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Burundi: The situation of Tutsis, including their treatment by society and the authorities; state protection and support services available to them (2009-January 2013)

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1. Treatment by Society and the Authorities

1.1 Treatment by Society

Tutsis make up between 14 (International Crisis Group 25 Oct. 2012, 11) and 15 per cent of the population of Burundi (US 8 Apr. 2011, 27). In comparison, the Hutu majority constitutes approximately 85 per cent of the population (ibid., 38; Independent Consultant 28 Jan. 2013).

In a telephone interview with the Research Directorate, a professor of philosophy at the university of Sudbury, who is originally from Burundi and has written about the political situation in the African Great Lakes Region and in Burundi, stated that, in his opinion, relations between the ethnic groups in Burundi were [translation] "surprisingly good, given the events of the past" (Professor of Philosophy 28 Jan. 2013). According to him, there [translation] "is not really" any ethnic tension (ibid.). Likewise, an independent consultant posted in Burundi who has worked for 25 years with an NGO that promotes democracy and human rights in Central Africa and in Burundi, namely the Belgian Red Cross, stated in a telephone interview with the Research Directorate that the [translation] "divisions" were not as significant as in the past and that relations had "normalized" (28 Jan. 2013). In a telephone interview with the Research Directorate, a

research fellow and historian with the Centre for African Studies at the School of Higher Education in Social Sciences (Centre d'études africaines de l'École des hautes études en sciences sociales) in France, whose research focuses on the African Great Lakes Region and whose doctoral thesis deals with modern politics in Burundi, stated that ethnic issues were being discussed [translation] "more openly" in Burundi (Research Fellow 5 Feb. 2013).

Corroborating sources indicated that conflicts in the country were mainly in opposition to the Hutus (Professor Emeritus 29 Jan. 2013; Independent Consultant 28 Jan. 2013; Professor of Philosophy 28 Jan. 2013). The independent consultant did however explain that Burundi was still in a [translation] "post-conflict situation," adding that some divisions will probably never be "completely" erased and that there is still "a risk that tensions and conflicts" could be reignited (Independent Consultant 28 Jan. 2013). He also stated that it was impossible to tell whether there are any [translation] "isolated incidents of intimidation or killings," because come people have not forgotten the past and may still have "accounts to settle" (ibid.). Moreover, a fact sheet on relations between Canada and Burundi that is available on the website of the Government of Canada indicated that [Government of Canada English version] "[p]eacebuilding and national reconciliation remain fragile in Burundi," and that there are "reports of repeated violations of human rights" (Canada May 2012). According to the Research Fellow, ethnic issues may also be [translation] "used as a political instrument" (5 Feb. 2013).

In a telephone interview with the Research Directorate, a professor emeritus in political science at the University of Florida who has studied ethnic conflicts in Central Africa, including Burundi, stated that, by benefitting from certain advantages in the past, and from superior education, [translation] "many" Tutsis work in field of business within the government administration, in NGOs or for international organizations, and are in a "more comfortable situation" than the Hutus (Professor Emeritus 29 Jan. 2013). According to the Professor, some might think that the Tutsis are [translation] "favoured" and that they continue to have some degree of domination and therefore feel "some resentment" toward them (ibid.). Moreover, the Research Fellow stated that there are still cases of [translation] "social stigma" based on ethnicity (Research Fellow 5 Feb. 2013). As an example, she referred to a website, www.nyabusorongo.org, which provides an ethnic breakdown of government and NGO employees, and which publishes lists with the names of Tutsis working in the government and NGOs, as well as their position (ibid.). According to the Research Fellow, that site does not incite violence or murder, but it sends an [translation] "unhealthy" message, implying that there is still a "Tutsi supremacy" (ibid.).

Two sources consulted by the Research Directorate indicated that there is little or no discrimination against Tutsis (Independent Consultant 28 Jan. 2013; Professor of Philosophy 28 Jan. 2013). The Professor Emeritus stated that he was not aware of any cases of discrimination against Tutsis, but that there could however be individual or local incidents (29 Jan. 2013).

1.2 Land Disputes

The Land and Other Properties Commission (Commission nationale des terres et autres biens, CNTB) is studying the real estate problems affecting refugees returning to Burundi (Professor of Philosophy 28 Jan. 2013; RFI 14 Apr. 2012). According to the Professor of Philosophy, some Tutsis have settled in Hutu homes and taken over their belongings while the latter were in exile (Professor of Philosophy 28 Jan. 2013). According to him, the Commission is looking for solutions to land disputes, including ordering land and other assets to be returned to their original owners once they have been identified (ibid.). Also according to the Professor, some may therefore say that Tutsis are being [translation] "expropriated," but he explained that this is also happening, for example, to Hutus who occupied land belonging to other Hutus in exile (ibid.). According to an April 2012 article by Radio France internationale (RFI), the Uprona party, described as [translation] "the main party of the Tutsi minority," accused the Chairperson of the Commission of being a Hutu "extremist" (14 Apr. 2012). An article by Radio Isanganiro indicated that the Uprona President accused the Chairperson of the Commission of steering the Commission

to [translation] "favour repatriates from the Hutu majority over Tutsi residents" (Radio Isanganiro 14 Apr. 2012). Radio Isanganiro, a radio station in Bujumbura, was founded in 2002 by the Ijambo association (ibid. n.d.a), an NGO created to promote dialogue and lasting peace in Burundi (ibid. n.d.b).

