering; in any case, responsibility clearly rests with the authorities and

commanders and leaders of armed political groups to prevent recruitment of children and to allow and facilitate their demobilisation (see later section A **violation of children's rights and a war crime**).

The Burundian armed forces as well as Burundian armed political groups¹ have all recruited and used child soldiers in a variety of capacities - as porters, informants, "wives" and actual combatants. The Cape Town Principles and Best Practices² define a child soldier as "any person under 18 years of age who is part of any kind of regular or irregular armed force or armed group in any capacity, including but not limited to cooks porters, messengers, and those accompanying such groups, other than purely as family members. It includes girls recruited for sexual purposes and forced marriage. It does not therefore only refer to a child who is carrying or has carried arms". Demobilisation programs in Burundi use this broad definition of a child soldier.

Burundian child soldiers have fought in both Burundi and DRC. Some have been used in both government and opposition forces, while others have served under a number of different leaderships in opposition forces. Many child soldiers have been humiliated, ill-treated and brutally punished, as well as exposed through inexperience and poor training to needless danger. Even those used essentially for portering may have found themselves on the frontline during combat as they fulfilled their task of transporting the wounded and the dead. Young adults who may have spent a substantial part of their lives as child soldiers, as well as child soldiers who leave their armed group or the army outside the framework of the formal demobilisation program, currently fall outside any of the currently existing programs for the demobilisation of child soldiers in Burundi despite the heavy psychological legacy and trauma of their experiences.

It is essential that the Government of Burundi and the leaders of all current and former armed political groups fully commit themselves to the process of demobilising and reintegrating child soldiers. All have poor human rights records and little evident enthusiasm for demobilising child soldiers. While the successful demobilisation of child soldiers cannot happen without their support, it also requires substantial support from the international community and donors not only to encourage leaders to support the process but to provide sufficient financial and technical assistance to all actors involved in the process to ensure a comprehensive and coordinated approach. The international community should sustain interest and engagement in the process, and monitor progress of the program as well as in country developments, to avoid manipulation of the demobilisation project by military leaders or others. Any new recruitment and continued evidence of the use of child soldiers must be strongly and publicly condemned.

¹ Please see Appendix I for information on Burundi's armed political groups.

² The Cape Town Principles and Best Practices on the Prevention of Recruitment of Children into the Armed Forces and on Demobilisation and Social Reintegration of Child Soldiers adopted at a joint UNICEF/NGO symposium on 30 April 1997. Although not legally binding, UNICEF and other child protection agencies use the definition of child soldiers in their work.

A successful demobilisation and reintegration program for child soldiers also depends on the ability of the communities to which they return, to accept and integrate them. Non-governmental organizations (NGOs) can play a vital role, complementing the formal process, in preparing both the child soldiers to return and the communities - also traumatised by years of political or ethnic violence and armed conflict and largely impoverished - to accept them, as well as by developing rehabilitation programs.³

This document does not set out to be a comprehensive report of child soldiering in Burundi. Its intention is to reiterate key principles underlying the process of demobilisation and reintegration and to appeal to all parties as well as relevant sectors of the international community to create, manage and support successful demobilisation, disengagement and reintegration of Burundi's child soldiers.

In focusing on the needs and rights of child soldiers, Amnesty International is in no way minimizing the needs and rights of Burundian children who have not taken an active part in the conflict, nor the Burundian adult population, also significantly traumatised and scarred by decades of human rights abuses and 10 years of war. Children who have not taken an active part in the war are also vulnerable to the social dislocation likely to be experienced by demobilised child soldiers. Many others have lost parents, witnessed extreme violence, and have had their social and family environment torn apart on a routine basis. Many children are not even receiving the most basic education. If the needs of a traumatised war generation are not adequately addressed they too will pose a threat to prospects of long term peace.

No reliable figures exist on the number of children who have taken part in the conflict over the last 10 years. However, according to United Nations Child Fund (UNICEF) figures between 6,000 and 7,000 under-18s must now be disengaged, demobilised and reintegrated into society. UNICEF has so far secured agreement with the Government of Burundi and two minor armed political groups, the FNL (Mugabarabona) and CNDD-FDD (Ndayikengurukiye) for the demobilisation and reintegration of their child soldiers, estimated at 3,000 child soldiers. The Ministry of Human Rights has acknowledged that the real figure may be higher.

Since January 2004, 300 child soldiers from government forces and the CNDD-FDD (Ndayikengurukiye) have already been demobilised, and are being integrated into their communities. Plans for the future demobilisation of thousands of other child soldiers are being prepared. Tens of thousands of adult combatants must also be demobilised and reintegrated - no mean feat in a situation of extreme poverty and on-going conflict both in Burundi and in neighbouring DRC, and in a region awash with small arms. How this process

³ In January 2004, Amnesty International published an appeal to participants to an International Donor Conference on Burundi in Belgium in January 2004. The appeal, *Burundi: Commitment to human rights is essential* (AI Index: AFR 16/001/2004), contains recommendations on areas that Amnesty International believes are in vital need of assistance and support as part of international efforts to rebuild Burundi's infrastructure. The recommendations are based on Amnesty International's long-term work and analysis of the situation in Burundi. A human rights briefing, *Burundi: A critical time*, (AI Index: AFR 16/002/2004) was published in conjunction with the appeal.

is managed will have a significant impact on the immediate and long term human rights situation in Burundi.⁴

2. CONTEXT

Over ten years, an estimated 250,000 to 300,000 people, mostly civilians, are reported to have been killed in Burundi by government armed forces and armed political groups. Over 280,000 people are currently living in camps for the internally displaced, with up to 100,000 others fleeing their homes temporarily on a regular basis due to insecurity. An unknown number of others, possibly tens of thousands, are classified as "dispersed" and generally without specific humanitarian assistance. A further 500,000 Burundians are refugees in neighbouring Tanzania. Some 8,000 people are in detention, often in extremely harsh conditions. Approximately 5,000 are awaiting trial - many have been in detention without charge or trial for years. After 10 years of war, corruption is now endemic, state structures largely weak, inefficient and not trusted by the population. Crucial institutions such as the health and justice sectors are chronically under-resourced. Women have suffered disproportionately during the conflict and have been targets of violence and degrading treatment as a result of their gender. Sexual violence is a significant and under-reported element of the human rights tragedy.

Children have been spared none of these abuses and are witnesses to daily violence. They have been extrajudicially executed or deliberately and unlawfully killed, tortured, arbitrarily detained and subjected to unfair trials. Many children are victims of sexual violence. They continue to suffer the consequences of insecurity and population displacement. The right to education and healthcare for many children is an illusion, with access to already limited facilities aggravated by extreme poverty and insecurity. Large numbers of children have been left as heads of households by the violence. An increasing number of children are living on the streets. Thousands of children have been used as child soldiers and child soldiers themselves are also accused of human rights abuses including unlawful killings, rape and other forms of sexual violence as well as widespread pillaging and looting.⁵

⁴ Amnesty International, Human Rights Watch, International Federation *Terre des hommes*, the International Save the Children Alliance, the Jesuit Refugee Service and the Quaker UN office (Geneva) launched the Coalition to Stop the Use of Child Soldiers (CSC) in June 1998 and were joined by World Vision and Defence for Children International. The CSC unites national, regional, and international organisations and networks in Africa, Asia, Europe, Latin America and the Middle East. There are regional coalitions on four continents (Latin America, Asia, Africa and Middle East) and many regional coalitions, including one in the DRC. The CSC undertakes research and monitoring on the use of child soldiers, advocacy and public education on the ratification and implementation of international legal standards prohibiting the recruitment and use of child soldiers, networking and capacity building. As part of its work, the Coalition to Stop the Use of Child Soldiers has created a network of Burundian and international NGOs working in the domain of child rights.

