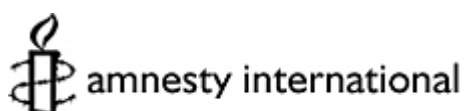


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Amnesty International Report 2010 - Burundi

REPUBLIC OF BURUNDI

Head of state and government: Pierre Nkurunziza

Death penalty: abolitionist for all crimes

Population: 8.3 million

Life expectancy: 50.1 years

Under-5 mortality (m/f): 177/155 per 1,000

Adult literacy: 59.3 per cent

The government suppressed the rights to freedom of expression and association by harassing or limiting the activities of some human rights defenders, journalists and opposition political parties. High levels of rape and other sexual violence against women and girls persisted. A new penal code abolished the death penalty and introduced other positive reforms. However, it also criminalized same-sex sexual relationships. Disputes continued over land ownership in the context of the mass repatriation of refugees from Tanzania.

Background

The political situation remained tense in the build-up to elections due in 2010. The government, led by the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD), restricted the activities of opposition parties and civil society groups.

A peace agreement was reached in April between the government and the National Liberation Forces (FNL). However, political violence increased, with opposition parties alleging that the CNDD-FDD had created a new armed youth group, provided weapons to former fighters and carried out unlawful killings. Other political parties, including the FNL, were also reported to have used violence.

The CNDD-FDD and FNL were reportedly responsible for unlawful killings and assaults of political opponents or critical members of their own parties. The CNDD-FDD mobilized their youth wing, the Imbonerakure, who were said to be often armed with sticks or clubs, and seen with state officials making arrests and carrying out community patrols.

The FNL, previously known as the Palipehutu-FNL, removed the ethnic reference from the party's official title in January, enabling its registration as a political party on 21 April. Senior members of the party were nominated to government positions on 5 June. Former fighters were entered into the demobilization programme – 5,000 of them were integrated into government and army positions under the supervision of the AU. There were complaints by former FNL fighters about demobilization pay, heightening security fears.

On 11 September, the National Assembly agreed on a long-disputed draft electoral law. The CNDD-FDD and opposition parties also agreed that commune-level elections would be held before the presidential elections.

Insecurity, often linked to criminality, remained a problem and light arms were prevalent. People had little confidence in the justice system and resorted to mob justice on numerous occasions. Violent disputes over land, sometimes involving fatalities, worsened the security situation, especially in the south.

Freedom of association

Opposition parties, including the Union for Peace and Development (UPD-Zigamibanga), the Movement for Solidarity and Democracy (MSD) and the FNL were regularly banned from holding meetings. On 18 March, the Interior Minister warned political parties against "illegal" meetings ahead of the 2010 elections. Numerous members of political opposition parties were arbitrarily detained, mostly for short periods.

- In May, the authorities banned at extremely short notice a march organized by civil society groups to push for justice following the killing of human rights defender Ernest Manirumva (see below). The Mayor of Bujumbura cited security concerns as the reason for the ban, a reason rejected by the organizers.

Freedom of expression

Relations between the government and civil society, in particular journalists and human rights defenders, were tense.

- Juvénal Rududura, vice-president of the trade union of non-magistrate staff at the Department of Justice, was detained at the start of the year on charges of making false statements. He had alleged corruption at the Ministry of Justice. He was provisionally released on 8 July to await trial.
- Two prisoners of conscience – journalist Jean-Claude Kavumbagu and MSD president Alexis Sinduhije – were released in March. Jean-Claude Kavumbagu had been arrested on 11 September 2008 and charged with defamation. He alleged in an article that the cost of President Nkurunziza's trip to see the opening ceremony of the Beijing Olympics caused some civil servants' salaries to be paid late. Alexis Sinduhije had been detained on 3 November 2008 after holding a party meeting and charged with "contempt of the head of state".

Human rights defenders

The non-governmental anti-corruption organization OLUCOME reported regular phone threats.

- Ernest Manirumva, vice-president of OLUCOME, was stabbed to death by unidentified men at his home in Bujumbura on 8 April. Immediately prior to his death, he had been investigating police corruption, in particular that police officials were claiming salaries for posts that allegedly did not exist, as well as corruption in private companies. He had previously received several death threats. Investigations into his killing were slow, and the findings of three successive commissions of inquiry were not made public. Hilaire Ndayizamba, a

prominent businessman, and two police officers were arrested on 15 October in connection with the murder.