1.3 Treatment by the Authorities

According to the Professor Emeritus, some Tutsis may be [translation] "targeted" by the regime, but this would be because of their membership in the National Liberation Forces (Forces nationales de liberation, FNL) rather than because of their ethnic origin (29 Jan. 2013). The Professor of Philosophy also stated that [translation] "the government is keeping an eye" on FNL members, but that FNL members are "nearly all Hutus" (28 Jan. 2013).

In an article published by the BBC, a political commentator, who was also a member of the legislative assembly in Burundi, stated that the "government □ is not against Hutu or Tutsi, but □ targets individuals who don't agree with their policies" (13 Aug. 2012).

According to two sources consulted by the Research Directorate, quotas were put in place to ensure the presence of Tutsis within the government (Research Fellow 5 Feb. 2013; Professor of Philosophy 28 Jan. 2013). Article 129 of the Constitution of the Republic of Burundi stipulates that the government must consist of a maximum of 60 percent of Hutu ministers and deputy ministers and a maximum of 40 percent of Tutsi ministers and deputy ministers (Burundi 2005). According to articles 143 and 164 of the Constitution, the same proportions apply to the public administration and the national assembly (ibid.). According to the International Crisis Group, the 2010 elections respected the ethnic quotas of the Constitution with regard to the two chambers of Parliament (7 Feb. 2011, 2, 9).

The national army is composed of 50 percent of Tutsis (Professor of Philosophy 28 Jan. 2013; US 8 Apr. 2011, 27). According to sources, between 40 (Professor of Philosophy 28 Jan. 2013) and 49 percent of police officers are Tutsis (US 8 Apr. 2011, 27). According to the Professor of Philosophy, the army is [translation] "the best example of integration" in the country, because it was previously the "most radical" group and the most "mono-ethnic;" he also noted that when a group of soldiers moves from one place to another, it must always consist of representatives of different ethnic groups (28 Jan. 2013). According to *Country Reports on Human Rights Practices for 2010*, published by the US Department of State, 80 percent of police commissioners at the national level are Tutsis (US 8 Apr. 2011, 27).

2. State Protection

The Professor of Philosophy stated that, since the security forces are made up in large part of Tutsis, there are no obstacles to the Tutsi population having recourse to their services in the case of ill treatment (Professor of Philosophy 28 Jan. 2013). He added that, in his opinion, people have less fear of the army and the police than before, because security forces now represent [translation] "everyone" (ibid.). However, the Professor Emeritus stated that the security forces are [translation] "corrupt and completely ineffective," which has an impact on both Hutus and Tutsis (Professor Emeritus 29 Jan. 2013). According to him, a person cannot call on the authorities in the case of ill treatment unless they are of some influence or have connexions (ibid.). The Research Fellow also stated that police officers have little concern for the situation of Burundian citizens in general and that their actions are based on self-interest (5 Feb. 2013).

Two sources noted that there is a Human Rights Commission in Burundi (Professor Emeritus 29 Jan. 2013; Independent Consultant 28 Jan. 2013). However, the Professor Emeritus stated that the commission [translation] "exists only on paper" (29 Jan. 2013). According to the annual report from Amnesty International (AI) on the state of the world's human rights, the human rights

commission was put in place in June 2011, but [AI English version] "[l]imited resources prevented it from investigating human rights violations effectively" (AI 2012).

There is also an ombudsman's office (Professor Emeritus 29 Jan. 2013; Independent Consultant 28 Jan. 2013). According to the independent consultant, the ombudsman is supposed to be [translation] "the first point of contact" in cases of discrimination or ethnic conflict, but the office is still not operational (ibid.). According to the Professor Emeritus, the ombudsman is considered to be close to the regime (29 Jan. 2013).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Additional Sources Consulted

Oral sources: An investigator with the Ligue des droits de la personne dans la région des Grands Lacs was unable to provide any information within the time constraints for this Response to Information Request. The following people were unable to provide information for this Response: Professor Emeritus, Université catholique de Louvain; professor of sociology and demography, Université du Burundi; postdoctoral fellow, Université d'Antwerp. Attempts made to reach the following people were unsuccessful: person responsible for an NGO working to decrease violence and promote reconciliation in Burundi; representative of the Ligue burundaise des droits de l'homme (Ligue Iteka).

Internet sites, including: Agence de presse africaine; AllAfrica; Burundi — Bureau de l'ombudsman; *Burundi Bwacu*; *Burundi Réalités*; ecoi.net; Factiva; Freedom House; Human Rights Watch; *Iwacu*; Minorities at Risk; Minority Rights Group International; Radio télévision nationale du Burundi; United Nations — Refworld, Integrated Regional Information Networks.

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