⁵ For further information on current and historical human rights situation please refer to Amnesty International reports on Burundi available at www.amnesty.org or from cateam@amnesty.org. Recent reports include *Burundi: Rape – the hidden human rights abuse* (AI Index: AFR 16/006/2004, February 2004), *Burundi: A critical time* (AFR 16/002/2004, January 2004); *Burundi: Poverty, isolation and ill-*

At the start of 2004, significant political progress towards resolution of the 10-year armed conflict appears to be continuing, bringing with it the hope that underlying human rights issues may finally be addressed.⁶ Critical sustained international attention is required if opportunities presented by political progress are not to be wasted. The prospect of peace brings with it new challenges, including demobilisation and reintegration of child soldiers and other fighters. Thousands of fighters from all groups are preparing to canton themselves in Burundi. Their demobilisation, particularly as local elections approach, is of the utmost importance. Furthermore, Burundi is faced with the prospect of the possible return of hundreds of thousands of refugees. Any mass return, whether voluntary or not, could be catastrophic and trigger a collapse of the peace process as difficult land issues come to the fore.⁷

Important obstacles to resolution of the crisis and substantially improved respect for human rights clearly remain, and need to be explicitly acknowledged and seriously addressed. These include blatant and massive human rights abuses, including violence against women, by all parties to the conflict. Political leaders have given grand discourses on justice and tackling impunity yet secured temporary immunity for themselves or their supporters, and shown little real commitment to issues of justice and redress.

The serious threat of further destabilisation, possibly in the form of violence, from other political groups or opponents to the process should not be ignored. In the current situation, a complete cessation of hostilities remains illusive, and the possibility of increased fighting from both the FNL (Rwasa) and other armed political groups must be considered. The entry of the CNDD-FDD (Nkurunziza), the largest active armed group, into transitional institutions has generated tension between it and the other smaller or former armed political groups who see themselves as losing out politically. This has led to further recruitment – either of new or former fighters and including child soldiers – as the groups attempt to increase their relevance, and has fuelled further armed conflict in particular between the CNDD-FDD (Nkurunziza) and returned CNDD (Nyangoma) fighters. Although not yet integrated into new reformed security services and law enforcement agencies, CNDD-FDD (Nkurunziza) members have since carried out scores of unlawful arrests and detentions with

treatment – juvenile justice in Burundi (AI Index: AFR 16/011/2002, September 2002), and *Burundi: Punishing the population – reprisal killings escalate* (AI Index: AFR 16/006/2002, June 2002)

⁶ In October 2003, a power-sharing agreement was signed between the then main active armed political group, the *Conseil national pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie*, National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD), led by Pierre Nkurunziza (referred to hereafter as the CNDD-FDD (Nkurunziza)) and the Transitional Government of Burundi. The CNDD-FDD (Nkurunziza) entered into government in November 2003 and implementation of the agreement continues. At the start of 2004, negotiations between the government of Burundi and PALIPEHUTU-FNL (Rwasa), the one remaining active armed political group, appear to have begun raising hopes again that peace may be within reach.

⁷ To conclude that conditions in a refugee's country of origin have become sufficiently safe to justify return requires a finding that there has been effective and durable change in the human rights situation. If host governments and the international community cannot be sure that changes are going to last, refugees cannot be forced back and remain fully entitled to and in need of protection.

the knowledge of the Burundian authorities. A number of people have been ill-treated.⁸ CNDD-FDD (Nkurunziza) troops have also taken part in military operations alongside government forces.

3. THE EXTENT OF CHILD SOLDIERING IN BURUNDI

3.1. Government security forces

Although in 1999, the Special Representative of the UN Secretary General for Children and Armed Conflict reportedly obtained agreement from the Burundian government to raise the minimum recruitment age from 16 to 18 in domestic law, the government has still not made these changes. In a report, *Enfant soldat : Un défi à lever pour le Burundi*, Child soldiers: A challenge for Burundi, produced by the Burundian human rights ministry in September 2001, the government acknowledged that some children were used to collect information and to perform domestic services for the security forces, and that some members of an unpaid government militia, the *Gardiens de la Paix*, Peace Guards, to which scores of human rights violations and criminal acts are attributed, were formerly opposition child soldiers. Children have also been used as look-outs, scouts and porters on military operations and looting sprees. Some senior government officials have argued over a number of years that there is no deliberate policy of recruiting young children, and that many children lie about their age (the official minimum age for recruitment into the armed forces in Burundi is 16) so that they can be recruited. While this may be true, there appears to have been little real commitment to identifying and demobilising such child soldiers, nor to preventing further recruitment. The Burundian authorities have also consistently failed to prevent recruitment of children into their ranks, sometimes by turning a blind eye to obvious age inconsistencies, sometimes by assisting children to join.

Only following an October 2001 agreement with UNICEF on demobilisation of child soldiers did the ministries of interior and defence provide information, according to which some 1,000 child soldiers must be demobilised from the armed forces and 1,500 from the Peace Guards militia (see section **The start of demobilisation in Burundi**). Despite this agreement, recruitment of child soldiers is reported to have continued.

In September 2003, Amnesty International met several current and former child soldiers. One, **Adrien N**, now aged 15, was reportedly 10 years old when in 1998 he joined the Burundian armed forces, of which he is still a member. He told Amnesty International that

⁸ For further information please see www.ligue-iteka.bi and Amnesty International Urgent Action AFR 16/003/2004, 07 January 2004.

he was thinking about leaving and ideally would like to go to school but has no money to do so. He said there were several other children in his unit, used as porters and combatants.

Melchiade N, was reportedly aged 14 when he joined the armed forces. He was arrested, aged 16, in June 2003 after apparently throwing a grenade at others soldiers in his barracks, the Para commando 1st Bataillon. He told Amnesty International delegates that he remembers nothing of that time. A Burundian human rights group is trying to help him receive medical care for his mental health.

Jean-Bosco N was 15 when he joined the Burundian armed forces. For some time prior to his formal recruitment he had been following them and working with them. He told Amnesty International that he often saw soldiers shooting civilians as they fled, and that they had received orders to do so. On returning from military operations, soldiers would often torture and ill-treat civilians, disciplined by their superiors only if their abuses were considered too blatant. After being detained on several occasions for disciplinary offences and ill-treated he deserted. Now aged 19 he is a member of the Peace Guards.

The Peace Guards, an unpaid, largely untrained and armed militia, has been responsible for numerous human rights abuses including extrajudicial executions, unlawful detentions and ill-treatment and torture, as well as frequent armed robberies. The militia was created in the late 1990s as an expansion of a national "self-defence" policy through which arms were distributed to the civilian population. (The policy subdivided with some arms and training being given exclusively to Tutsi civilians, mostly in urban areas). While some joined voluntarily others were forced into the group, or joined out of fear that non-participation would open them to the accusation – followed by arrest and torture- of belonging to an armed political group. Many of the initial recruits were former child soldiers from armed political groups who had deserted. Recruits were given little training and no money, yet armed by the local administration and military. The Peace Guards, officially under the command of the Ministry of Interior, took on a multitude of tasks from providing intelligence, guarding roads and to providing "protection" at night to communities, as well as taking part in military operations. Poorly trained, many are reported to have been killed in combat; they appear to have been particularly vulnerable because not only were they ill-trained for combat but they were often sent on ahead and thus were frequently caught in ambushes or were the frontline victims, or even caught in cross fire between the military behind them and the armed group ahead. Scores have since been arrested, largely in connection with armed robberies. They have also been subjected to human rights violations by others within the administration or security forces, including ill-treatment and torture.⁹

⁹ The ILO has also investigated child soldiering in Burundi and published detailed recommendations on demobilisation. In October 2001, the ILO launched a Regional Programme for the Reintegration of Child Soldiers and the Prevention of the Use of Children in Armed Conflict. The findings of initial research were published in April 2003 in a report, *Wounded children: The Use of Children in Armed Conflict in Central Africa*. All the child soldiers interviewed in Burundi in the course of the research had reportedly been recruited into the Peace Guards and many had fought with armed groups. The ILO also reported that many former opposition child soldiers had been forcibly recruited into the Peace

Emmanuel H was recruited in 2001 to the Peace Guards when he was aged approximately 16. He had responded to a call for volunteers by the head of his *colline*¹⁰ in Gitega province. He was given one week's training, no uniform and no money. Armed with a kalashnikov, he and a number of others were responsible for protecting a camp for the internally displaced in Muhuzu. One year after he joined, he was arrested and charged with murder following the death of a man he and his colleague had arrested. He alleges that they handed the man over to the custody of soldiers at Muhuzu military position, who subsequently ordered them to dispose of the body. The soldiers appear so far to have escaped investigation.