- On 23 November, the Interior Minister revoked the registration of the Forum for the Strengthening of Civil Society (FORSC), an umbrella organization for Burundian civil society associations. The Minister later suspended the ordinance revoking the registration, but FORSC's legal status remained unclear at the end of the year. The clampdown followed increasing intimidation and harassment of, and threats against, civil society activists working on accountability, including calls for justice for the killing of Ernest Manirumva.

Justice system – judicial interference

The government and UN took steps to reform and strengthen the judicial system, including building and renovating magistrates' courts, training magistrates, addressing overcrowding in detention facilities and reducing the backlog of criminal cases. However, significant problems remained.

Judges were sometimes put under pressure by the executive. The Ministry of Justice appointed magistrates without sufficient consultation with the Superior Council of the Magistracy. Corruption among and poor training of judges were also reported.

- A judge who presided over the trial of Alexis Sinduhije (see above) was kidnapped on 6 May. Four men in police uniform put a gun to his head and forced him into a car. They drove him to an undisclosed location where they beat him and accused him of receiving money from the MSD to influence the outcome of the trial. Before releasing him the same night they told him that he had three days to make a formal written statement admitting he had received money.
- The Burundian magistrates' union SYMABU led a two-day strike in September to express their concerns over interference with the judiciary by the executive. This followed the suspension of three magistrates in Bujumbura in September for professional misconduct after they acquitted Gédéon Ntunzwenindavya, president of PA Amasekanya, a political party, on charges of threatening state security.

Legal developments

Law No.1/05 revising the Criminal Code came into force on 22 April. It abolished the death penalty and established the crimes of torture, genocide, war crimes and crimes against humanity. It also reinforced penalties for physical and sexual violence against women and raised the age of criminal responsibility to 15. However, Article 567 criminalizes same-sex relations and could lead to the persecution of Burundi's lesbian, gay, bisexual and transgender community. In response to pressure from some quarters, the government organized a large demonstration in Bujumbura on 6 March to protest against the Senate's initial decision to exclude Article 567.

Violence against women and girls

Levels of rape and other sexual violence against women and girls remained high. Most rapes were committed against minors.

Transitional justice

There was slow progress in establishing a Truth and Reconciliation Commission and a Special Tribunal within the Burundian justice system to investigate Burundi's violent history and to prosecute, if established, crimes of genocide, war crimes and crimes against humanity. However, national consultations started in July and finished in December. A network of international and national civil society organizations was closely monitoring the process. Participation was reportedly high in certain provinces.

Independent National Human Rights Commission

Progress towards the creation of an Independent National Human Rights Commission remained slow, with a new draft law emerging in late 2009.

Refugees and asylum-seekers

Between January and September, 29,052 Burundian refugees returned, principally from Tanzania, of whom 20,758 were refugees who had fled in 1972.

In October, the authorities began deporting up to 400 Rwandan asylum-seekers from the northern province of Kirundo, before reversing their position to make individual assessments of these cases. The refugees stated that they were fleeing unfair trials before the Rwandan gacaca courts and violence in the south of Rwanda.

Land disputes

Land disputes were commonplace and sometimes resulted in violent confrontations between people, including killings. Disputes were most widespread in the south, especially in the provinces of Bururi and Makamba.

Many land disputes were between returning refugees, who sought to reclaim their property, and current residents. This was particularly complicated for refugees who left Burundi in 1972, as Burundian law allows for a new occupant to become the legal owner of land after 30 years.

The work of the National Commission on land and other properties, established by the government in 2006, was hampered by its lack of legal jurisdiction over disputes and the number of complaints.

Killings of Albino children

Albino children were killed by Burundian individuals who sold the dismembered body parts to witch doctors in Tanzania.

- An albino boy was killed on 23 February by armed individuals who forced their way into the boy's home. They tied up the parents and cut off the boy's limbs. The attackers left the house and threw a grenade into the house as they left. Arrests were made in March.

Amnesty International visit/reports

- An Amnesty International delegation visited Burundi in August to conduct research.
- Human Rights Council adopts Universal Periodic Review outcome on Burundi (AFR 16/02/2009)
- Burundi abolishes the death penalty but bans homosexuality, 27 April 2009
- Burundi: Reverse ban on civil society group, 25 November 2009

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