Other children have been randomly used as scouts, porters and to provide information to the armed forces on opposition movements or whereabouts. By drawing children into the conflict in this way, government forces have knowingly exposed them to great danger, not least by making them vulnerable to the often fatal accusation of collaboration. In July 2003 for example, two boys from Mubone, Rural Bujumbura, aged between 11 and 13, were summarily executed by the FNL (Rwasa) after they reportedly admitted during a summary trial by FNL commanders that they had been paid – with bread and peanuts – to provide information on the FNL presence in the area to the local military. Children from camps for the displaced and regroupment¹¹ camps have reportedly been particularly vulnerable to being forced to act as scouts as well as porters.

3.2. THE USE OF CHILD SOLDIERS BY ARMED POLITICAL GROUPS

All Burundi's armed political groups which have been active during the 10-year war are believed to have recruited thousands of child soldiers, including from refugee camps in DRC and Tanzania. Other children including young girls have been abducted, and some forced into

Guards, or had felt unable to resist recruitment for fear of the accusation of belonging to an armed political group.

¹⁰ Literally "hill", a *colline* is a local administrative division. Administratively, a province breaks down into communes, which sub divide into zones, sectors, *collines* and *sous-collines*.

¹¹ The practice of forcibly regrouping the rural population of Burundi in conflict areas began in 1996, when approximately 500,000 Hutu were forced into camps. Hundreds of people were killed in the process. Although ostensibly for their protection, it was soon clear that the policy was part of a counter-insurgency strategy designed to remove protection and potential support, whether freely given or coerced, from Hutu-dominated armed political groups. As a counter-insurgency strategy it was effective and the armed political groups lost ground. On a humanitarian and human rights level it was a catastrophe. Many of the original camps were subsequently closed and the population allowed to return home. However, in September 1999, following repeated attacks on Bujumbura by the armed opposition, the Burundian government again resorted to mass regroupment and forcibly relocated more than 290,000 mainly Hutu civilians from their homes in Rural Bujumbura province, forcing them into various regroupment camps within the province. Most camps were closed in 2000 following strong international condemnation.

sexual slavery or domestic duties. Despite the advanced state of the peace process, no reliable figures appear to exist on the numbers of child soldiers who are currently serving with armed political groups, partly because figures are still being established and verified. However, the two main armed political groups, the CNDD-FDD (Nkurunziza) and FNL (Rwasa), are known to recruit and use child soldiers. Representatives of the CNDD (Nyangoma), PALIPEHUTU (Karatasi) and FROLINA acknowledged to Amnesty International in February 2004 that they had in the past used child soldiers but said that to their knowledge all were now over the age of 18.

Other groups including the CNDD-FDD (Ndayikengurukiye) and FNL (Mugabarabona) have recruited new child soldiers since their return to Burundi in an apparent attempt to live up their claims of having substantial numbers of followers, and thus increase their political importance in transitional institutions.

In February 2003, Jean Bosco Ndayikengurukiye returned to Burundi with the self-proclaimed leader of the FNL, Alain Mugabarabona, and a site was opened in Muyange, Bubanza province to pre assemble their forces. Both immediately attempted to recruit combatants, including children under the age of 18, often promising large sums of money. Despite this, it quickly became clear that, as many had strongly suspected, neither force actually had the substantial troops they claimed to have in order to assert their politico-military relevance. The CNDD-FDD (Ndayikengurukiye) in particular is alleged to have recruited from the Peace Guards, as well as civilian children, some as young as 12.

One 16 year old boy, Marcel N, told Amnesty International, "We were told that we would get 50,000 Burundian Francs (Fbu) (approximately equivalent to US\$50) in Bujumbura straight away and 4 million afterwards. When we got to Bujumbura though we were told we would get the money in the cantonment site." He was recruited with friends and was taken down to Rukambasi (where Jean Bosco Ndayikengurukiye's troops were gathering) with 18 other new recruits, most of whom were his age or younger. After several weeks of hard physical training, during which they were often beaten for failing to understand orders – often given in French rather than Kirundi – or for poor physical performance, and still not having received any money, he deserted.

The FDD and subsequently CNDD-FDD has through its various incarnations and leaderships, used child soldiers in its ranks. Some children have stayed throughout with the main fighting force serving under different leadership and are now young adults.

Jean-Claude was aged 13 when he joined the FDD (CNDD Nyangoma) in 1995, convinced he was doing the right thing by his teachers. After military training he was sent back to his colline as a reservist. In September 2000, by then a fighter with the CNDD-FDD (Ndayikengurukiye), he was arrested on suspicion of involvement with the CNDD-FDD. Following his arrest he was bayoneted on his ribs and legs during questioning. He was sentenced to 10 years' imprisonment in January 2002.

Under the Ndayikengurukiye leadership, child soldiers continued to be widely used. In 1999, as the CNDD-FDD (Ndayikengurukiye) lost ground to *Rassemblement congolais pour la démocratie* (RCD), Congolese Rally for Democracy forces in DRC, hundreds of

combatants fled to Zambia from DRC. Independent observers estimated at one point that 50% were children. Over 226 refugees were arrested in January 1999 as they returned to Burundi, apparently to join the CNDD-FDD (Ndayikengurukiye). At least 70 were minors under the age of 18. The children were convicted of conspiracy to escape from a refugee camp and subjected to corporal punishment. A further 24 children aged between 13 and 18, were arrested in May 2000 near Kigoma, Tanzania. They were reportedly on their way back to Burundi to undergo military training with the CNDD-FDD (Ndayikengurukiye) after being recruited in the camps.

By recruiting from the refugee camps, the groups have not respected the civilian and humanitarian nature of the refugee camps and have thus put the safety of hundreds of genuine refugees in danger.

Under the current Nkurunziza leadership further recruitments and mass abductions have taken place. No effort appears to have been made to demobilise serving child soldiers.

Joseph M., was aged approximately 15 when he was abducted by the CNDD-FDD (Ndayikengurukiye) in Kinama *colline*, Gisuru, Ruyigi in October 1999 and forced with several others to transport their ammunition and looted goods. He stayed with the group, reportedly through fear of deserting and lack of confidence in his own ability on how to find his home. He later joined the CNDD-FDD (Nkurunziza). Arrested by soldiers at Mabanda in Makamba province in May 2000 he was accused of belonging to an armed political group. The soldiers reportedly stabbed him with a bayonet in his arm before transferring him to the custody of gendarmes who beat him, including on the back of his neck.

In November 2001, nearly 300 children were abducted from schools in Ruyigi and Kayanza provinces, many of them forced to carry military equipment or assist wounded soldiers. Most, but not all, returned home shortly afterwards. The CNDD-FDD (Nkurunziza) reportedly continues to regularly recruit and abduct children within Burundi including from schools as well as from refugee camps in neighbouring Tanzania. Children as young as eight are known to have been recruited, sometimes forcibly.

When in November 2003, the CNDD-FDD (Nkurunziza) leadership returned to Bujumbura to take part in the new government, they were accompanied by scores of child soldiers, some of whom formed part of key figures' entourage. Some of the children were estimated to be under the age of 10. None have been demobilised so far.

3.3. PALIPEHUTU-FNL (Rwasa) and child soldiers

Amnesty International received numerous testimonies, including from former FNL members, stating that many children are used in various capacities by the FNL, and that the FNL's youth wing, the *Jeunesse Patriotique Hutu*, is effective in persuading children to join voluntarily. Amnesty International met one 14-year-old boy, **Jean-Bosco N.** in September 2003, who had been abducted from his home along with six other children, in Mukike commune, Rural Bujumbura province in July 2002 by the FNL, and forced to transport ammunition and stolen goods. He remained with the FNL for two months before being captured and arrested by members of the armed forces.

The FNL (Rwasa) has told Amnesty International that they have no child soldiers. This is contradicted not least by the testimonies of eyewitnesses to FNL operations. Former FNL (Rwasa) combatants have told Amnesty International that children are used, including in military operations, and that guns and weapons may be modified to make them lighter for the younger, weaker children. Both children and women are widely reported to be used to evacuate wounded or dead combatants during operations as well as to assist in the transport of stolen goods. After years of propaganda, sometimes through *Jeunesse Patriotique Hutu*, children are reportedly sufficiently brainwashed to want to join. Children are also used as scouts and guards for FNL meetings with the civilian population in Rural Bujumbura.

On 7 July 2003, the FNL (Rwasa) attacked and occupied several districts of Bujumbura. On 13 July 2003 in the last night of the FNL's attack and occupation of Bujumbura, in Gatoke district at least 28 FNL combatants were killed, predominantly young children who appeared to be aged between 10 and 14. At least two were extrajudicially executed as they tried to surrender. The Commander of the Burundian armed forces' First Military Region strongly condemned the use of children with no apparent sense of irony. The photographs of the bodies of the dead children circulated extensively on internet, showing packets of white powder presumed to be drugs spilling from their pockets and traditional amulets as their protection. Both practices are reportedly strictly forbidden by the FNL.

In September 2003 a FNL representative in Rural Bujumbura told Amnesty International that their commitment to human rights could be seen by their respect for international humanitarian law during the July attack. When questioned on their use of child soldiers the representative denied it, claiming that the participation – and death – of child soldiers in the final stages of the July attack was a smokescreen by the Burundian armed forces to divert attention from their own abuses and discredit the FNL.

4. THE START OF DEMOBILISATION OF CHILD SOLDIERS IN BURUNDI

In October 2001, the Government of Burundi and UNICEF signed a Memorandum of Understanding setting the ground for a technical and financial support by UNICEF to the government to develop a plan of action for the demobilisation and reintegration of child soldiers and implicating the government in its implementation. Progress following that agreement was slow, partly because of ongoing conflict. Preparatory activities undertaken since that date include analysis and data collection, consultations with key stakeholders, project planning, establishment of a national management structure, training of senior military officers, advocacy towards armed groups leaders, development of operational tools and guidelines and training of a number of non-governmental organizations to assist in the reintegration of child soldiers. Support for these organizations as they take on this new and challenging work remains critical. The participation of these organizations in the reintegration of most former child soldiers into their communities and in monitoring local military authorities to ensure demobilisation of boys and girls will be crucial in the immediate future.

The agreement covers demobilisation and reintegration of 2,500 government child soldiers; 1,000 child soldiers from the armed forces and 1,500 from the Peace Guards, as well as a total of 500 child soldiers from the CNDD-FDD (Ndayikengurukiye) and FNL (Mugabarabona) factions. Under the programme, which involves the direct participation of several key ministries including the ministries of human rights, defence, interior, public security and social action, and indirect participation of the ministries of education, artisanat, labour, health and AIDS, demobilised child soldiers will receive assistance for a period of 18 months after being demobilised. Each family will receive the equivalent of US\$20 per month provided in services through the financing of micro or self-help projects for the duration. The involved reintegration NGO will assess on an individual basis the most appropriate support to be provided to the youth and his/her family and community. Psychosocial support to former child soldier and their families will be provided as well as medical care for those with severe injuries or illnesses. Special attention for pregnant girl child soldiers or girl child soldiers with children is also planned. When the general demobilisation program begins, the child soldiers project will be integrated into that programme. Provision for the demobilisation of child soldiers serving with other armed groups will reportedly be incorporated into the general program of demobilisation, yet to be finally agreed. Former child soldiers who are now aged 18 or older will largely not be covered by the project.

UN Organization Mission in the DRC (MONUC) is also assisting in the repatriation of Burundian child soldiers from DRC. Children who desert and return to Burundi without the assistance of MONUC, or outside the framework of the formal demobilisation and reintegration program, are currently being assisted by the International Committee of the Red Cross (ICRC) to return to their homes. They do not benefit at the moment from the rehabilitation measures provided for under the government structure, but will be followed up and oriented to other assistance programmes by the field NGO in charge of reintegration of demobilised child soldiers.

In late January 2004, the Government finally publicly launched the program with the demobilisation of 23 CNDD-FDD (Ndayikengurukiye) child soldiers, aged approximately between 14 and 17, from Muyange demobilisation camp. While some were new recruits, others had reportedly been fighting for several years and had been recruited aged 10 or younger. Alain Mugabarabona is yet to authorize the demobilisation of child soldiers belonging to the FNL (Mugabarabona), at least nine of which are still remaining in Muyange after more than eight months of cantonment. Both claim to have other child soldiers who will require demobilisation.

Demobilisation of government child soldiers has also begun. According to the Burundian Ministry of Human Rights some 300 child soldiers have been demobilised and returned to their families since January 2004. They include, 29 child soldiers aged between 13 – 18 who had served as porters or spies, “doriya”, who were demobilised in Bujumbura; a further 22 child soldiers, aged between 11 and 18, who were demobilised in Ruyigi province in February 2004, as well as 54 Peace Guards under the age of 18 in Cankuzo province.

5. DEMOBILISATION IN A REGIONAL CONTEXT OF CONFLICT, POVERTY AND HUMAN RIGHTS ABUSES

Clearly, prospects for greater respect for human rights and a durable resolution of the armed conflict also depend on the political and military situation within the immediate Great Lakes region. In particular, the situation in the DRC is likely to remain a potential source of instability in the region for some time to come. The inauguration in July 2003 of a new DRC transitional power-sharing government holds out the possibility for a lasting resolution of the seven-year-old conflict in that country. However, the new government has yet to demonstrate its ability to rise above the factionalism and mutual suspicion of its constituent parties and has done little so far to deliver peace, security or respect for human rights. The fragility of the arrangement was underlined in February 2004, when one of the factions, the MLC announced it had suspended its participation in the government in protest at an alleged insult against its leader, Jean Pierre Bemba, and by the suspension of the governor of south Kivu province also in February 2004.

In March 2002 in recognition of the interlinked nature of the conflicts in the region the World Bank produced a "Great Lakes Regional Strategy for Demobilisation and Reintegration". The main premise of the strategy "is that the disarmament, demobilisation and reintegration of ex-combatants is necessary to establishing peace and restoring security, which are in turns pre-conditions for sustainable growth and poverty reduction". Under the strategy, each country covered by the strategy¹² is required to elaborate a national program in consultation with the international community which will form the framework for demobilisation in the country concerned.

Several thousand armed opposition fighters, including child soldiers, are expected to return to Burundi from DRC. In particular the CNDD-FDD (Ndayikengurukiye) and CNDD-FDD (Nkurunziza) have taken an active part in the conflict in DRC and received substantial support from the Kinshasa government, as well as fighting at times along side other Congolese armed political groups in DRC, including the Mayi Mayi. They, and previously the CNDD (Nyangoma), have had substantial bases in DRC. Burundian government forces have also been present in DRC, officially to counter the CNDD-FDD presence, since 1996. Burundian forces also backed the Alliance of Democratic Forces for the Liberation of Congo (AFDL) coalition which subsequently overthrew President Sese Seko Mobutu in 1997.

Conflict in neighbouring DRC, and indeed in Burundi, is not the only challenge. The proliferation of small arms has already contributed to a dramatic rise in violent armed crime. Armed criminal gangs have multiplied, some formed by members of the armed forces or Peace Guards or by armed civilians sometimes with the complicity of the security forces. Others have been formed by deserters from armed political groups. The rise in crime has meant that an already impoverished population is repeatedly looted and displaced with dramatic consequences on their livelihood and health. The proliferation of arms has been assisted by long term government policies of so called self-defence where arms have been

¹² DRC, Burundi, Rwanda, Congo (Brazzaville), CAR and Angola

distributed directly to the population. In 2003, the response of the government authorities to the dramatic rise in armed crime and the apparent inability of the law and order agencies to address it was to authorise the distribution of more arms to the civilian population through an expansion of the Peace Guards militia. Other arms to unofficial Tutsi self-defence groups are reported to have been distributed by members of the armed forces.

Amnesty International remains deeply concerned that providing more arms to a civilian population in a context of insecurity and poverty will lead inevitably to further human rights abuses. Under international human rights law, every person has a duty to respect another's right to life. More importantly, states have a duty to take positive measures to prevent acts of violence and unlawful killings, including those committed by private persons. There is growing recognition that states' duties under international human rights law include exercising due diligence to ensure that basic rights – certainly the right to life and security of the person – are not abused by private actors. Where a foreseeable consequence of a failure to exercise adequate control over the civilian possession and use of arms is continued or increased violence, then states might be held liable for this failure under international human rights law.

6. GIRL CHILD SOLDIERS AND DEMOBILISATION AND REINTEGRATION

Each of the DDR processes involves and has implications for women, whether they participated in combat, have family members who did, or are members of a community trying to integrate former combatants. While some women joined armed groups of their own free will, large numbers were abducted into combat and/or forced to become sexual and domestic slaves. But no matter how they came to military groups, almost all of them are neglected during the DDR process.¹³

The extent to which girls and women have participated in the armed conflict in Burundi is hidden. As yet there are no reliable figures on the number of female combatants, nor on those involved in non combat roles. However, women and girls are known to have participated in a number of roles from active combatant, to sexual slave, spy, cook, or other non-combat labour such as looting or portering.

Sexual violence, by all belligerents, has been a consistent feature of the armed conflict and other political violence.¹⁴ This has included abduction, rape and sexual slavery (where

¹³ Disarmament, Demobilisation and Reintegration, United Nations Development Fund for Women, www.WomenWarPeace.org (Reference to demobilisation in Mozambique (and Sierra Leone?).

¹⁴ See *Burundi: Rape – the hidden human rights abuse* (AI Index: AFR 16/006/2004, February 2004)

women and girls are forced into "marriage", domestic servitude or other forced labour that ultimately involves forced sexual activity including rape by their captors).¹⁵

*"They took us as wives straightaway. We had to cook for them. If a cow was killed, we had to cook it...When they came back, they would eat and drink, then they would call for you. They were so many. It was so painful...If they went to attack somewhere or to loot, there was always someone who stayed behind. Then he'd call you. If you refused, they used sticks to whip you...We mostly stayed in the forest but sometimes we had to go with them and carry what they looted...They all had sex with me. I don't know how many people had sex with me. A man would come, then another and another. I wasn't even the youngest. Some girls were even younger than me. Even the commanders called for you. You couldn't refuse...They said they'd kill you if you ran away. Some people fled and didn't come back. We didn't know if they'd got away or had been killed."*¹⁶

In addition to those who are abducted or recruited specifically for the purpose of providing sex, child soldiers may have been particularly exposed to sexual violence where older more established members of the group may abuse their power in order to sexually use them"¹⁷. In addition to the physical and mental trauma of repeated rape, many require urgent treatment for sexually transmitted diseases.

As a minority amongst child soldiers, already facing substantial discrimination on the basis of their gender, their needs are less likely to be addressed during demobilisation and reintegration.

Particularly in a context of increasing sexual violence against women and girls, it is essential that demobilisation and reintegration programs include specific gender components and are not limited to women who have taken an active role as combatants.

Over recent years there has been a big increase in violent crime in Burundi. Adapting to peace and demobilisation in a context of extreme poverty and weak transitional institutions will be a challenge for thousands of young men. In a context where acts of rape and sexual violence have been systematic and unpunished, there may be a further increase in violence against women. The proliferation of small arms has increased the risk of crime and violence,

¹⁵ Amnesty International has not investigated sexual violence against men or boys in the context of armed conflict, and as such does not have information on rape or other forms of sexual abuse against boy child soldiers. This should not be taken to mean that it does not exist.

¹⁶ The case of **Fabienne**, (not her real name) is probably typical. Following an attack on her *colline* in Gitega province in 2001, Fabienne, then aged 13, was forced to accompany a group of around 30 combatants, whom she believes on the basis of the songs they were singing, were members of PALIPEHUTU-FNL. She and several others were forced to walk to the Kibira forest with the combatants, acting as porters. She lost count how many times she was raped by different men. From *Poverty, ill-treatment and isolation – Juvenile Justice in Burundi* (AI Index: AFR 16/011/2003)

¹⁷ *Sexual exploitation of child soldiers: an exploration and analysis of global dimensions and trends*. Coalition to stop the use of child soldiers (www.childsoldiers.org). Article first published in the Child Soldiers Newsletter, December 2001.

including violence against women, within communities. This violence is likely to continue after any eventual end of armed conflict. Sexual violence in the context of conflict is already widespread.¹⁸

7. LEARNING FROM EXPERIENCE? DEMOBILISATION IN DRC

*"You come here with all these tales of demobilisation but we're not going to accept it. You've got to be reintegrated into the army because if we let you stay here, all the other kadogos [child soldiers] are going to want to leave the army too, and we won't have any soldiers left. You have to go back to the army."*¹⁹

Having previously addressed over aspects of the DRC conflict, Amnesty International decided in 2003 to focus on the phenomenon of child soldiers in part due to the extraordinary scale of the problem.²⁰ Many of the challenges faced in Burundi on child soldiering and demobilisation and reintegration have been experienced on a grand scale in neighbouring Congo. It is essential that lessons are learnt and that the failings of demobilisation in relation to child soldiers are not transferred to Burundi.

Weaknesses in DRC identified by Amnesty International included:

- The process was undermined by re-recruitment.
- Some demobilisation camps retained a military nature – for example, although officially demobilised, Mayi Mayi children, some still in military uniform, at Mangangu military camp, were put through marching drills.
- Some initiatives were flawed by lack of transparency reflecting again lack of genuine commitment to rehabilitating child soldiers. Various initiatives undertaken by the Congolese government from 2000 onwards including a high-profile demobilisation ceremony attended by national and international dignitaries at Kibomango military camp, Kinshasa. The Minister of Defence refused to allow independent experts to play a role in the identification process or the criteria used in selecting children for demobilisation. Some observers believed that the army merely used the whole exercise as an opportunity to get rid of ill-disciplined children.
- Military leaders undermined the process by not recognizing their responsibilities - in words the Director of communication of RCD-ML, "We give the children up to the NGO and then it's no longer up to us to worry about them".

¹⁸ *Burundi: Rape – the hidden human rights abuse* (AI Index: AFR 16/006/2004, February 2004)

¹⁹ Former RCD-Goma child soldier who presented his demobilisation certificate to RCD-Goma soldiers in his home village. For further information see, *DRC: Children at War* (AI Index: AFR 62/034/2004, 9 September 2003)

²⁰ Although there are no reliable figures on the numbers of child soldiers in DRC, the country is reported to be one of the countries in the world with the largest numbers of child soldiers and thousands of children have been recruited since conflict began in 1996.

- The crucial role of NGOs, some of which were carrying out excellent work, was undermined by lack of resources and lack of commitment to the process by military leaders. Some NGO workers involved in demobilisation were threatened by military leaders for speaking out on child soldiers, further undermining their vital role.
- Demobilisation of children did not adequately take into account their unique individual experiences, the length of time they had spent as a child soldier or the conditions prevailing in their home communities.
- Not enough attention was being paid to specific needs of demobilised girl soldiers additionally facing physical and psychological consequences of rape or sexual exploitation during their time as fighters.
- The demobilisation programmes failed to provide valid alternatives to army life. Even when education was available many children appeared to have found it difficult, even humiliating, to return to the class room or begin education. Some teachers and pupils were afraid of the former child soldiers. Some schools were too far from demobilisation camps to allow for sustained attendance. Despite initiatives aimed at helping the children find employment after leaving the camps, a lack of legitimate alternative employment opportunities was leading children to either become involved in crime or to be drawn again into armed conflict.
- Some initiatives failed because false information had been given to the children. At the government Kimuenza demobilisation centre, it became clear for example that some of the children were apparently unaware even that they were about to be demobilised. Some had been falsely led to believe that they would receive scholarships abroad if they were demobilised – although in fact no such scholarships existed. They were also told that they would receive a payment in recognition of their service to the nation, commonly referred to as a war bonus (*prime de guerre*). The bonus was not paid.
- Political and military authorities had not given clear political or material support to the alternative civilian life-styles that international and local partners had been trying to provide to former child soldiers.
- The capacity for families and communities to participate in the social reintegration process was often not addressed prior to the demobilisation of children and their crucial role largely overlooked or minimised.

While much of the responsibility for the failed programs must rest with the government of Kinshasa and the leaders of former and active armed political groups, the international community too must take some responsibility. UNICEF and MONUC programs have been inadequately funded. Although, particularly through the UN Security Council, strong statements have been made and resolutions passed, not enough attention has been paid to ensure that such resolutions are fully implemented. Inadequate funding has been provided to support the UN, international and local NGOs which are undertaking awareness-raising and demobilisation activities and promoting the reintegration of child soldiers.

The needs of Burundian child soldiers who have fought in DRC need to be explicitly taken into account in the demobilisation and reintegration program.

8. A VIOLATION OF CHILDREN'S RIGHTS AND A WAR CRIME

A wealth of international and regional human rights treaties to which Burundi is party protects the rights of children as well as specifically addressing the issue of child soldiers.

The recruitment and use of children under the age of 15 as combatants is prohibited by both international human rights law and international humanitarian law. International human rights treaties also prohibit the use of children as sex slaves or other forced labour such as portering.

All parties to the civil war in Burundi, including government forces and armed political groups, are bound by the provisions of Common Article 3 to the Geneva Conventions of 1949 and by Additional Protocol II to the Geneva Conventions governing the conduct of parties to non-international armed conflicts. Additional Protocol II adds provisions regarding the protection of civilians from the dangers arising from military operations and, particularly, the protection of children during armed conflict. It prohibits the recruitment of children under the age of 15 and their participation in hostilities and protects children from "*all forms of sexual exploitation and sexual abuse*".

The UN Convention on the Rights of the Child (CRC), which Burundi has ratified, obliges state parties to take "*all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities*". It further declares that states parties "*shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces*". It additionally insists on the need to protect children affected by armed conflict. Invariably the use of children as combatants and porters violates the rights enshrined in the CRC, by for example depriving them of a family environment, education and basic health care. Articles 9 and 10 prohibit the arbitrary separation of children from their parents.

The CRC is supplemented by the Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict, which raises the age for participation of children in hostilities, for both the armed forces and armed political groups, from 15 to 18. The Protocol was adopted by the UN General Assembly on 25 May 2000, and entered into force on 12 February 2002. It has been signed but not yet ratified by Burundi. Article 6(3) of the Optional Protocol also calls on states parties to "*take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the present Protocol are demobilized or otherwise released from service. States Parties shall, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration.*"

Children are also protected from ill-treatment and torture by the International Covenant on Civil and Political Rights (ICCPR) and UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (Convention against Torture). Burundi has ratified both treaties.

Furthermore, Burundi is party to ILO Convention 182 on the Worst Forms of Child Labour. Convention 182 forbids forced recruitment of children (under the age of 18) for use in armed conflict, sex work, and any work which *"by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children"* (Article 3 (d)). This obligates each state party to *"Take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency"*. Article 3 states that the worst forms of child labour include *"forced or compulsory recruitment of children for use in armed conflict"*. It is also the first specific legal recognition of child soldiering as a form of child labour. The ILO Convention 182 entered into force on 19 November 2000 and was ratified by Burundi in June 2002.

The Rome Statute of the International Criminal Court, which Burundi is yet to ratify, recognizes that it is a war crime for any government or armed political group to recruit, conscript, enlist or use as soldiers children under the age of 15.

The African Charter on the Rights and Welfare of the Child (African Children's Charter), which Burundi is also yet to ratify, defines a child as a person under the age of 18. It specifically prohibits the recruitment and use as combatants of children under 18 in both international and internal armed conflicts. Its Article 22 (2) requires states parties to *"take all necessary measures to ensure that no child shall take a direct part in hostilities and refrain in particular from recruiting any child."*

The failure of Burundi to ratify and implement most of the relevant international instruments demonstrates its lack of commitment to these issues. In order to ensure the effective realization of children's rights, including right to liberty, in Burundi, Amnesty International believes that the government must not only implement the above highlighted human rights and humanitarian law standards but should also promote the full compliance of its national legislation and practice in accordance with these standards.

9. ACCOUNTABILITY AND THE BEST INTERESTS OF THE CHILD

Amnesty International believes that the same principles which underpin those of juvenile justice must apply to the investigation and prosecution of crimes committed by child soldiers. Many human rights instruments, including the CRC, the African Charter and the non-child specific instruments such as the ICCPR, the Convention against Torture, all of which Burundi has ratified, as well as the African Children's Charter set out the fundamental principles which should guide the treatment of all children, including those who come in conflict with the law. Specifically, these treaties guarantee to children all the fair trial rights which apply to adults, and to some additional special protection. At the heart of these principles lies the

principle that the best interests of the child should define juvenile justice. Emphasis should be placed on rehabilitation and the reintegration of the child in the society, rather than punishment.

Amnesty International recognizes the need of victims and society for justice and accountability, and in some cases, child soldiers must be held accountable for their actions. If a child is suspected of being responsible for committing crimes (human rights abuses) under international law, Amnesty International believes that he or she should be investigated and, if there is sufficient admissible evidence, prosecuted in a manner fully consistent with international law and standards for fair trial for persons under 18.

Amnesty International considers that due to the nature of the conflicts in which child soldiers are most often used, it will be very clear that in many cases that children were not acting voluntarily. In some cases, children may, for instance, be drugged against their will and therefore may not be criminally responsible. In other cases they were threatened and might be able to assert a defence of duress or to have duress taken into account in mitigation of punishment. However, it is vitally important that in those cases where persons under 18 acted entirely voluntarily, and were in control of their actions, they should be held to account for their actions in an appropriate setting. Due weight should be given to their age and other mitigating factors, for example, if they were abducted and brutalised by their recruiters. The assessment of a child's awareness of the choices open to him or her, whether to join the armed groups or to commit atrocities, should be undertaken critically, with due consideration to a child's vulnerability and limited understanding. Such an assessment should contribute to mitigation of the child's responsibility.

Wherever an appropriate link can be drawn political and military leaders should be held responsible under the principle of command and superior responsibility as recognized in international law for crimes committed by the children under their control. Amnesty International recognizes the need of victims and society for justice and accountability, and in some cases, child soldiers must be held accountable for their actions.

If child soldiers are to be successfully integrated into their communities the government and agencies involved in demobilisation need to make clear the general policy towards tackling crimes committed by child soldiers, partly to dissipate suspicion which communities may have generally towards child soldiers. Some former child soldiers who have been demobilised may be afraid to return to their communities because the local people have witnessed them take part in crimes, or suspect them of having done so. It is essential that reliable actors be identified to facilitate mutual reconciliation with their family and community. This process can take a long time or may not succeed and requires a very thorough monitoring and follow up process, which in turn requires abundant resources.

A small number of child soldiers are currently in detention in Burundi, either because they have committed criminal offences or because they are accused of belonging to or

assisting an armed political group. At least 12 child soldiers are reported to have been released and demobilised through the current DDR program at this stage.

10. CONCLUSION

Tackling the practice and legacy of child soldiering is an important element in achieving a durable peace in which the human rights of all are respected. A comprehensive demobilisation programme for child soldiers which pays special attention to the needs of girls and to measures which may prevent further violence against women, is essential. The UN Secretary General's October 2003 report on armed conflict provided an assessment of best practices in the demobilisation of the child soldiers. Essential principles identified include that demobilisation of child soldiers be sought at all times and not only at the end of hostilities; that special measures to prevent re-recruitment be employed; children who escape, are released or captured from any armed forces should not be treated as enemy combatants; monitoring and follow up of demobilised child soldiers is essential to ensure successful integration; eligibility criteria for child soldiers to participate in programs should include all children associated with armed forces, and reintegration processes should take an integrated community approach to avoid further stigmatization of child soldiers.

Demobilised children cannot simply be taken out of the armed forces. They must also be provided with the necessary emotional and material support to underpin their successful rehabilitation and reintegration into civilian society. Economic development and peace building efforts must be addressed, so that sustainable demobilisation and rehabilitation programs can be established.

The legacy of children having spent years within the armed forces, primarily learning only the art of violence, unless addressed properly, will have lasting repercussions on the country and its citizens. Regardless of how they were recruited, child soldiers are likely to have witnessed or participated in extreme violence, as well as to have been the object of abuse. The physical and psychological legacy of these experiences must be addressed.

However the focus should not be solely on child soldiers. Children who have not taken an active part in the war are also vulnerable to the social dislocation likely to be experienced by demobilised child soldiers. Many others have lost parents, witnessed extreme violence and frequently had their social and family environment torn apart. Many children are not even receiving the most basic education. If the needs of a traumatised war generation are not adequately addressed too, they too will pose a threat to prospects of long term peace.

The challenges Burundi faces in this respect are of course not unique. The context is however clearly both complex and volatile. It is essential that the international community engage fully with the process of demobilisation and reintegration of child soldiers, as well as the wider process of addressing human rights abuses, in Burundi. This it can only do effectively by sustained, informed approaches.

While welcoming and responding to positive developments there should be no complacency about the challenges and threats from without and within which remain. Without a clear focus on reintegrating combatants into society, an incentive will remain for individuals to return to combat or engage in criminal activities. Given the scant economic opportunities, high population density, land scarcity and abundance of small arms in the region, a demobilization program with sufficient and long-term political and financial support will go far to stabilize Burundi by neutralizing potential sources of insecurity.

The regional upsurge in insecurity during the past decade and intense international arms trafficking has left the region awash with small arms. As the price of weaponry has decreased, the value of life has been correspondingly diminished. Ambushes, armed robbery, rape and killings perpetrated with small arms have not only violated individuals' basic rights but perpetuated insecurity and severely diminished prospects for human and economic development in the country. Small arms reduction programs, such as collection and destruction, should be pursued in conjunction with demobilisation projects in order to put small arms beyond use.

11. RECOMMENDATIONS

11.1. To the Transitional Government of Burundi

Amnesty International is calling on the Burundian military and political authorities at all levels to:

- genuinely engage in the demobilisation of child soldiers, facilitate their reintegration and provide adequately resourced rehabilitation programmes offering alternative opportunities to former child soldiers in order to prevent demobilised children from returning to the army or joining other armed groups voluntarily or forcibly, or being forced to live on the street where they are susceptible to crime and exploitation;
- prevent re-recruitment of demobilised child soldiers;
- provide the AU, the Office of the High Commissioner for Human Rights and UNICEF with the names, ages and other relevant personal details of soldiers aged under 18 currently serving in the armed forces and ensure that unit commanders fully cooperate with and facilitate demobilisation processes;
- ensure that demobilisation and rehabilitation programs are expanded to include young adults who have been child soldiers, including those who are no longer active; and that the Government national reintegration programme for adults will pay specific attention to the needs of young adults that were recruited under 18 and are now adults.

- ensure that no one under the age of 18 is recruited into the new national army and that any adults who were recruited as children have access to demobilisation and rehabilitation programs;
- ensure that the inclusion of former child soldiers who are now over the age of 18 into the security forces is voluntary, and dependent on psychiatric assessment and a clear human rights record;
- immediately remove from positions of command and control, any commanders suspected of recruiting and using child soldiers, and exclude any commanders suspected of recruiting child soldiers from the new security forces once formed;
- cooperate with and facilitate the AU (or UN) force in monitoring the cease-fire agreements, including reporting on the recruitment and use of child soldiers.
- ensure that security operations are carried out only by law-enforcement personnel who have received the necessary training and who operate in a framework which ensures accountability;
- give immediate orders to members of the security forces to end the practice of knowingly exposing civilians, including children, to great danger by using them for their own ends be it as "spies", look outs or any other functions;
- assess the physical and psychological needs of former child soldiers and provide appropriate medical care including treatment and education on HIV/AIDS;
- pay special attention to the demobilisation needs of girl combatants. This should take into consideration the following recommendations:
 - medical care should be provided including treatment for STDs and HIV/AIDS; education on reproductive health; pre- and post-natal care; treatment for psychological and physical injuries as a result of sexual abuse, as well as health care to help girls overcome damage they may have suffered through carrying heavy loads, and other injuries;
 - the trauma resulting from sexual abuse suffered by girl combatants and abducted girls must be addressed, combined with initiatives to promote economic independence to expand the opportunities open to girls and reduce the likelihood of prostitution;
 - DDR programs need also to openly address the likelihood of unsuccessfully demobilised men in a context of trauma, poverty and limited respect for law and order taking to violent crime, including against women and children. These measures should include education on STDs and HIV/AIDS, education on a shift in gender roles which may have taken place during the conflict and

continued in the post conflict phase; significant preparation of communities – many of which may also be adapting to the return of large numbers of refugees - to reintegrate male and female demobilised fighters;

- During the encampment (cantonment) phase, abducted girls and women, or wives of combatants must be given a chance to register independently; women and girls must be asked where they want to be returned to;
 - programs must also look at and seek to address obstacles demobilised girls and women may face on the grounds of their gender – such as access to credit, land and education – be they in law or custom.
- ensure that competent, independent and impartial national jurisdictions have all the necessary powers and resources to investigate human rights abuses in any part of the country, including the use and recruitment of child soldiers, and to ensure that suspected perpetrators are brought to justice in accordance with international fair trial standards and without recourse to the death penalty;
 - build national capacities for weapons collection and destruction, the efficient management of legal weapons stockpiles, the control of illicit flows of weapons and restoring public confidence through the visible destruction of collected arms;
 - fully implement and respect the UN Convention on the Rights of the Child, as well as ratifying and implementing the Optional Protocol to the Convention regarding children in armed conflict, the African Charter on the Rights and Welfare of the Child, the African Convention on Preventing and Combating Corruption, and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women;
 - ratify the Rome Statute immediately without an Article 124 declaration and enact effective implementing legislation, as spelled out in Amnesty International's *Checklist for Effective Implementation* (AI Index: IOR 40/11/2000, 1 August 2000).

11.2. To the leaders of armed political groups

Amnesty International is calling on the leaders of armed political groups to:

- stop immediately the recruitment, training and use of children under the age of 18;
- refrain from re-recruitment of child soldiers;
- immediately disarm and demobilize all child soldiers under the age of 18 from all armed groups, formalise their demobilisation and provide official demobilisation

documents in agreement with the principle of priority given to children in DDR processes and abiding to the principle of dissociation of the children's issue from broader political issues;

- provide the AU, the Office of the High Commissioner for Human Rights and UNICEF with the names, ages and other relevant personal details of soldiers aged under 18 currently serving in the armed groups and ensure that unit commanders fully cooperate with and facilitate demobilisation processes;
- in coordination with the above mentioned organizations and local human rights organizations, develop action plans for the reintegration of these children into their communities;
- cooperate with and facilitate the AU's role of monitoring and reporting on the recruitment and use of child soldiers.

11.3. To the international community including the European Union, African Union, UN Security Council, the UN Office of the Special Representative on Children and Armed Conflict, UNICEF and international financial institutions including the World Bank

Amnesty International is appealing to the international community to:

- provide funding to support the African Union, UN, international and local NGOs undertaking sensitization and demobilisation activities and re-integration of child soldiers through direct advocacy with civil and military authorities;
- ensure that demobilisation and rehabilitation programs are expanded to include young adults who have been child soldiers, including those who are no longer active, as well as self-demobilised child soldiers including those who repatriate from DRC and Tanzania;
- support MONUC's Child Protection Section with sufficient personnel and resources to monitor and to report publicly on the recruitment and use of child soldiers, as well as by providing adequately trained and resourced MONUC Child Protection Advisers to support the repatriation of Burundian child soldiers;
- support measures to provide psychological and community based psycho-social programs for former child soldiers, as well as long term measures to increase the ability of the Burundian health service to answer the trauma healing needs of the population;

- provide funding to support UN, international and local NGOs who are undertaking awareness-raising and demobilisation activities and promoting the reintegration of child soldiers;
- make public all reports by the AU and UN bodies of continued recruitment and to strongly condemn any such recruitment, reminding all parties that recruitment of children under the age of 15 is a war crime;
- encourage national and international mechanisms that will bring to justice the suspected recruiters;
- assist the government to implement small arms control programs, and to creating opportunities for sustainable livelihoods and community development as an incentive for demobilisation and the collection of small arms;
- stay the course, and insist that demobilization, reintegration and rehabilitation programs are adequately funded, implemented and monitored for as many years as there is a need for their continuation;
- Amnesty International urges the international community not to undermine efforts in demobilization, reinforcing justice and rehabilitating infrastructure by overlooking the destabilizing impact of small arms, including guns and grenades. Individual donors should carefully monitor the involvement of their own citizens, airports and corporations in arms trafficking in addition to financially and technically supporting arms reduction programs in the region.
- Amnesty International is also calling for the World Bank to speed up its support of the DDR program in Burundi, including the component relating to child soldiers;
- Amnesty International welcomes the recently adopted EU Guidelines on children and armed conflict and calls on the EU to ensure that monitoring mechanisms such as regular reports of Heads of Mission in Burundi will form the basis for an EU action in this field.

APPENDIX I. ARMED POLITICAL MOVEMENTS

The *Conseil national pour la Défense de la Démocratie – Forces pour la Défense de la Démocratie*, National Council for the Defence of Democracy – Forces for the Defence of Democracy (CNDD-FDD (Nkurunziza)), has been led by Pierre Nkurunziza since the expulsion of Jean-Bosco Ndayikengurukiye in October 2001. The CNDD-FDD (Ndayikengurukiye) was formed in 1998 after Jean-Bosco Ndayikengurukiye, former commander of the FDD, the armed wing of the CNDD, broke away from the original movement, taking many FDD fighters with him. The CNDD, led by Léonard Nyangoma, was formed in exile following the 1993 assassination of President Ndadaye, by *Front pour la Démocratie au Burundi* (FRODEBU) and FRODEBU-allied party members. Largely inactive since the split with Jean-Bosco Ndayikengurukiye, the CNDD claims to retain several thousand combatants.

The *Forces nationales de libération* (PALIPEHUTU-FNL), National Liberation Forces, referred to mainly as the FNL, is led by Agathon Rwasa. The FNL split in the early 1980s from the Hutu opposition party, the *Parti pour la libération du peuple hutu* (PALIPEHUTU), Party for the Liberation of the Hutu People. PALIPEHUTU, formed in 1980 and headed by Etienne Karatasi, claims to retain a small fighting force. In late 2002, Alain Mugabarabona announced from Holland that he had ousted Agathon Rwasa, and signed a peace agreement with the transitional government, claiming to have the loyalty of most FNL fighters.²¹

The *Front pour la libération nationale* (FROLINA), Front for National Liberation, another breakaway faction of PALIPEHUTU, led by Joseph Karumba, also has a small number of combatants, known as the *Forces armées populaires* (FAP), Popular Armed Forces, also apparently non active.

The CNDD (Nyangoma), PALIPEHUTU (Karatasi) and FROLINA are all party to the August 2000 Peace Agreement, and entered into government in November 2001. The FNL (Mugabarabona) and CNDD-FDD (Ndayikengurukiye) signed cease-fire agreements in October 2002 and returned to Burundi in February 2003. Neither the CNDD-FDD (Nkurunziza) or FNL (Rwasa) took part in the negotiations leading to the Arusha Agreement and continued to engage in active combat with government forces. The CNDD-FDD (Nkurunziza) signed a cease-fire and power sharing agreement in October 2003 and entered into government in November 2003. Gradual integration into the armed forces began in January 2004.

In 2003 and 2004 fighters from the groups began to return to Burundi, or to rejoin their movements from their homes in Burundi ready for demobilisation, joined by new recruits. All

²¹ A former FNL fighter called Bitaryumunyu also leads a dissident armed group of the FNL. Based in DRC it has been responsible for numerous ambushes, abductions and armed robberies in Cibitoke province, Burundi. Although composed primarily of FNL deserters the group appears to have no political agenda. According to an article published by the Ligue ITEKA on its website, www.ligue-iteka.bi on 12 December 2003 Bitaryumunyu, was killed in DRC in early December 2003. Other sources continue to indicate that he is still alive.

claim to have several thousand fighters. The validity of these claims is not yet apparent and only a fraction of these numbers have returned home. In February 2004, one group, the CNDD (Nyangoma) announced that its troops would not disarm until all groups had been grouped into cantonment sites.

Only the FNL (Rwasa) remains formally at war.